

ORDINANCE NO. 58:

AN ORDINANCE REGULATING EXCESSIVE NOISE

Be it ordained by Meade County:

Article 1: General Provisions

1.1 Authority

Pursuant to authority in SDCL 7-8-33, SDCL 7-18A-2, and SDCL 21-10, the Meade County Board of County Commissioners may create, maintain, and promote public health, safety, and welfare of the residents and community.

It is the purpose of this Ordinance to promote the safety, health, peace and general welfare of the citizens of Meade County while allowing reasonable land use rights.

1.2 Jurisdiction

This Ordinance shall apply within Meade County outside the boundary of any municipality.

Article 2: Definitions

Commercial activity: any type of business or activity which is carried on for a profit.

Decibel: a logarithmic and dimensionless unit of measure often used in describing the amplitude of sound. Decibel is denoted as “dB.”

Device: any mechanism which is intended to produce, or which actually produces, noise when operated or handled.

Emergency vehicle: a motor vehicle used in response to any emergency or to protect persons or property. This includes law enforcement, fire and highway motor vehicles.

Noise: any sound which is unwanted or which causes or tends to cause an adverse psychological or physiological effect on human beings.

Noise disturbance: any sound which annoys or disturbs reasonable persons with normal sensitivities, or which injures or endangers the comfort, repose, health, hearing, peace or safety of other persons.

Plainly audible noise: any noise for which the information content of that noise is unambiguously transferred to the listener, such as but not limited to, understanding of spoken speech, comprehension of whether a voice is raised or normal, or comprehension of musical rhythms.

Property boundary: any imaginary line which separates the real property owned by one person from that owned by another person or from public property.

Sound: vibrations that travel through the air or another medium and can be heard when they reach a person's or animal's ear.

Sound level meter: an instrument, of type 2 or better as specified in American National Standards Institute publication S1.4-1971 or its successor publication, that is sensitive to and measures pressure fluctuations.

Weekday: Sunday 7:00 am through Friday 7:00 am.

Weekend: Friday 7:00 am through Sunday 7:00 am.

Article 3: Noises Prohibited

3.1 It shall be unlawful for any person or for any person to allow another person, while engaged in commercial activity, to make, cause to be made or continued any noise disturbance. This includes the specific prohibitions in 3.2 of this Ordinance.

3.2 These specific prohibitions are declared in violation of this Ordinance:

3.2.1 Horns and signaling devices. Sounding of any horn or signaling device on any motor vehicle on any public street or public place, except as a danger warning signal, or the sounding of and any horn or signaling device for an unnecessary and unreasonable period of time.

3.2.2 Radios, television sets, musical instruments and similar devices.

3.2.2.1 Using, operating or allowing the use or operation of any radio, television set, musical instrument, phonograph or other machine or device which produces sound at the property line at or in excess of 80 dB.

3.2.2.2 Using, operating or allowing the use or operation of any radio, television set, musical instrument, phonograph or other machine or device which produces plainly audible noise at the property line.

3.2.3 Concerts and musical events. Hosting or allowing the performance of any concert or amplification of music which produces sound at the property line at or in excess of 80 dB.

3.2.4 Defect in vehicle. Operating or permitting to be operated or used any truck, automobile, motorcycle or other vehicle which, by virtue of disrepair or manner of operation, causes a noise disturbance.

3.2.5 Standing motor vehicle. Operating or permitting to be operated or used any truck, automobile, motorcycle or other vehicle or any auxiliary equipment attached thereto which produces plainly audible noise at a distance of fifty (50) feet for a duration in excess of five (5) minutes during which the vehicle is stationary.

Article 4: Noises exempted. The following uses and activities shall be exempt from noise level regulations:

4.1 Noise of safety signals, warning devices and emergency pressure relief valves.

4.2 Noise resulting from any authorized emergency vehicle when responding to an emergency or otherwise involved in the course of employment.

4.3 Noise resulting from or associated with agricultural endeavors.

4.4 Noise resulting from the normal operation of a railroad or airport.

4.5 Noise from activities on or in public facilities or on publicly owned property, provided such activities have been authorized by the owner of such property or facility.

4.6 Noise from fireworks when the use of such fireworks is legal and done in a place where legally allowed.

Article 5: Time and date limitations. The noise restrictions set forth in this ordinance shall apply

5.1 From 10:30 pm to 7:00 am the following day on weekdays.

5.2 From 2:00 am to 7:00 am the following day on weekends.

Article 6: Enforcement

6.1 Violation of this Ordinance shall be enforced as a civil proceeding before a magistrate court.

6.2 Violation may be enforced through a fine not to exceed \$500 for each violation, or by imprisonment for a period not to exceed thirty days for each violation, or by both the fine and imprisonment.

6.2.1 Each day in violation may be deemed a separate offense.

6.3 Violation of this Ordinance may be enforced through an action for civil injunctive relief, pursuant to SDCL Chapter 21-8.

6.4 The provisions of this Ordinance may be, in addition to law enforcement officers, enforced by a County Code Enforcement Officer appointed by the Meade County Board of Commissioners.

6.4.1 The County Code Enforcement Officer shall have the power to make inspections of buildings or premises necessary to carry out the duties of enforcement of this Ordinance.

6.4.2 The County Code Enforcement Officer shall have the power to request deputies approved by the Commission to assist in his duties.

6.4.3 The County Code Enforcement Officer, and any deputies appointed, shall have authority to issue an ordinance violation notice which shall specify, in addition to other information at the discretion of such officer, the following:

6.4.3.1 The date of the violation;

6.4.3.2 The nature of the violation with reference to the Ordinance section;

6.4.3.3 The date the individual is required to appear in court; and

6.4.3.4 The signature, or noted refusal to sign, of the violator.

6.5 Nothing in this Ordinance shall be construed to prevent an action for public or private nuisance or injunction.

6.6 This Ordinance shall not be effective or enforceable from August 1 through August 15.

Article 7: Severability. If any provision of this ordinance shall be declared invalid for any reason, such decision shall not affect the validity of the ordinance as a whole, or any part thereof.

Article 8: Effective Date

7.1 This Ordinance shall be effective twenty (20) days after publication.

Dated at Sturgis, South Dakota, this 4th day of March, 2024.

By:

[Signature]
Meade County Board of County Commissioners, Chairperson

Attested:

[Signature]
Meade County Auditor

First Reading:

December 19th, 2023, continued January 23rd, 2024

Second Reading:

February 13th, 2024

Adopted:

February 13th, 2024

Published:

February 21st, 2024

Effective Date:

March 12th, 2024