

**NOISE ORDINANCE
EVANS COUNTY, GEORGIA**

The Evans County Board of Commissioners pursuant to their power and authority, and for the purposes of protecting and preserving the public health, safety and welfare of the citizens of Evans County, does hereby adopt the following:

Section I. Violations.

(a) It shall be unlawful and punishable as provided in herein, for any person within the unincorporated areas of the county to violate any of the provisions of this article.

(b) It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise which unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others in the unincorporated areas of the county.

Section II. Enumeration of Prohibited Noise.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this article; but this enumeration shall not be deemed to be exclusive:

(1) Radios, phonographs, cassette and compact disc players, musical instruments. The using, operating or permitting to be played, used or operated, of any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is reasonably necessary for convenient hearing for the person who is in the room, vehicle or chamber in which this machine or device is operated and who is a voluntary listener thereto is prohibited. The operation of the set, instrument, phonograph, or other machine or device, between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this paragraph.

Section III. Inspections.

Provided permission is granted from the occupant, any county law enforcement officer has the power, upon presentation of the proper credentials, to enter and inspect any single-family dwelling, multifamily dwelling, building, structure or premises within the unincorporated areas of the county as may be necessary to enforce the provisions of this article. If such permission is refused, or is otherwise unobtainable, a search warrant must be obtained upon the showing of probable cause to believe that a violation of this article may exist, before such entry or inspection is made.

Section IV. Exceptions.

The provisions of this section shall not apply to or be enforced against:

- (1) Any vehicle of the county while engaged in necessary public business.
- (2) Excavations or repairs of streets by or on behalf of the county or state at night when public welfare and convenience renders it impossible to perform this work during the day.
- (3) Organized school-related programs, activities, events or parades or other public programs, activities or events authorized by the county or sheriff's office.
- (4) Noises resulting from emergency work, to be construed to mean work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from imminent exposure to danger.

Section V. Special Variances.

- (a) The Evans County Board of Commissioners shall have the authority, consistent with this article, to grant variances.
- (b) Application for extension of time limits specified in special variances or for modification of other substantial conditions shall be treated like applications for initial special variances.
- (c) Enforcement of this article shall be stayed as to any person filing an application for a special variance pursuant to this section, until such time as the application is acted upon by the Board.

Section VI. Penalty for Violation.

Upon the first violation of any of the provisions of this article, a warning citation shall be issued. Upon the second violation of any of the provisions of this article, a citation shall be issued and the individual will go before the Evans County Magistrate Court. Upon conviction, punishment shall be set forth by the Magistrate Court in accordance with the provisions of O.C.G.A. § 15-10-60. For purposes of sentencing, the first citation before the Magistrate Court shall be deemed the "first offense," however, consideration may be given by the court to the previous warning citation.

So adopted this 1st day of May, 2012.

EVANS COUNTY BOARD OF COMMISSIONERS



Del Beasley, Chairman



June Ellis, County Clerk