

**AN ORDINANCE OF
THE BOARD OF COMMISSIONERS OF DAWSON COUNTY
REGULATING NOISE IN DAWSON COUNTY; TO PROVIDE FOR ENFORCEMENT
AND PENALTIES; TO REPEAL CONFLICTING ORDINANCES AND RESOLUTIONS;
TO PROVIDE FOR SEVERABILITY; AND FOR OTHER PURPOSES.**

WHEREAS, certain loud and unnecessary and unusual noises adversely affect the health, safety, general welfare, peace, rest and repose, and tranquility of the citizens of Dawson County.

Now, therefore, the Board of Commissioners of Dawson County hereby adopt this ordinance as follows.

SECTION I. INTENT AND PURPOSE

The intent and purpose of this ordinance is to regulate noise that adversely affects the health, safety, welfare, peace, rest and repose, and tranquility of the citizens of Dawson County.

SECTION II. DEFINITIONS

The following words, terms and phrases shall have the meanings ascribed in this section, unless the context clearly indicates a different meaning:

(a) *Alarm* means any fire, burglary, motor vehicle or civil defense alarm, whistle or similar stationary emergency signaling device.

(b) *All-terrain vehicle* means any motorized vehicle designed for off-road use that is equipped with three or more low pressure tires and with a seat to be straddled by the operator and with handlebars for steering control.

(c) *Commercial area* means any area zoned commercial in accord with the Dawson County Land Use Resolution.

(d) *Construction* means any site preparation, assembly, erection, substantial repair, alteration, demolition or similar action for public or private rights-of-way, structures, utilities or similar items.

(e) *Demolition* means any dismantling, destruction or removal of buildings, structures, or roadways.

(f) *Emergency* means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage demanding immediate attention.

(g) *Emergency vehicle* means a motor vehicle belonging to a fire department or certified private volunteer firefighter or firefighting association, partnership or corporation,

SECTION IV. EXCESSIVE NOISE.

It shall be unlawful for any person to make, continue or cause to be made or continued any loud or excessive noise in the unincorporated area of Dawson County, which violates the prohibitions set forth in Section V.

SECTION V. SPECIFIC PROHIBITIONS.

The following specific acts are declared to be violations of this section:

(1) Horns, signaling devices. The sounding of any horn or signaling device of a motor vehicle continuously or intermittently singularly or as a group for a period in excess of 60 seconds, except as a danger or emergency warning or testing a danger or emergency warning.

(2) Radios, musical instruments and similar devices.

a. The operation or playing of any radio, television, phonograph, musical instrument or similar device while not in a vehicle that produces sound plainly audible across the real property line of the origin of such sound 50 feet or more away from such device between the hours of 10:00 p.m. and 7:00 a.m.

b. The operating or playing of any radio, television, phonograph, musical instrument or similar device that produces or reproduces sound within a vehicle in a manner as to be plainly audible at a distance of 50 feet to any person in a commercial, industrial, residential or noise-sensitive area, motor vehicle or public space between the hours of 10:00 P.M. and 7:00 A.M.

(3) Loudspeakers and sound amplifiers. The use or operation of any loudspeaker system, sound amplifier or other similar device between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and 10:00 p.m. and 8:00 a.m. on weekends and holidays within or adjacent to residential or noise-sensitive areas, public rights-of-way or public space such that the sound therefrom is plainly audible across the real property line of the source excluding all school related functions or Government authorized events; provided that this prohibition shall not apply to any public performance, gathering or parade for which a permit has been obtained from Dawson County.

(4) Street sales. The offering for sale by shouting or outcry within any residential, commercial or noise-sensitive area, public rights-of-way or public space except by permit issued by Dawson County.

(5) Animals. The owning, possessing or harboring of any animal that frequently or continuously howls, barks, meows, squawks or makes other sounds that create excessive noise across a residential or commercial real property line or within a

a functional muffler device or is contained or housed within a structure sufficient to deaden the noise to the point that the noise is not plainly audible across the property line of the source of the noise in a residential or noise-sensitive area between the hours of 10:00 p.m. and 7:00 a.m. Vacuum trucks cleaning commercial or industrial parking lots shall be exempt from the prohibition set forth herein.

(11) Commercial garbage collection.

The servicing of a private, commercial garbage dumpster by any person using garbage collection vehicles and equipment within 1,500 feet of any residential area or noise-sensitive area between the hours of 11:00 p.m. and 6:00 a.m. on weekdays and between the hours of 11:00 p.m. and 8:00 a.m. on weekends and holidays, or within 500 feet of any residential area or noise-sensitive area between the hours of 10:00 p.m. and 6:00 a.m. However, this prohibition shall not apply to the collection of garbage from any location that has a plastic lid on the dumpster and if the collection of garbage during the establishment's hours of operation would constitute a safety hazard.

SECTION VI. SPECIAL PERMITS.

A permit is required for all outdoor entertainment events that have commercial entertainment and for all events using electronic amplification that violate the terms of this ordinance. Such permit shall be obtained from the Board of Commissioners of Dawson County in accord with the terms hereof.

(a) The applicant shall notify the Dawson County Sheriff's office of the request for the permit and shall specify security provisions and traffic control associated with any such permit request, which shall be approved by the Dawson County Sheriff's office before the Board of Commissioners shall consider such permit request.

(b) The applicant for such permit shall specify the organization, person, or party sponsoring the event, the location, the date and time of the event, as well as the security and traffic control information.

(c) A permit shall not be granted for any event that includes the hours between 11:00 p.m. and 7:00 a.m. Sunday through Thursday and between the hours of 12:00 midnight and 7:00 a.m. on Saturday and Sunday mornings.

SECTION VII. EXEMPTIONS.

The provisions of this ordinance shall not apply to nor be enforced against any person or party engaging in the following activities:

(a) any agricultural operation as such term is defined in O.C.G.A. § 41-1-7;

intent, purpose, and provisions hereof, which shall be liberally construed in favor of Dawson County, is hereby adopted as a part hereof.

Approved this 7th day of May, 2009.

ATTEST:

Dawson County
Board of Commissioners



Davida Simpson, County Clerk

By: 

Mike Berg, Chairman

Dates of Advertisement: March 4, March 11, April 22, and April 29, 2009

Dates of Public Hearings: March 19, April 2, and May 7, 2009

Vote: Yes 3
No 1

