

**AN ORDINANCE TO ENACT
SECTION 15-9
AND TO AMEND
SECTION 15-11
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to enact an ordinance to add a section to the County Code to address unnecessary noises, to include the prolonged making of noise of various animals in Augusta County;

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that Section 15-9 of the Augusta County Code is adopted to read as follows:

15-9. Unnecessary Noises Enumerated

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this Article, but such enumeration shall not be deemed to be exclusive:

A. Barking Dogs

1. It shall be unlawful to own, keep, possess or harbor any dog on property zoned Single Family Residential, Attached Residential, Multi-family Residential, Manufactured Home Park or Planned Unit Development which by loud, frequent or habitual barking or howling or by other conduct likely to cause annoyance and disturb the peace and quiet of any person or neighborhood between the hours of 12 midnight and 6 a.m., which loud, frequent or habitual barking or howling or other conduct is heard or observed by any animal control officer, other officer or other person, shall be unlawful, and any such dog is hereby declared to be a public nuisance.

2. Any citizen having sufficient evidence of violation of one or more of the prohibitions set out in the section above may present such evidence and make affidavit to the Augusta County Magistrate and request issuance of a summons or warrant based thereon. Corroboration of the alleged violation by the sheriff's department or the animal control officers shall not be necessary in order for a citizen to pursue a summons or warrant against another person for such violation. In no event shall this section be construed as a limitation or restriction of any person's right to access the courts or to seek the abatement of violations of this article by any lawful means.

Be it further resolved by the Board of Supervisors for Augusta County that Section 15-11 of the Augusta County Code is amended to read as follows:

§ 15-11. Penalties and violations.

A. Any person who violates Section 15-9 of this article shall be fined \$100 for the first offense, \$250 for the second offense within a twelve month period, and \$500 for the third and subsequent offenses within a twelve month period.

B. Any person who violates any other provision of this article shall be deemed to be guilty of a class II misdemeanor.

C. Each day of violation of any provision of this article shall constitute a separate offense.

D. The person operating or controlling a noise source shall be guilty of any violation caused by that source. If that person cannot be determined, any owner, tenant or resident physically present on the property where the violation is occurring is rebuttably presumed to be guilty of the violation.

This ordinance shall become effective January 1, 2015.