



1 a.m. and 10:00 p.m. the same day. At no time may the sound from an idling vehicle, when  
2 measured in accordance with subsection (1)(b) of this section, exceed 15 dBA more than the  
3 levels established therein.

4 (4) If a measurement of the sound is made, subsection (1)(b) of this section shall  
5 supersede subsection (2) of this section and shall be used to determine if a violation exists.

6 (5) When the sound is emitted from motorboat, it shall not be subject to the standards  
7 above but a violation shall be established where the sound exceeds 75 dBA as measured on  
8 shore, provided that the measurement be taken no closer than 150 feet from the boat. Where a  
9 measurement is taken from a distance closer than 150 feet, a violation shall be established  
10 where the sound exceeds 84 dBA measured no closer than 50 feet from the boat. Motorboats  
11 shall not be operated on public waterways within the county unless equipped with a  
12 functioning underwater exhaust, muffler, or system which continuously pipes water into the  
13 exhaust line.

14 *////*  
15 *////*  
16 *////*  
17 *////*  
18 *////*  
19 *////*  
20 *////*

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing ordinance to be omitted. New sections are in **boldfaced** type.

- 1           **(G) The nature and zoning of the area within which the noise emanates;**
- 2           **(H) The density of the inhabitation of the area within which the noise emanates;**
- 3           **(I) The time of day or night the noise occurs;**
- 4           **(J) The duration of the noise; and**
- 5           **(K) Whether the noise is recurrent, intermittent, or constant; or**

6           **(b) Produce or permit to be produced, with a sound producing device, sound which [**  
7 **(1)],** when measured at or within 25 feet of the exterior perimeter of a noise sensitive unit  
8 which is not the source of the sound, or within a noise sensitive unit which is not the source of  
9 the sound, exceeds:

- 10           **[(a)] (A)** 50 dBA at any time between 10 p.m. and 7 a.m. the following day, or
- 11           **[(b)] (B)** 60 dBA at any time between 7 a.m. and 10 p.m. the same day, and the sound
- 12 exceeds the levels identified in paragraphs **[(a)] (A)** and **[(b)] (B)** of this subsection for five
- 13 consecutive minutes or ten minutes in any one-half hour period, or when intermittent sounds
- 14 exceed the identified levels ten or more times in any one-half hour period.

15           (2) Notwithstanding any other provision of subsection (1)**(b)** above, prohibited sounds  
16 shall not exceed 15 dBA above the levels identified in paragraphs **[(a)] (A)** and **[(b)] (B)** of  
17 subsection (1)**(b)** of this section for any duration.

18           (3) If the noise source is an idling vehicle licensed to travel upon **[pubic] public** roads  
19 of the state, the noise source shall not be allowed to exceed the levels identified in paragraphs  
20 **[(a)] (A)** and **[(b)] (B)** of subsection (1)**(b)** of this section for more than 15 consecutive  
21 minutes between 10:00 p.m. and 7:00 a.m. the following day and 20 minutes between 7:00

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1            **SECTION 3.**

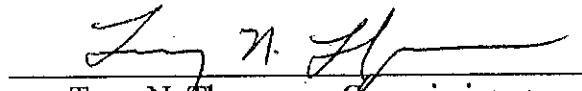
2            This Ordinance being necessary for the immediate preservation of the public peace,  
3 health and safety, an emergency is declared to exist and this Ordinance shall take effect upon  
4 its passage.

DATED this 27<sup>th</sup> day of December, 2006.

LINCOLN COUNTY BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Don Lindly, Chair

  
\_\_\_\_\_  
Bill Hall, Commissioner

  
\_\_\_\_\_  
Terry N. Thompson, Commissioner

ATTESTED TO:

  
\_\_\_\_\_  
Liz Sample, Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Wayne Belmont, County Counsel