

ORDINANCE NO. 2020-2 JEFFERSON COUNTY

NOISE ORDINANCE

A NOISE ORDINANCE OF JEFFERSON COUNTY, IDAHO, ESTABLISHING AUTHORITY AND PURPOSE, PROHIBITED ACTS, EXEMPTIONS AND TEMPORARY WAIVERS, PENALTIES AND PROVIDING THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF JEFFERSON COUNTY, IDAHO, AS FOLLOWS:

1: SHORT TITLE:

This Ordinance shall be known and cited as the JEFFERSON COUNTY NOISE ORDINANCE.

2: AUTHORITY AND PURPOSE:

This ordinance is enacted pursuant to authority conferred by article 12, section 2, Idaho Constitution, and sections 31-714, 31-801, Idaho Code. Its purpose is to provide for and further the safety, health, peace, good order, comfort and convenience of the inhabitants of Jefferson County by providing a procedure for abating loud or offensive noises within the County between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M.

3: PROHIBITED ACTS:

A. Between the hours of ten o'clock (10:00) P.M. one day and seven o'clock (7:00) A.M. the next day, it shall be unlawful for any person or business not herein exempted to make, cause, or allow loud or offensive noise by means of voice, musical instrument, horn, radio, loudspeaker, automobile, machinery, other sound amplifying equipment, domesticated animals, or any other means which disturbs the peace, quiet, and comfort of any reasonable person of normal sensitiveness residing in the area. Loud or offensive noise is that which is plainly audible within any residence or business, other than the source of the sound, or upon a public right-of-way or street at a distance of one hundred feet (100') or more from the source of said sound.

B. Due to extreme heat during the summer months of June, July and August construction noise may begin at six o'clock (6:00) A.M.

C. Due to extreme heat during the summer months of June, July and August landscape maintenance noise may begin at six o'clock (6:00) A.M.

4: EXEMPTIONS AND TEMPORARY WAIVERS:

A. Exemptions: This chapter shall not apply to emergency vehicles, while acting in response to an emergency; locomotive or other railway equipment; airplanes and other FAA regulated aircraft; scheduled, organized sporting events; normal agricultural activities; nor public displays of fireworks authorized and approved under chapter 26, title 39, Idaho Code.

B. Industrial and Commercial Exemptions: This Chapter shall not apply to industrial or manufacturing activities within commercial or industrial zoned areas that do not exceed Environmental Protection Agencies (EPA) noise standards for normal operations.

C. Temporary Waivers: A person or entity may apply to the Board of Jefferson County Commissioners for a temporary waiver from the provisions of this chapter. Such application shall be submitted to the Board of Jefferson County Commissioners at least thirty (30) days in advance of the date of the activity or event seeking the waiver. As part of the application, the applicant shall notify property owners within three hundred feet (300') of the external boundaries of the lot or parcel on which the event or activity will be conducted of the event or activity.

5: PENALTY:

Any person violating any provision of this chapter shall be deemed guilty of an infraction with a fine of seventy five dollars for a first offense, one hundred fifty dollar for a second offence, and a third offence shall be deemed a misdemeanor (progressively increase over 12 month period)- and, upon conviction thereof, shall be punishable as provided in section 18-113, Idaho Code as it may from time to time be amended and/or retitled. Each day such violation occurs or continues shall be considered a separate offense.

This ordinance shall become effective upon its passage, approval and publication.

PASSED BY THE BOARD OF COUNTY COMMISSIONERS on this \_\_\_\_ day of \_\_\_\_\_, 2020.

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Scott Hancock, Chairman

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Roger Clark, Commissioner

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Shayne Young, Commissioner

Attest: Colleen Poole, Clerk