

**ORDINANCE AMENDING CHAPTER 34, ARTICLE III OF THE CODE OF ORDINANCES OF THE CITY OF OXFORD, MISSISSIPPI**

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF OXFORD, MISSISSIPPI AS FOLLOWS:

**SECTION I. That Chapter 34, Article III of the Code of Ordinances, Oxford, Mississippi, is hereby amended to read as follows:**

**Article III - Sound**

**Section 34-62 – Unreasonable noise prohibited**

The creation of any unreasonably loud or disturbing noise / sound, as outlined in this Chapter, within the city limits of Oxford, MS, is hereby prohibited. Such noise / sound of such character, intensity and duration as are reasonably calculated to be detrimental to the life or health of any ordinary reasonable person are hereby prohibited.

**Section 34-63 - DEFINITIONS.**

In this chapter:

- 1) A-Weighted Sound Level – The sound level in decibels as measured on a sound level meter using the A-weighting network as defined in ANSI S1.42. In proper terminology, such a sound level should be stated for example as “The A-weighted sound level is 60 dB.” In common practice this is abbreviated as “The sound level is 60 dBA.” The “A” added to “dB” to signify that the sound is A-weighted during the measurement.
- 2) Accountable Official - means the City of Oxford Police Officer or City of Oxford employee designated by the Board of Aldermen with a particular administrative or enforcement responsibility under this chapter.
- 3) C-Weighted Sound Level – The sound level in decibels as measured on a sound level meter using the C-weighting network as defined in ANSI S1.42. In proper terminology, such a sound level should be stated for example as “The C-weighted sound level is 60dB.” In common practice this is abbreviated as “The sound level is 60 dBC.” The “C” added to “dB” to signify that the sound is C-weighted during the measurement.
- 4) Construction – On-site erection, fabrication, installation, alteration, repair, demolition or removal of any structure, facility, or addition thereto, including all related activities, including

but not restricted to, clearing of land, earthmoving, blasting, landscaping, and paving.

- 5) Decibel – Means sound pressure level as measured by a sound level meter abbreviated as dB in this chapter. It is a unit of sound level that denotes the ratio between two physical quantities of acoustic or electric power. The number of decibels is 10 times the logarithm (to the base 10) of this ratio. (When measuring sound, the square of the sound pressure is the quantity proportional to power.) See A-weighted sound level and C-weighted sound level.
- 6) Emergency Work – Means any work or action necessary to deliver essential public services including, but not limited to repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, dredging navigational waterways, or abating life-threatening conditions.
- 7) Loudspeaker – A device actuated by an electrical signal that produces sound controlled by the electrical signal. The sounds produced are usually a reproduction of speech or music or other sound encoded in the electrical signal.
- 8) Music – A progressive combination of sounds, usually rhythmic, which in the opinion of the person producing or causing the sound to be produced, and possibly others, is a pleasing artistic expression.
- 9) Musical Instrument – Any device used in producing music.
- 10) Motor Vehicle – Means any vehicle that is propelled other than by human or animal power on land.
- 11) Muffler – Means a properly functioning sound dissipative device or system for abating the sound of escaping gases on equipment were such a device as part of the normal configuration of the equipment.
- 12) Multi-Unit Dwelling / Building – Means any structure design for human habitation containing two or more dwelling units, including, but not limited to apartments, condominiums, co-ops, multifamily houses, townhouses, and attached residences.
- 13) Noise – means sound which:
  - a. is louder than that permitted in this chapter, or
  - b. disturbs a reasonable person of normal sensibilities.

- 14) Outdoor Ambient Music – Means low-level, background music, which is slightly audible or inaudible at the real property line. Outdoor ambient music does not include music played by a disc jockey, “DJ” or music that is used for karaoke or other live performances. Ambient music may include music played by a jukebox or programmed, when such music meets the audibility requirements. (Outdoor Entertainment and Outdoor Ambient Music are distinguishable by (a) sound level and (b) intent.)
- 15) Outdoor Entertainment – live or prerecorded music or a broadcast, or other live events that are presented at higher sound levels intended as entertainment, in an outdoor environment such that the sound source and/or audience outside of a building. (Outdoor Entertainment and Outdoor Ambient Music are distinguishable by (a) sound level and (b) intent.)
- 16) Outdoor Music Venue – means a commercial property where sound equipment is used to amplify sound that is not fully enclosed by permanent, solid walls and a roof.
- 17) Plainly Audible – Means any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The accountable official need not determine the title, specific words, or the artist performing the song.
- 18) Real Property Line – Means either a) the line including its vertical extension that separates one parcel of real property from another; b) the vertical and horizontal boundaries of the dwelling unit that is part of a multi-dwelling unit building; or c) on a mixed-use property, the interface between the two portions of the property in which different categories of activity are being performed (e.g. if the mixed-use property is a building which is residential upstairs and commercial downstairs, then the real property line would be the interface between the residential area and the commercial area).
- 19) Responsible Party – Means a venue manager, venue owner, sound engineer, or other person authorized to make decisions regarding the use of sound equipment permitted under this chapter.
- 20) Sound – An oscillation in pressure, particle displacement, or particle velocity, in a medium with internal forces that cause compression and rarefaction of that medium. The description of

sound may include any characteristic of such sound, including duration, amplitude, and frequency.

- 21) Sound Equipment – Means a loud speaker, public address system, amplification system, or other sound producing device.
- 22) Sound Level Meter – An instrument for measuring sound levels meeting standards ANSI S1.4, and ANSI S1.43 or IEC 651, which for the purposes of this ordinance must include the A-weighting network, C-weighting network, slow time-weighting, fast time-weighting, and ability to measure the time average sound level over a period as defined in the standards. The meter must also meet the class 2 requirements at a minimum as per the standard IEC 61672. (alternately Type 2 (ANSI S1.4))
- 23) Sound Management Plan - Means a plan required in connection with approval of a permit.
- 24) Time Average Sound Level – The level of an equivalent steady sound that over a stated period for a stated location has the same sound energy as an actual sound that may be varying in level over the stated period. (This was previously known as Equivalent Sound Level or Leq.)

#### **Section 34-64 – Exclusions**

- 1) This chapter does not apply to:
  - a) an employee of a governmental entity engaged in the employee's official duty;
  - b) a person engaged in a sporting event at a stadium or ball-park, during the sports event;
  - c) a person at an authorized parade or street event, or other functions authorized by the Mayor and Board of Aldermen;
  - d) a person operating a bell or chime for a religious activity;
  - e) a person operating an authorized emergency vehicle;
  - f) a person operating an audible warning device on a vehicle as required by state law;
  - g) a Visit Oxford sponsored event, approved by the Mayor and Board of Aldermen;
  - h) a City of Oxford sponsored event, approved by the Mayor and Board of Aldermen;
  - i) an event sponsored by Lafayette County and approved by the Lafayette County Board of Supervisors.
  - j) the use of domestic power tools, lawnmowers, and agricultural equipment between the hours of 6:30 a.m. and 7:00 p.m. Monday through Sunday.

- k) golf course lawn and maintenance activities at legally permitted golf courses.
- l) safety signals and alarm devices, storm warning sirens or horns, and the authorized testing of such equipment.

### **Section 34-65 - Enumeration of specific sounds**

The following acts, among others, are declared to be loud, disturbing and unnecessary noise / sound in violation of this chapter; provided, however, that such enumeration shall not be construed to be exclusive of other noise / sound, to wit:

#### **GENERAL RESTRICTIONS.**

- 1) A person may not:
  - a) Use or permit the use of sound equipment at a business or residence, in excess of the decibel limits prescribed by this chapter, or outside the established time frames;
  - b) Perform erection, excavation, demolition, alteration or repair of any building or other structure, or any other type of construction involving the use of heavy equipment, power equipment, or other tools creating excessive noise; use or authorize or allow the use of a vehicle, equipment, attachment, or device, when such vehicle or associated equipment or device is to be actively loaded, unloaded, or serviced creating sound that exceeds the limitations for that district, other than between the hours of 6:30 a.m. and 7:00 p.m., Monday through Saturday. May be authorized with permission from the Mayor and Board of Aldermen, for a specific time.
  - c) Use or authorize or allow the use of a vehicle, equipment, attachment, or device associated with a vehicle, for cold hold, refrigeration, or freezing of any consumable food or beverage product, including water in any form such as consumer ice or ice used to refrigerate food or beverage, other than between the hours of 6:30 a.m. and 7:00 p.m., Monday through Saturday. Outside the listed times, the noise or sound originating from the vehicle or any associated equipment (such as an engine or generator, equipment, attachment, trailer or device) may not be audible beyond the property line of the business or from the public street or sidewalk. Except with permission from the Mayor and Board of Aldermen, for a specific time.

The audible sound or vibration may be allowed if the use was the minimum necessary in an emergency situation for the licensee to achieve or maintain temporary cold hold,

refrigeration or freezing of perishable food or medical products because of a documented emergency at the licensed premises; such as an equipment or utility failure or malfunction that prevented or compromised the compliant operation of equipment necessary for health and safety of the following products:

- i. Potentially hazardous food products, or
  - ii. Medical supplies that must be held at specified cold temperatures.
- d) Operate sound equipment in or on a vehicle, or the use of any automobile, motorcycle, or vehicle so out of repair, so loaded or modified, or operated in such a manner as to create loud noises, such as but not limited to, spinning or squealing tires, grating, grinding, rattling, or other noise as to be plainly audible or causing a vibration, outside of the vehicle, heard or felt from the public street or sidewalk, at a distance of 30 feet.
- e) The failure of any person or persons to control or cease the unreasonable and/or habitual barking of any dog, dogs, or sounds made by other permitted pets or domesticated animals, other than permitted farm animals in such a manner as to be plainly audible, as heard from the property line of the residence, or from the adjacent public street or sidewalk, in excess of the decibel limits prescribed by this chapter, or outside the established time frames:
  - i. When such dog, dogs, or other pets are in the possession of and/or being kept by said person or persons; and
  - ii. When barking or similar noises, creates noise and the sound levels are plainly audible, as heard from the property line of the residence, or from the adjacent public street or sidewalk, are in violation of the provisions of this chapter.
- f) It is unlawful for any person or persons to operate amplified sound equipment on any public streets or sidewalks unless as authorized by any other section of this ordinance.

#### **Section 34-66 – RESTRICTIONS ON OUTDOOR ENTERTAINMENT**

A business may provide outdoor entertainment that is in compliance with the requirements of this ordinance, and the placement of loudspeaker standards. Outdoor entertainment is allowed between the hours of 10:00 a.m. and 11:00 p.m. and shall not exceed 70 (dBA) / 80 (dBC). Outdoor entertainment in a residential area is regulated in Section 34-69.

**Section 34-67 - RESTRICTION ON DECIBEL LEVEL IN THE HISTORIC URBAN CENTER (SQUARE AREA).**

A business may not operate sound equipment or produce any other sound, in violation of this Chapter as noted in (1), and (2) below, at property zoned Historic Urban Center (HUCN) in the Land Development Code under Appendix A of the Code of Ordinances of the City of Oxford, Mississippi.

- 1) In excess of 85 decibels (dBA) / 95 decibels (dBC) between 10:00 a.m. and 1:00 a.m., as measured at the adjacent public street or curb but at least five feet (5') from the building facade; or
- 2) In excess of 65 decibels (dBA) / 75 decibels (dBC) between 1:00 a.m. and 10:00 a.m., as measured at the adjacent public street or curb but at least five feet (5') from the building facade;

**Section 34-68 - RESTRICTION ON DECIBEL LEVEL IN A PRIMARILY BUSINESS / COMMERCIAL AREA.**

A business may not operate sound equipment or produce any other sound, in violation of this Chapter as noted in (1), and (2) below, at property zoned to permit primarily commercial uses (AG, RCN, TNB, SCO, SCN, UCO, UCN, IND, INST, and designated areas of a TND or a PUD) in the Land Development Code under Appendix A of the Code of Ordinances of the City of Oxford, Mississippi.

- 1) In excess of 70 decibels (dBA) / 80 decibels (dBC) between 10:00 a.m. and 11:00 p.m., as measured at the adjacent public street or curb but at least five feet (5') from the building facade; or
- 2) In excess of 65 decibels (dBA) / 75 decibels (dBC) between 11:00 p.m. and 10:00 a.m., as measured at the adjacent public street or curb but at least five feet (5') from the building facade;

**Section 34-69 RESTRICTION ON DECIBEL LEVEL IN A PRIMARILY RESIDENTIAL AREA.**

A person may not operate sound equipment or produce any other sound, in violation of this Chapter as noted in (1) and (2) below at property zoned to permit primarily residential uses (ER, SR, NR, SMF, and designated areas of a TND or a PUD) in the Land Development Code under Appendix A of the Code of Ordinances of the City of Oxford, Mississippi.

- 1) In excess of 65 decibels (dBA) / 75 decibels (dBC) between 10:00 a.m. and 10:00 p.m., as measured at the property line of the residence or from the adjacent public street curb; or
- 2) Is plainly audible between the hours of 10:00 p.m. and 10:00 a.m., at the property line of the residence or from the adjacent public street or curb;

## **Section 34-70 RESTRICTION ON DECIBEL LEVEL IN MULTI-UNIT DWELLING[S] STRUCTURES**

Pertinent to all multi-unit structures such as, but not limited to attached dwellings (duplex, tri-plex, quadplex), and multi-family buildings (with 5 or more dwellings in one structure), regardless of ownership of the structure. Applies to common interior walls, partitions, and floor/ceiling assemblies between adjacent units, and sound from adjacent public areas such as halls, corridors, stairways, service areas, and porches.

- 1) **Allowable interior noise level.** Interior noise levels attributed to a source in an adjacent dwelling unit or public area shall not exceed:
  - a. In excess of 45 decibels (dBA) / 55 decibels (dBC) between 10:00 a.m. and 10:00 p.m., as measured at the property line of unit; or
  - b. In excess of 35 decibels (dBA) / 45 decibels (dBC) between 10:00 p.m. and 10:00 a.m., as measured at the property line of unit; or
  - c. All low frequency pulsing (i.e. from music) cannot be plainly audible, at the property line of the unit at any time;

## **Section 34-71 – PLACEMENT OF LOUDSPEAKER(S).**

This section governs the placement of loudspeaker(s) by commercial enterprises at property zoned to permit primarily commercial uses (AG, RCN, TNB, SCO, SCN, UCO, UCN, HUCN, IND, INST, and designated areas of a TND or a PUD) in the Land Development Code under Appendix A of the Code of Ordinances of the City of Oxford, Mississippi.

A responsible party for any business/commercial enterprise governed by this section must assure compliance with the following requirements regarding placement of loudspeaker(s) operated by the enterprise.

1. **Indoor Loudspeakers.** In all commercial enterprises, no loudspeaker(s) shall be located beyond the interior walls of the building or be oriented in such a way that the face or front of the loudspeaker(s) points in the direction of any exterior door, window, or other opening to the exterior of the building. This provision shall not apply to permanently closed doors, windows, or



emergency exits. No loudspeaker(s) shall have any openings on the back or side that project sound.

- a. Loudspeaker(s) shall be located in the interior of the building and must be located at a distance greater or equal to five feet from any exterior door, window, or other opening to the exterior; or
  - b. If loudspeaker(s) are located less than five feet from any exterior door, window, or other opening to the exterior of the building, then such windows, doors, or openings to the exterior must remain closed during the hours of operation. In the event that a door subject to this section constitutes an emergency fire exit that is required to remain open during hours of operation then the Oxford City Council acting with the fire marshal, pursuant to city and state law, may exempt such door from the requirements of this section. Written documentation issued by the office of state fire marshal of such authorized exemption must be located at the commercial enterprise and must be available upon request.
2. **Outdoor Loudspeakers.** In all commercial enterprises, no loudspeakers shall be located outside the confines of the building facade or patio/yard footprint or be oriented in such a way that the face of the front of the loudspeaker(s) points in the direction of any adjacent property. No loudspeaker(s) shall have any openings on the back or side that project sound, and must be aimed inward and down to the greatest extent possible.

## **Section 34-72 – PENALTIES AND ENFORCEMENT.**

1. Offenses.
  - a. A person or business commits an offense if the person/business makes sound, noise or uses sound equipment in violation of a provision of this chapter;
  - b. It shall be unlawful for any person to violate any provision of this article. Such violation shall be a misdemeanor and shall be punishable by a fine of not more than \$1,000.00 or imprisonment for a term not exceeding 90 days, or by both such fine and imprisonment. For purpose of this Code, each day a violation continues shall constitute a separate offense.
  - c. A law enforcement officer or accountable official, upon issuance of a notice of violation

of this ordinance, may instruct the business or resident to reduce or stop all sound, noise or the use of sound equipment, to come in compliance with this ordinance.

#### Table Presentation

Land Use	Time	Sound Level Limit	
		dBA Leq	dBc Leq
Outdoor Entertainment	10:00 a.m. to 11:00 p.m.	70	80
Historic Urban Center	10:00 a.m. to 1:00 a.m.	85	95
	1:00 a.m. to 10:00 a.m.	65	75
Commercial	10:00 a.m. to 11:00 p.m.	70	80
	11:00 p.m. to 10:00 a.m.	65	75
Residential	10:00 a.m. to 10:00 p.m.	65	75
	10:00 p.m. to 10:00 a.m.	Plainly Audible	
Multi-Unit	10:00 a.m. to 10:00 p.m.	45	55
	10:00 p.m. to 10:00 a.m.	35	45

#### SECTION II. REPEALING CLAUSE

All ordinances or parts of ordinances in conflict herein shall be, and the same are hereby repealed.

#### SECTION III. EFFECTIVE DATE

All ordinances shall take effect and be in force as provided by law.

The above ordinance having being first reduced to writing and read and considered section by section at a public meeting or the governing authorities of the City of Oxford Mississippi on motion of Alderman Addy, seconded by Alderman Huelse, and the roll being called, the same by the following votes:

Alderman Addy	voted	AYE
Alderman Huelse	voted	AYE
Alderman Antonow	voted	AYE
Alderman Howell-Atkinson	voted	AYE
Alderman Taylor	voted	AYE
Alderman Bailey	voted	AYE
Alderman Morgan	voted	AYE

APPROVED, this day the 18<sup>th</sup> of May, 2021.

/s/Robyn Tannehill  
ROBYN TANNEHILL, MAYOR

/s/ Ashley Atkinson  
ASHLEY ATKINSON, CITY CLERK