

AN ORDINANCE TO PERMIT THE SEIZURE OF MOTOR VEHICLES, OTHER CONVEYANCES, AND/OR DEVICES WHEN USED IN THE SECOND OR SUBSEQUENT VIOLATION OF THE CITY'S NOISE DISTURBANCE ORDINANCE:

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FOLEY, MISSOURI, AS FOLLOWS:

SECTION 1

That Cities of the 4th Class, Foley being such, have the authority to seize motor vehicles, other conveyances, and/or devices when used in the second or subsequent violation of the city's noise disturbance ordinance.

SECTION 2

Section _____ shall be amended to read as follows:

- A. It shall be unlawful for any individual to play any radio, television, or any device made to play cassettes, records, compact disc, audio and/or video tapes, loud speaker or any similar device so that it emits a sound that can be heard 100 feet or more from the device. This includes any of the aforementioned devices that are mounted in motor vehicles, boats, trucks, bicycles, carried on one's person or placed in a building, to include private residence, apartments, places of business and similar structures.
- B. A Public Safety Officer may issue a Uniform Traffic Ticket (UTT) to the individual responsible for any such device emitting sound in violation of subsection A above including the driver of a motor vehicle, or the first registered owner of the vehicle, the owner of record or a resident of a residence, or apartment, the proprietor of a business or the person who is in the physical control of any such device.
- C. In the event that any such device is located in a motor vehicle, boat, bicycle, ATV, or other means of conveyance and the owner or operator cannot be located, or denies ownership, a Public Safety Officer may tow the motor vehicle, boat, bicycle, ATV, or other means of conveyance at the owner's expense.
- D. A Public Safety Officer may seize any motor vehicle, boat, truck, bicycle, or any other device and have same towed and stored, at the owners expense, for a period not to exceed seventy-two (72) hours, and which was used in violation of the noise disturbance ordinance by any individual who previously has been convicted or plead guilty, or who has a noise disturbance charge pending.
- E. This ordinance shall not apply to licensed carnivals, religious services, rodeos, noise emitted by machinery during its normal operation, emergency vehicles or noise

emitted under similar circumstances, activities associated with business or commercial locations in an appropriately zoned district where the activities are inside the structure.

- F. Permits Authorized: Any individual, business and organization may apply for a permit that will allow for an outside event where noise generated may otherwise be in violation of this ordinance. The office of the City Manager or his designee in his or her discretion may issue such permit. Such permit shall identify the applicant and duration of the event. No fee shall be charged for any such permit.

SECTION 3

Emergency Clause: Due to a continuing noise problem as expressed by many residents it is necessary and reasonable to implement this ordinance as an emergency ordinance and in an expedited fashion.

SECTION 4

General Repealer Section. Any other ordinance or parts thereof inconsistent herewith, are hereby repealed.

SECTION 5

Severability. Should any part or parts of this ordinance be found or held to be invalid by any court of competent jurisdiction, the remaining part or parts shall be severable and shall continue in full force and effect.

SECTION 6

This Ordinance shall take effect immediately upon its enactment and approval.

READ THREE TIMES AND APPROVED THIS 2^{5th} DAY OF March,
2007.

Bill Thornhill
MAYOR

ATTEST:

Shirley Bellini
CITY CLERK