

Supervisor **MARLIN R. LADNER** moved the adoption of the following ordinance:

AN ORDINANCE OF HARRISON COUNTY, MISSISSIPPI, ACTING THROUGH ITS DULY ELECTED BOARD OF SUPERVISORS, TO SECURE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF THE RESIDENTS AND PROPERTY OWNERS OF THE UNINCORPORATED AREA OF HARRISON COUNTY, BY ESTABLISHING NOISE CONTROL WITHIN HARRISON COUNTY, AND FOR RELATED PURPOSES

WHEREAS, Harrison County, Mississippi, acting through its duly elected Board of Supervisors, pursuant to Miss. Code Ann. § 19-3-40(1972), finds that excessive, unnecessary or offensive noise within the County is detrimental to the public health, safety, welfare and the peace and quiet of the inhabitants of the County, and therefore is hereby declared a public nuisance; and

WHEREAS, every person in the County is entitled to live in an environment free from excessive, unnecessary or offensive noise levels; and

WHEREAS, the establishment of maximum permissible noise levels will further the public health, safety, welfare, and peace and quiet of the inhabitants within the County.

BE IT ORDAINED by Harrison County, Mississippi, (the "County") through its duly elected Board of Supervisors, (the "Board") as follows:

Article 1. General Provisions

1.1 Legislative Findings

- (a) Excessive, unnecessary or offensive noise within the County is detrimental to the public health, safety, welfare, and the peace and quiet of the inhabitants of the County and therefore is hereby declared a public nuisance; and
- (b) Every person in the County is entitled to live in an environment free from excessive, unnecessary, or offensive noise levels; and
- (c) The establishment of maximum permissible noise levels will further the public health, safety, welfare, and peace and quiet of County inhabitants.

1.2 Declaration of Policy

It is hereby declared to be the policy and purpose of this ordinance to assess complaints of noises alleged to exceed ambient noise levels. Further, it is declared to be the policy and purpose of this Ordinance to contain sound levels in the County to meet the noise standards set forth in this Ordinance.

1.3 Liberal Construction

This Ordinance shall be liberally construed so as to effectuate its purposes.

1.4 Severability

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of the Ordinance.

1.5 Definitions

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this Section, unless the context of their usage clearly indicates another meaning:

Daytime Hours shall mean the hours from 7 a.m. on one day and 10 p.m. the same day.

dB(A) shall mean the intensity of a sound expressed in decibels.

Emergency shall mean any occurrence or set of circumstances involving actual or imminent physical trauma or property damage or loss that demands immediate action; including, but not limited to, a declared state of emergency by Federal, State or County Government.

Emergency work shall mean any work performed for the purpose of (i) preventing or alleviating the physical trauma or property damage threatened or caused by an emergency, (ii) restoring property to a safe condition following a fire, accident, or natural disaster, (iii) protecting persons or

property from exposure to danger, or (iv) restoring public utilities.

Nighttime Hours shall mean the hours between 10:01 p.m. on one day and 6:59 a.m. the following day.

Nonresidential Property shall mean any real property that is not included in the definition of residential property as defined in this Section. Without limitation, the term includes properties that have been developed other than as residential properties, properties that are undeveloped, and properties that are devoted to public purposes, such as public streets and parks.

Property line shall mean, with respect to single occupancy properties, the line along the ground surface and its vertical extension that separates the real property owned, leased, or occupied by one person from that owned, leased, or occupied by another person. With respect to shared occupancy properties the term shall mean the imaginary line that represents the legal limits of occupancy of any person who owns, leases, or otherwise occupies an apartment, condominium, hotel or motel room, office, or any other type of occupancy from that of other occupants.

Residential property shall mean any real property developed and used for human habitation that contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, unless such premises are actually occupied and used primarily for purposes other than human habitation.

Sound nuisance shall mean any sound that either exceeds the maximum permitted sound levels specified in Section 1.11 of this Ordinance, or for purposes of Sections 1.7, 1.8, and 1.10 of this Ordinance, otherwise unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others.

1.6 General Prohibitions

- (a) It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary, or unusual noise that annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others. In determining whether a noise is loud, unnecessary, or unusual, the following factors shall be considered: time of day; proximity to residential

structures; whether the noise is recurrent, intermittent, or constant; the volume and intensity; and whether the noise has been enhanced in volume or range by any type of electronic or mechanical means.

- (b) It shall be unlawful for any person to make, assist in making, permit, continue, cause to be made or continued, or permit the continuance of any sound that either exceeds the maximum permitted sound levels specified in Section 1.12 of this Ordinance or, for purposes of Sections 1.7, 1.9, and 1.10 of this Ordinance, otherwise unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others.

1.7 Noisy Vehicles Generally

The use of any motor vehicle so out of repair, so loaded, or so noisy that it creates any loud and unreasonable grating, grinding, rattling, or any other loud and unreasonable sound is hereby prohibited and declared to be unlawful, when such use occurs on County Roads or Streets.

1.8 Specific Unlawful Noises

Notwithstanding any other provision of the ordinance to the contrary, the following acts, among others, are declared to be loud, disturbing, and unnecessary noises, when it shall be determined such noises are in violation of the provisions of this ordinance, but such enumeration shall not be deemed to be exclusive, namely:

- (a) **Motor Noises:** Any noise made by the motor of any automobile, truck, tractor, or motorcycle, and shall include, but not be limited to, backfiring and motor racing.
- (b) **Horns and Signaling Devices:** The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public place of the County, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or any other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.

- (c) **Yelling and Shouting:** Yelling, shouting, hooting, whistling, singing or blowing of horns on the public streets, particularly between the hours of 10 p.m. and 7 a.m. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel, motel, apartment or other type of residence, or of any persons in the vicinity.
- (d) **Pile Drivers, Gammers, etc.:** The operation between the hours of 10 p.m. and 7 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.
- (e) **Tools:** The use of or operation between the hours of 10 p.m. and 7 a.m. of any power saw, power planer, or other powered tool or appliance or saw or hammer, or other tool, so as to disturb the quiet, comfort, or repose of persons in any dwelling, hotel, motel, apartment, or other type of residence, or of any person in the vicinity.
- (f) **Blowers:** The operating of any noise-creating blower or power fan or any internal combustion engine the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.
- (g) **Exhausts:** The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle, except through a muffler or other device, which will effectively prevent loud or explosive noises therefrom.
- (h) **Loading, Unloading; Opening Boxes:** The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers.
- (i) **Hawkers, Peddlers and Vendors:** The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of persons in the neighborhood.
- (j) **Drums:** The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.

- (k) **Transportation of Metal Rails, Pillars and Columns:** The transportation of rails, pillars or columns of iron, steel or other material, over and along streets and other public places upon carts, drays, cars, trucks in any manner so as to cause loud noises or to disturb the peace and quiet of persons in the vicinity thereof.
- (l) **Music:** The playing of music by a live band or other instruments or devices utilizing sound amplification equipment in any manner so as to disturb the peace and quiet of persons in the vicinity thereof.
- (m) **Commercial Shooting Ranges:** Commercial shooting ranges shall not produce a maximum noise level that exceeds 65 dBA at the receiving property line of a noise-sensitive use. The sound level meter should be set on Fast Response when evaluating impulsive noise levels such as those associated with shooting ranges.
- (n) **Animals, Birds, Fowls:** The keeping of any dog, bird, or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of persons in the vicinity.

1.9 Amplified Sound

- (a) It shall be unlawful for any person to make, assist in making, permit, continue, cause to be made or continued, or permit the continuance of any sound using any sound amplifier that is part of or connected to any speaker system, radio, stereo receiver, compact disc player, cassette tape player, microphone, or any other sound source, when operated: (i) in such a manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants, or (ii) at any time with louder volume than is necessary for convenient hearing for persons who are in the vehicle or within the property or premises in which such sound amplifier is operated and who are voluntary listeners thereto. The operation of any such sound amplifier in such a manner as to be plainly audible at a distance of 50 feet from a vehicle shall be presumed to be violative of this section. The operation of any such sound amplifier in such a manner that bass sounds are plainly audible at a distance of 50 feet from the property line of a property or premises in which the amplification is located shall be presumed to be violative of this section.

- (b) It is an affirmative defense to prosecution under this Section that the sound source is a motor vehicle and that
 - (i) the motor vehicle is a mobile sound stage or studio that is being used on a stationary basis at a location not situated upon any street for the purpose of providing sound, during daytime hours, for an event or function and
 - (ii) the use is in compliance with all other provisions of this chapter, including but not limited to Section 1.13 of this Ordinance, if applicable.

1.10 Maximum Permissible Sound Levels.

In addition to the violations established by the preceding Sections of this Chapter, no person shall conduct, permit, or allow any activity or sound source to produce a sound discernible at any location beyond the property lines of the property on which the sound is being generated that when measured, as provided in Section 1.11 of this Ordinance, exceeds the applicable dB(A) level listed below for the property on which the sound is received:

- (1) Residential property:
 - a. 68 dB(A) during daytime hours ending at 10 p.m. Sunday through Thursday;
 - b. 68 dB(A) during daytime hours ending at 11 p.m. Friday and Saturday;
 - c. 58 dB(A) during nighttime hours starting at 10:01 p.m. Sunday through Thursday; and
 - d. 58 dB(A) during nighttime hours starting at 11:01 p.m. Friday and Saturday.
- (2) Nonresidential property: 68 dB(A) at all times.
 - (a) Any sound that exceeds the dB(A) levels set forth in this section under the conditions and measurement criteria set forth in this chapter is a violation of this Chapter. Evidence that an activity or sound source produces a sound that exceeds the dB(A) levels specified in this Section shall be prima facie evidence of a sound nuisance that unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others in violation of this Chapter.

- (b) Regardless of the measurable dB(A) level established above and measured as provided in Section 1.11, below, the generator of any sound of such a nature as to cause persons occupying or using any property, other than the property upon which the sound is being generated, to be aware of sympathetic vibrations or resonance caused by the sound shall also be prima facie evidence of a sound that unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others in violation of this chapter unless otherwise provided in this Ordinance.

1.11 Method of Sound Measurement

Whenever portions of this Chapter prohibit sound over a certain decibel limit, measurement shall be made with a Type 1 or Type 2 calibrated sound level meter utilizing the A-weighting scale and the slow meter response as specified by the American National Standards Institute (A.N.S.I. S1.4-1984/85A). Measurements recorded shall be taken so as to provide a proper representation of the sound being measured. The microphone of the meter shall be positioned so as not to create any unnatural enhancement or diminution of the measured sound. Measurements of sound generated shall be taken from the property line of the nonresidential property or residential property where the sound is received to the source of the sound.

1.12 Permit Required For Use of Outdoor Sound Amplification Equipment

- (a) No person shall use or cause to be used any loudspeaker, loudspeaker system, sound amplifier, or any other machine or device that produces, reproduces, or amplifies sound outside of buildings or other enclosed structures in a manner that exceeds the levels specified in Section 1.10, when measured from the property where the sound is being received, without first obtaining a permit to do so. The permit shall be granted only for the amplification of music or human speech, or both.

The permit:

- (1) May be obtained by making application to the Harrison County Code Administration Office.
 - (2) Requires payment of a \$25 fee for the administrative costs of issuing the permit or a sworn statement of inability to pay the fee.
 - (3) Is valid for one 14 hour period between the hours of 8 a.m. and 11 p.m.
 - (4) Shall not be issued to the same or any other person for the same location more than twice during any 30 day period. In the case of a sound truck, location shall relate to the area traversed by the truck in one day.
 - (5) Shall not authorize, allow, or otherwise permit the production, reproduction, or amplification of sound that exceeds 75 dB(A) when measured from the property line of the nearest receiving property.
- (b) The permit application required to be filed pursuant to this Section shall contain the following information:
- (1) The date of the application and the date and hours for which the permit is requested.
 - (2) The name and address of the applicant.
 - (3) The name and address of the person who will have charge of the sound amplifying equipment.
 - (4) The purpose for which the sound equipment will be used.
 - (5) The address and a description of the location where the sound equipment will be used.
 - (6) A description of the type of sound amplifying equipment to be used.

- (c) All permit applications shall be forwarded to the Harrison County Sheriff's Department for final approval by the Sheriff or his designee.

1.13 Defenses

The following defenses shall apply to any offense established in this Chapter:

- (a) The emission of any sound was for the purpose of alerting persons to the existence of an emergency, danger, or attempted crime.
- (b) The sound was produced by an authorized emergency vehicle.
- (c) The sound was produced by emergency work.
- (d) The sound was generated:
 - (1) By a parade and spectators and participants on the parade route during a lawful parade;
 - (2) By patrons and participants using cannons and gunfire during historical battle re-enactments for which a pyrotechnic permit was obtained and the explosives were inspected by the fire marshal;
 - (3) By a pyrotechnic display that was inspected and approved by the fire marshal; or
 - (4) By spectators and participants of any outdoor event, fun run, race, festival, fiesta, or concert that was sponsored or cosponsored by the County and in full compliance with a permit issued by the County.
- (e) The sound was produced by the erection, excavation, construction, or demolition of any building or structure, including the use of any necessary tools or equipment, conducted between the hours of 7 a.m. and 10 p.m., which activity did not produce a sound exceeding 85 dB(A) when measured from the property line of the residential property where the sound is being received.

- (f) The sound was produced by aircraft in flight or in operation at an airport, or railroad equipment in operation on railroad rights-of-way.
- (g) The sound was produced by operating or permitting the operation of any mechanically powered saw, drill, sander, router, grinder, lawn or garden tool, lawnmower, or any other similar device used between the hours of 7 a.m. and 8 p.m., provided the device did not produce a sound exceeding 85 dB(A) when measured from the property line of the nearest residential property where the sound is being received and was used for the maintenance or upkeep of the property on which it was operated.
- (h) The sound was generated as authorized under the terms of a permit issued under Section 1.12 of this Ordinance.
- (i) The sound was produced by church bells or church chimes when used as part of a religious observance or service during daytime hours, provided the sound did not cumulatively exceed five minutes duration in any one hour period.
- (j) The sound was produced during daytime hours by activities conducted on public parks, public playgrounds, and public or private school grounds, including, but not limited to, school athletic and school entertainment events.

Article II. Noise Standards

2.1 Exterior Noise Standards

- (a) The following noise standards, unless otherwise specifically indicated in this article, shall apply to all agricultural and residential properties.
 - (1) From 7 a.m. to 11 p.m. the exterior noise standard shall be 55 dBA.
 - (2) From 11 p.m. to 7 a.m. the exterior noise standard shall be 50 dBA.

- (b) It shall be unlawful for any person at any location to create any noise which causes the noise levels, when measured on properties specifically zoned agricultural or residential property, to exceed for the duration of time set forth following the specified exterior noise standards in any one hour by:

<u>Cumulative Duration of the Intrusive Sound</u>	<u>Allowance Decibels</u>
(1) Cumulative period of 30 minutes per hour	0
(2) Cumulative period of 15 minutes per hour	+5
(3) Cumulative period of 5 minutes per hour	+10

- (c) Each of the noise limits specified in subdivision (b) shall be reduced by 5 dBA for impulsive or simple tone noises, or for noises consisting of speech or music.

- (d) If the ambient noise level exceeds that permitted by any of the first two (2) noise limit categories specified in subdivision (b), the allowable noise limit shall be increased in 5 dBA increments in each category to encompass the ambient noise level. If the ambient noise level exceeds the third noise level category, the maximum ambient noise level shall be the noise limit for the category.

2.2 Interior Noise Standards

- (a) In any apartment, condominium, town house, duplex or multiple dwelling unit it shall be unlawful for any person to create any noise from inside his unit that causes the noise level when measured in a neighboring unit during the periods 10 p.m. to 7 a.m. to exceed:

- (1) 45 dBA for a cumulative period of more than 5 minutes in any hour
- (2) 50 dBA for a cumulative period of more than 1 minute in any hour
- (3) Above 55 dBA for any period of time

- (b) If the ambient noise level exceeds that permitted by any of the noise level categories specified in subdivision (a), the allowable noise limit shall be increased in 5 dBA increments in each category to encompass the ambient noise level.

2.3 Exemptions

The following activities shall be exempted from the provisions of this Ordinance:

- (a) School bands, school athletic and school entertainment events. School entertainment events shall not include events sponsored by student organizations.
- (b) Any mechanical device, apparatus or equipment related to or connected with emergency activities or emergency work.
- (c) Noise sources due to the erection (including excavation), demolition, alteration or repair of any building or structure between the hours of 6 a.m. and 7 p.m., on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday, and between 9 a.m. and 6 p.m. on Sunday; provided, however, that the operation of an internal combustion engine shall not be exempt pursuant to this subsection if such engine is not equipped with suitable exhaust and intake silencers (mufflers), which are in good working order.

The Code Office may permit work to be done during the hours not exempt by this subsection in the case of urgent necessity and in the interest of public health and welfare for a period not to exceed three (3) days. Application for this exemption may be made in conjunction with the application for the work permit or during progress of the work.

- (d) Noise sources associated with agricultural operations provided such operations take place between the hours of 6 a.m. and 8 p.m.; provided, however, that the operation of an internal combustion engine shall not be exempt pursuant to this subsection if such engine is not equipped with

a standard exhaust muffler and intake silencers mufflers, which are in good working order.

- (e) Any mechanical device, apparatus or equipment, which are utilized for the protection or salvage of agricultural crops during period of adverse weather conditions or when the use of mobile noise sources is necessary for pest control; provided, however, that the operation of an internal combustion engine shall not be exempt pursuant to this subsection if such engine is not equipped with a standard exhaust and intake silencers (mufflers), which are in good working order.
- (f) Noise sources associated with maintenance of street trees and residential area property, provided said activities take place between the hours of 7 a.m. and 6 p.m.
- (g) Tree and park maintenance activities conducted by the County recreation and parks department.
- (h) Church bells and chimes.
- (i) Noise associated with a Declared State of emergency by the Federal, State or County Government.

2.4 Schools, Hospitals and Churches

It shall be unlawful for any person, group or other entity to create any noise which causes the noise level at any school, hospital or church while the same is in use to exceed the noise standards specified in Section 2.1 or to create any noise which unreasonably interferes with the use of such institutions or unreasonably disturbs or annoys those using/occupying these institutions. In any disputed case, interfering noise, which is 10 dBA or more, greater than the ambient noise level at the building, shall be deemed excessive and unlawful.

2.5 Residential Pumps, Fans and Air Conditioners

- (a) It shall be unlawful for any person to operate any residential fans, air conditioners, stationary pumps, stationary cooling towers, stationary compressors, similar mechanical device or any combination thereof installed after the effective date of this ordinance in any manner so as to create any noise which would cause the maximum noise level to exceed:
- (1) 60 dBA at any point at least one foot inside the property line of the affected residential or agricultural property and three to five feet above ground level.
 - (2) 55 dBA in the center of a neighboring patio three to five feet above ground level.
 - (3) 55 dBA outside of the neighboring living area window nearest the equipment location, measurements shall be taken with the microphone not more than three feet from the window opening but at least three feet from any other surface.

2.6 Off Road Vehicles

It shall be unlawful for any person to operate a motor vehicle, motor cycle or recreational off road vehicle, on or off a public road, in such a manner that the noise level exceeds the exterior noise standards specified in Section 2.1.

2.7 Waste Disposal Vehicles

It shall be unlawful for any person authorized to engage in waste disposal service or garbage collection to operate any truck mounted waste or garbage loading and/or composting equipment or similar mechanical device in any manner so as to create any noise exceeding the following level, when measured at a distance of fifty feet from the equipment or any agricultural or residential property, to-wit: new equipment purchased or leased on or after a date six months from the effective date of this ordinance shall not exceed a noise level of 80 dBA.

The provisions of this Section shall not abridge or conflict with the powers of the State over motor vehicle control.

Article III. General Noise Regulations

3.1 General Noise Regulations

Notwithstanding any other provisions of this Ordinance and in addition thereto, it shall be unlawful for any person to make or continue or cause to be made or continued any loud, unnecessary or unusual noise, which disturbs the peace and quiet of any neighborhood or, which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.

The standards, which may be considered in determining whether a violation of the provisions of this Section exists shall include, but not be limited to, the following:

- (a) The sound level of the objectionable noise.
- (b) The sound level of the ambient noise.
- (c) The proximity of the noise to residential sleeping facilities.
- (d) The density of the inhabitation of the area within which the noise emanates.
- (e) The time of day or night the noise occurs.
- (f) The duration of the noise and its tonal informational or musical content.
- (g) Whether the noise is continuous, recurrent or intermittent.
- (h) Whether the noise is produced by a commercial or non-commercial activity.

Article IV. Administrative Procedures

4.1 Administration

The enforcement of this Ordinance shall be the responsibility of the Harrison County Sheriff's Department (the "Sheriff"), his deputy or designee. It shall be the duty of the Sheriff, his deputy or designee, to issue a citation to the person, group or entity in violation of this Ordinance.

The Sheriff shall be responsible for:

- (a) Training deputies or his designees in the proper use of the instruments used in the enforcement of this Ordinance.
- (b) Procuring measuring instruments and training deputies or his designees in their calibration and operation.
- (c) Coordinating the noise control program with other governmental agencies, where appropriate.

4.2 Noise Control Program - Recommendations

At least every third year following the effective date of this Ordinance, the Sheriff shall evaluate the effectiveness of the noise control program and shall make recommendations to the Board for its improvement.

4.3 Special Condition Permits

Notwithstanding any provision of this ordinance, the Code Office may grant special condition permits for a period not exceeding three days when the general purpose and intent of this ordinance can be carried out by the granting of the special condition permit. Special condition permits may be renewed for periods not exceeding three days, at the sole discretion of the Code Office. In all cases, where such special condition permits are issued, the Code Office shall notify the Harrison County Sheriff's Office.

4.4 Application for Issuance of Permits

Any permit issued hereunder should be issued only on written application, which shall set forth the following:

- (a) A description of the premises for which the permit shall issue.
- (b) The dates and times for which the permit is to be issued.
- (c) The name and address of the person, group or entity applying for the permit.
- (d) Any facts, which would show that the activity for which the permit is sought would not disturb the peace of any family or person within the area into which the sound shall carry.
- (f) The application shall designate a responsible person to be present during the activity. Said person shall be responsible for conducting the activity in compliance with the provisions of the permit and must be present at all times.
- (g) Such other information as the Code Office shall deem necessary and proper.

The application shall become a part of any permit issued.

4.5 Issuance of Permits

All permits shall be issued by the Harrison County Code Office ("Code Office"). A permit application shall be issued or denied within ten (10) days of receipt of a completed, signed application. The Code Office shall consider the following factors in considering whether to grant such a permit.

- (a) The anticipated noise level.
- (b) The time of day the activity is to take place.
- (c) The proximity of the activity to residential areas, schools, churches or other meeting places.

In the event a permit is denied by the Code Office, the applicant may appeal the decision to the Board. Any such appeal shall be taken not more than ten (10) days from date of denial of the permit by giving written notice of the appeal to the Board.

The appeal shall be considered at the next regular meeting of the Board.

4.6 Revocation of Permits

The Code Office and the Sheriff or his designee shall have the authority to revoke any permit issued on the finding of any of the following:

- (a) That the activity is being conducted in a manner inconsistent with the permit, including the description of the activity as set out in the application.
- (b) That the activity is causing a disturbance of the peace of families or persons within the area into which the sound carries.
- (c) That there is any misrepresentation of the activity on the application for the permit.
- (d) Other good cause.

Article V. Violation

5.1 It shall be a misdemeanor to conduct, participate in, or permit any activity in violation of the conditions of this Ordinance. Likewise, it shall be a misdemeanor to conduct, participate in, or permit any activity in violation of the conditions of this Ordinance, without first obtaining a permit, where applicable, or to conduct any activity requiring such a permit in violation of the provisions of said permit. Any person convicted of violating this Ordinance shall be punished by a fine of not more than \$1,000 and/or 90 days in jail. A continuation of a violation shall constitute a separate offense each day.

Article VI. Jurisdiction

6.1 The Harrison County Justice Court is vested with jurisdiction to hear complaints/violations/citations arising under this Ordinance.

Article VII. Effective Date

7.1 This Ordinance shall be effective thirty (30) days from and after its adoption.

Supervisor **KIM B. SAVANT** seconded the Motion to adopt the above and foregoing Ordinance, whereupon the question was put to a vote with the following results:

Supervisor MARLIN LADNER	voted,	AYE
Supervisor WILLIAM MARTIN	voted,	AYE
Supervisor CONNIE ROCKCO	voted,	AYE
Supervisor KIM B. SAVANT	voted,	AYE
Supervisor W. S. SWETMAN III	voted,	AYE

The majority of the members present having voted in the affirmative, the Motion was declared carried, and the Order adopted on this the 7th day of July 2008.