

Mississippi Noise Related Statutes

§ 17-17-151. Demonstration of need by applicants for permits to operate commercial hazardous waste management facilities; factors considered by Permit Board in evaluating need for facilities; denial of permits; adoption of criteria and standards for location and permitting of facilities.

(e) Aesthetic factors such as the visibility, appearance and **noise** level of the facility.

§ 17-17-229. Facility permits for nonhazardous solid waste management; application requirements and criteria.

(e) Aesthetic factors, such as the visibility, appearance and **noise** level of the facility.

§ 17-18-15. Committee to develop site-selection criteria and methodology; considerations; public hearing.

(f) Aesthetic factors, including, but not limited to, visibility, appearance and **noise** level of the facility;

§ 21-19-15. Enacting police regulations.

(1) The governing authorities of municipalities shall have power to make all needful police regulations necessary for the preservation of good order and peace of the municipality and to prevent injury to, destruction of, or interference with public or private property.

(2) The governing authority of a municipality shall have the power to regulate or prohibit any mill, laundry or manufacturing plant from operating whereby the soot, cinders or smoke therefrom, or the unnecessary **noises** thereof, may do damage to or interfere with the use or occupation of public or private property.

§ 95-13-1. Definitions; liability exemption for sport-shooting ranges; notice and hearing; application of section.

(1) As used in this section, unless the context otherwise requires:

(a) "Local unit of government" means a county, municipality or other entity of local government;

(b) "Person" means an individual, proprietorship, partnership, corporation, club, or other legal entity; and

(c) "Sport-shooting range" or "range" means an area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or any other similar sport shooting which complies with the provisions of subsection (3) of this section.

(2) (a) Notwithstanding any other provision of law to the contrary, a person who operates or uses a sport-shooting range in this state is not subject to civil liability or criminal prosecution for **noise** or **noise** pollution resulting from the operation or use of the range if the range is in compliance with all **noise** control laws, resolutions, ordinances or regulations, issued by a local unit of government, that applied to the range and its operation at the time the range was constructed and began operation.

(b) A person who operates or uses a sport-shooting range is not subject to an action for nuisance, and a court of the state shall not enjoin the use or operation of a range on the basis of **noise** or **noise** pollution, if the range is in compliance with all **noise** control laws, resolutions, ordinances or regulations issued by a unit of local government that applied to the range and its operation at the time the range was constructed and began operation.

(c) A person who subsequently acquires title to or who owns real property adversely affected by the use of property with a permanently located and improved range shall not maintain a nuisance action against the person who owns the range to restrain, enjoin or impede the use of the range where there has not been a substantial change in the nature of the use of the range or by a person using the range.

(d) Rules or regulations adopted by any state department or agency for limiting levels of **noise** in terms of described level which may occur in the outdoor atmosphere shall not apply to a sport-shooting range exempted from liability under this section.

(e) Notwithstanding any other provision of law to the contrary, nothing in this section shall be construed to limit civil liability except in the limited case of **noise** pollution.

(3) (a) In order to qualify for the limitation of liability afforded by this act, a sport-shooting range must be located wholly within a tract or parcel of land consisting of not less than three hundred twenty (320) contiguous acres. All persons owning property any part of which lies within one thousand (1,000) yards of any boundary of the sport-shooting range property shall have standing to appear and object to the location of the sport-shooting range at a hearing to be conducted by the Industrial Development Authority Board.

(b) The person seeking to operate the range and secure the limitation of liability afforded by this act shall bear the expense of the hearing and other costs associated therewith.

(c) Actual notice shall be afforded to all persons having standing to object if the identity and addresses of those persons can be determined by examining the property tax records of the county. Actual notice shall be made in writing mailed via first class mail, postage prepaid, not less than thirty (30) days prior to the date set for the hearing.

(d) Publication shall be made in a newspaper of general circulation in the county once a week for

three (3) weeks, the first such publication to be made not less than thirty (30) days prior to the date of the hearing.

(e) Claims of persons who do not appear and object shall be barred as provided in this act.

(f) Notwithstanding any provision of this act to the contrary, the cause of action of any person owning property in the vicinity of the proposed range and having standing to object prior to the time of the hearing shall not be barred by the provisions of this act provided the property owner registers his complaint with the board at or before the hearing.

(4) The provisions of this section shall apply only in a county bordering the State of Tennessee wherein U.S. Highway 78 intersects State Highway 7 and in a county where U.S. Highway 61 and State Highway 4 intersect.

§ 57-64-19. Intergovernmental cooperation and coordination; powers with regard to certain projects [Paragraph (2)(a) repealed effective July 1, 2012.]

(i) Heavy industrial uses, where the assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of other properties in terms of **noise**, smoke, fumes, odors, glare, or health or safety hazards, which shall include, enameling, lacquering; foundries producing iron and steel products; industrial chemical manufacture; meat packing plants; oxygen manufacture and/or storage; pottery, porcelain and vitreous china manufacture; poultry dressing for wholesale; pressure treating of wood; stone cutting; tire recapping and retreading; resource extraction; and recycling and salvage operations.

§ 63-7-55. Mufflers.

Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual **noise** and annoying smoke. No person shall use a muffler cutout, bypass or similar device upon a motor vehicle on a highway.

§ 65-41-9. Interlocal participation.

(1) The corridor management plan adopted under this chapter shall establish criteria, policies and procedures that will permit county boards of supervisors, municipal governing authorities and the Mississippi Department of Transportation to submit to the advisory committee applications for highways, roads and streets under the governmental entity's respective jurisdiction for nomination as a scenic byway. Nothing in the corridor management plan shall be interpreted as amending or limiting any county or municipal zoning or land use ordinances unless the county or municipality has authorized the amendment according to the procedure provided for in its ordinance. The corridor management plan shall authorize county boards of supervisors and municipal governing authorities to submit one or more plans for one or more highways, roads or streets to be designated a scenic byway that may have management requirements that are more strict than the department's corridor management plan. Such plans for a scenic byway submitted by a county or municipality shall describe the additional management

requirements proposed for application to the scenic byway and, if approved by the department, shall apply only to the approved scenic byway. In carrying out the purposes of this chapter and the specific plans for scenic byways, counties and municipalities may include in such specific plans for the corridor (including, but not limited to, medians) provisions for planting and replanting of trees, shrubs and flowers; vegetative buffers, design guidelines and limitations for landscaping, signage and lighting; and **noise** guidelines and limitations. The authority granted to counties and municipalities under this subsection is supplementary and in addition to any other authority that a county or municipality may have under law.

§ 97-35-9. Disturbance by explosions, noises or offensive conduct.

A person who wilfully disturbs the peace of any family or person by an explosion of gunpowder or other explosive substance, or by loud or unusual **noise**, or by any tumultuous or offensive conduct, shall be punished by fine or imprisonment, or both; the fine not to exceed one hundred dollars, and the imprisonment not to exceed six months in the county jail.