

**ORDINANCE**  
**Noise Control**

**WHEREAS**, the Douglas County Board of Commissioners is authorized to adopt ordinances and regulations for the governing and policing of the unincorporated area of the County for the purpose of protecting and preserving the health, safety, and welfare of the citizens of the County.

**NOW THEREFORE BE IT ORDAINED** by the Douglas County Board of Commissioners that **Article V of Chapter 11** of the Douglas County Board of Commissioners relating to **Noise Control, Section 11.72 (Excessive Noise Prohibited); Section 11.75 (Specific Prohibitions) and Section 11.77 (All Terrain Vehicles)** is amended as follows:

**Section 1.**

Douglas County Code Section 11.72 relating to Excessive noise prohibited is hereby amended to delete the following as shown by the strikethrough of text:

**Sec. 11.72. Excessive noise prohibited.**

No person shall make, continue or cause to be made or continued any loud, unnecessary or excessive noise ~~which unreasonably interferes with the comfort and repose of others~~ within the county.

**Section 2.**

Douglas County Code Section 11.75 relating to Specific prohibitions is hereby amended to include the following as shown by the underlining of text and to delete the following as shown by the strikethrough of text:

- Sec. 11-75. - Specific prohibitions.

In addition to the general prohibitions set out above, the following specific acts are declared to be in violation of this article:

- (1) Horns, signaling devices. The sounding of any horn or signaling device on any motor vehicle or any street or public place in the county continuously and/or incessantly for a period in excess of sixty (60) seconds, except as a danger warning.
- (2) Radios, televisions, loudspeakers, musical instruments and similar amplified devices. The operating or playing of any radio, musical instrument or similar device which produces or reproduces sound on the public rights-of-way or across a residential or commercial property line in such a manner as to be plainly audible to any person other than the operator of the device. "Plainly audible" shall mean any sound emanating from the specific sound-producing sources mentioned here which can be heard from across a property line. For music and other noise emanating from

**the sound-producing sources mentioned here, words and phrases need not be discernable, bass reverberations are included.**

- (3) Street sales. The offering for sale by shouting or outcry within any residential, commercial or noise-sensitive area except by permit issued by the county.

~~(4)~~ **This section appears redundant and contradicts the section dealing with animal noises in Chapter 5 Article IV.**

~~Animals. The owning, possessing or harboring of any animal which frequently, or for continued duration, howls, barks, meows, squawks or makes other sounds which create excessive and unnecessary noise across a residential or commercial boundary line or within a noise sensitive area. For the purpose of this article, "barking dog" shall mean a dog that barks, bays, cries, howls or makes any other noise continuously and/or incessantly for a period of ten (10) minutes, or barks intermittently for one half hour or more to the disturbance of any person at any time of day or night, regardless of whether the dog is physically situated in or upon private property; provided, however, that a dog shall not be deemed a "barking dog" if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon property in or upon which the dog is situated.~~

~~(5)~~ **(4)** Emergency signaling devices.

- a. Except in case of an emergency, the intentional sounding of any alarm between the hours of 9:00 p.m. and 8:00 a.m.
- b. The testing of any alarm for a period in excess of sixty (60) seconds at any time.
- c. The testing of a complete emergency signaling system, including the signaling device and the personnel response to the signaling device, more than once in each calendar month, and the sounding of said emergency signaling system for a period in excess of fifteen (15) minutes.

~~(6)~~ **(5)** Garbage collection shall not take place in any subdivision which has been approved by the county board of commissioners and duly recorded in the office of the county clerk of superior except between the hours of 6 a.m. and 9 p.m.

- a. If any two citizens of the county, not residing in the same household, shall sign and file with the magistrate court an affidavit stating that garbage collection has taken place in violation of this section, identifying the individual or company alleged to have violated the section including the time and date such violation allegedly occurred, the individual or owner shall be summoned into the magistrate court to answer the charge made by the affidavits and show cause why said individual or company should not be found in violation of this section.

1. After such an affidavit is filed in the magistrate court, the court shall notify county code enforcement. A code enforcement officer or other agent of the county authorized by the county governing authority will personally serve a summons to appear in magistrate court upon the individual, owner or registered agent of the company.
  2. The summons shall state the offense alleged, the name of the accused individual or company, the time and place of the trial, the date of the offense, the date of service; shall bear an identifying number by which it is filed with the court and be signed by the county agent who completed and served it.
- b. The owner of any company found by the court to be in violation of this section may be punished in accordance with [section 1-8](#) of the county code of ordinances.

### Section 3.

Douglas County Code Section 11.77 relating to All terrain vehicles is hereby amended to delete the following as shown by the strikethrough of text::

- **Sec. 11-77. - All terrain vehicles.**

- (a) It shall be unlawful for any person to operate an off-road vehicle:
  - (1) Without operative brakes;
  - (2) Without operative mufflers or other silencing equipment;
  - (3) In such a manner as to make, continue to make or cause to be made any loud, unnecessary or unusual sound ~~which endangers the comfort, repose, health, peace or safety of other citizens and~~ which is audible to a person of normal hearing ability more than fifty (50) feet from the point of origin of such sound or noise;

### Section 4

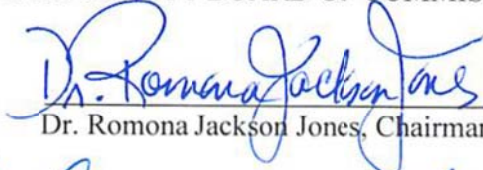
**BE IT FURTHER RESOLVED**, that all ordinances or resolutions, or parts thereof, in conflict with this Ordinance are repealed.

### Section 5.

This Ordinance is approved and shall become effective on this 2<sup>nd</sup> day of May, 2017.

Signatures on the following page

DOUGLAS COUNTY BOARD OF COMMISSIONERS

  
Dr. Romona Jackson Jones, Chairman

  
Henry Mitchell III, Member

  
Kelly Robinson, Vice Chairman

  
Michael Mulcare, Member

  
Ann Jones Guider, Member

Attest:  
  
Lisa Watson, County Clerk