

Oconee noise ordinance changes up for final vote

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SENECA — An ordinance reforming Oconee's noise code will come up for third and final reading after a public hearing before county council at today's 6 p.m. regular meeting.

The ordinance would, among other things, amend Chapter 12 of the county's code to add an element of "technological sound level measurements," though it also states such measurements would not be required for a person or event to be found in violation.

The ordinance was developed through collaboration between county attorney David Root, Sheriff Mike Crenshaw and consultants, county administrator Scott Moulder said at a council meeting earlier this month when it passed second reading unanimously.

"I believe over the number of the months that we've worked on it and a number of eyes looking it, that we've got it in a final form for (council's) consideration," Moulder said.

Council chairwoman Edda Cammick said upon reviewing the ordinance she quickly noticed the ordinance did not include specific fines or penalties for violations and subsequent violations.

But Root clarified any violation of an ordinance gave full power to a magistrate court to impose a penalty in accordance with the county's code, with a maximum fine of \$500 that the court could impose.

"It gives the magistrate the discretion (up) to \$500 and, obviously, imprisonment or jail time penalties as well," Root said.

Moulder further clarified \$500 would be the maximum fine per incident or per day.

"And that's where the judge's authority comes into play to determine the severity of it — and that's dependent on the discussions with the sheriff as part of their prosecution in the case," he said.

Councilman Julian Davis asked about the permitting process for outdoor concerts, which he said are becoming more popular in the county, and what the guidelines would be.

Root pointed to a section in the ordinance on "special permits," saying issuance of the permits would be tasked to the county administrator, along with "any kind of requirements that he deems necessary depending on the event."

"We couldn't foreshadow or guess what all types of events and conditions

might be necessary," Root said. "So they pay the fee, they apply and then they get a permit."

Moulder also noted that in the event of an amphitheater or some other long-term activity, a permit could be issued for a year or more, though not an open-ended basis.

The ordinance says it is the county's intent in "regulating noise to take into account the latest scientific advances in noise measurement and control while at the same time preserving common sense and common law determinations of what constitutes a disturbance or public nuisance."

The ordinance further gives the administrator the power to issue administrative stop orders to prohibit temporarily or to reschedule activities otherwise exempt when those activities impose "a great hardship or ... inconvenience upon persons reasonably occupying nearby premises." It does state, however, that such stop orders cannot be used to prohibit otherwise lawful activity.

In terms of A-weighted decibels — an expression of the relative loudness of sounds as perceived by the human ear — offending sounds must produce a level of noise in excess of 70 dBA between the hours of 7 a.m.-9:59 p.m. or in excess of 60 dBA between the hours of 10 p.m.-6:59 a.m.

If no complaint has been made, enforcement officers would measure the noise from approximately 100 feet from the point from which the noise is emanating.

Fireworks are one of the specific noises that are prohibited, but the prohibition does not apply to lawfully acquired fireworks denoted on the Fourth of July, Christmas Eve or Day, or New Year's Eve or Day.

There are several exemptions to the ordinance, including industrial, agricultural and governmental activity, firearms as a result of lawful hunting, parades, carnivals and school-sponsored events.

Other activities, such as heavy equipment use, construction and lawn maintenance are exempt between the hours of 7 a.m.-9:59 p.m.

If an activity or event does not exceed the maximum allowed decibel level, three or more independent complaints or at least one complaint in addition to a complaint from a law enforcement officer must be registered for a violation to occur.