

Upon motion of John Springthorpe, seconded by Jim Harrell, the Board voted unanimously to approve the following Noise Ordinance, as amended:

#### NOISE ORDINANCE

Subject to the provisions set out below, the creation of any unreasonably loud and disturbing noise in the County is prohibited. Noise of such character, intensity and duration so as to be detrimental to the health, safety or welfare of a reasonable person of ordinary sensibilities is prohibited.

The following acts are declared to be loud and disturbing noises in violation of this section, but such enumeration shall not be deemed to be exclusive:

1. Pets and Animals. The keeping, possessing or harboring of any dog, other animal or bird(s) which, by frequent or habitual howling, yelping, barking or other natural sound, causes an unreasonably loud noise and produces serious annoying disturbance to the quiet, comfort or repose of a reasonable person of ordinary sensibilities residing in the vicinity.

2. Music and Voice Transmission. The playing of any radio, television, phonograph, tape or CD player or any musical instrument or appliance (amplified or otherwise) in such manner or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m., so as to annoy or disturb the quiet, comfort or repose of a reasonable person of ordinary sensibilities residing in any dwelling, hotel or any other type of residence.

3. Language. The use of any loud, boisterous, profane or raucous language or shouting so as to annoy or disturb the quiet, comfort or repose of a reasonable person of ordinary sensibilities in the vicinity.

4. Building Operations. The erection (including excavation), demolition, alteration or repair of any building in a residential area between the hours of 9:00 p.m. and 7:00 a.m. of any day or in any district other than a residential area between the hours of 10:00 p.m. and 7:00 a.m. of any day, except in the case of urgent necessity in the interest of public safety and then only with a permit from the County Manager or his designee, which permit may be renewed for a period of three (3) days or less while the emergency continues.

5. Loud Speakers or Amplifiers. Except for auctions during normal business hours, commercial use of mechanical loud speakers or amplifiers on trucks, or other vehicles, for advertising or other commercial purpose is prohibited.

6. Vehicles. The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or operated in such a manner as to create loud unreasonable grating, grinding, rattling or other noise.

#### Exceptions

The following are exempt from the provisions of this Article:

1. Noise associated with ongoing business activity (except those activities outlined in number 2 above dealing with music and voice transmission) in existence as of the date of the adoption of this Ordinance shall be permitted to the extent that such noise remains substantially similar in nature or is reduced. The burden shall be on said business to establish its preexisting nature and noise intensity. However, such ongoing business exception shall not apply during the hours of 11 p.m. and 7 a.m.

The intent of the foregoing business exception is to permit ordinary, orderly business operations and to discourage complaints from those that have relocated to an area of existing noise.