

Chapter 13 – Noises.

Sec. 13-1. Noise Nuisance Prohibited.

- A. General Prohibitions. It shall be unlawful to create, cause or allow the continuance of any unreasonably loud, disturbing, or frightening noise, particularly during the Nighttime, which substantially interferes with neighboring residents' reasonable use and enjoyment of their properties. For purposes of this Chapter, "Nighttime" is defined as the time between 11:00 p.m. and 8:00 a.m.
- B. Specific Prohibitions. The following acts are prohibited and shall be considered nuisance acts:
1. Horns and signaling devices. The intentional sounding of any horn or signaling device of a motor vehicle on any street or public place continuously or intermittently, except as a danger or emergency warning.
 2. Motor vehicles. Operating or permitting the operation of any motor vehicle or motorcycle not equipped with a muffler or other device in good working order so as to effectively prevent loud or explosive noises therefrom.
 3. Exterior loudspeakers. Operating or permitting the operation of any mechanical device or loudspeaker, without a permit to do so, in a fixed or moveable position exterior to any building, or mounted on any aircraft or motor vehicle in such a manner that the sound therefrom is in excess of the maximum permitted sound level as defined in § 13-3.
 4. Power equipment. Operating or permitting the operation of any power saw, sander, drill, grinder, leaf blower, lawn mower, or other garden equipment, or tools of a similar nature, outdoors during Nighttime.
 5. Explosives. The use or firing of explosives, firearms, fireworks or similar devices which create impulsive sound without a permit from the Town.
 6. Security alarms. The sounding of a security alarm, for more than twenty (20) minutes after being notified by law enforcement personnel that the alarm has been activated.
 7. Dogs and other animals. Allowing one or more dogs or other animals to bark or make disturbing noises continuously or intermittently for more than thirty (30) minutes.
 8. Motor vehicle speakers or speakers located in or on a motor vehicle. Operating or permitting the operation of any speaker or sound in or on a motor vehicle in such a manner that the sound therefrom is in excess of the maximum permitted sound level as defined in § 13-3.

9. Musical instruments or sound amplification equipment. The playing of any musical instrument or electronic sound amplification equipment outdoors or from a motor vehicle during the Nighttime that can be heard from an adjoining property or at a distance of greater than twenty (20) feet from the source of the sound. This prohibition shall also apply to sounds produced and/or amplified by equipment located indoors, in the event that the sound propagates to the outside through the building so as to be heard as provided in this section.

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Sec. 13-2. Exceptions.

The following are exempt from the provisions of this subchapter:

- A. Sound emanating from regularly scheduled outdoor athletic events on the campus of schools within the Town's corporate limits.
- B. Construction operations from 7:00 a.m. to 9:00 p.m. weekdays and 8:00 a.m. to 9:00 p.m. on weekends for which building permits have been issued, or construction operations at any time for projects not requiring permits due to ownership of the project by an agency of the government, or any applicable exemption from permitting requirements. Provided, however, that all equipment used in connection with construction operations not requiring a permit shall be operated in accord with the manufacturer's mufflers and noise-reducing requirement is in use and in proper operating condition.
- C. Noises of safety signals, warning devices, emergency pressure relief valves, and all church bells.
- D. Noise resulting from any authorized emergency vehicle when responding to any emergency call or acting in time of emergency.
- E. Any other noise resulting from activities of a temporary duration permitted by law, and for which a license or permit shall be according to the conditions and limits stated on the permit and contained above.
- F. Unamplified and amplified sound at authorized festivals and parades.
- G. Parades and demonstrations exempted from permitting requirements including funeral processions, any governmental agency acting within the scope of its functions, and students going to or from school classes or participating in educational or recreational activity where the activity is under the supervision and direction of proper school authorities.

- H. All noises coming from the normal operations of properly equipped aircraft (not including scale model aircraft).
- I. All noises coming from the normal operation of motor vehicles properly equipped with the manufacturer's standard mufflers and in good working order.
- J. Noise from lawful fireworks and noisemakers on holidays and at religious ceremonies.
- K. Lawnmowers, agricultural equipment, and landscape maintenance equipment used between the hours of 6:00 a.m. and 10:00 p.m. when operated with all the manufacturer's standard mufflers and noise-regulating equipment in use and proper operating condition.
- L. Musical accompaniment or firearm discharge related to military ceremonies or funerals.
- M. Emergency work necessary to respite property to a safe condition following a fire, accident, or natural disaster, or to restore public utilities, or to protect persons or property from imminent danger.
- N. Noises resulting from the provision of government services.
- O. Noises resulting from the provision of utility or sanitation services between the hours 6:00 a.m. and 10:00 p.m. except in cases of an emergency.

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Sec. 13-3. Maximum Permitted Sound Levels.

In addition to the requirements of § 13-1, and except as otherwise provided herein or in conjunction with special events permits, it shall be unlawful for any person or group of persons, regardless of number, to willfully make, continue or cause to be made or continue any loud, raucous, and disturbing noise. For purposes of this subchapter, loud, raucous and disturbing noise shall mean any sound which, because of its volume level, duration and character, annoys, disturbs, injures or endangers the comfort, health, peace, or safety of reasonable persons of ordinary sensibilities within the corporate limits of the Town. The prohibition set forth in this section shall be limited to such loud, raucous, and disturbing noises as are heard upon the public streets, in any public park, in any school or public building or upon the grounds thereof while in use, in any church or hospital or upon the grounds thereof while in use, upon any parking lot open to members of the public as invitees or licensees, or in any occupied residential unit which is not the source of the noise, or upon the grounds thereof.

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Sec. 13-4. Permits to Exceed Limits.

- A. A person or group of persons may produce or cause to be produced sound in excess of the levels authorized in § 13-3, only if a permit to exceed the limit for the time and place of the activity has been obtained.
- B. Any person or group of persons desiring a permit shall apply as provided herein and shall provide all the information required. All applications shall be submitted to the Town Clerk at least five (5) business days prior to the scheduled event. Failure to comply with this requirement shall be grounds for denying the permit.
- C. The Town Manager or their designee shall have authority to take final action on all applications for permits specified in this subchapter. In considering acting to approve or deny issuance of permits, the Town Manager or Town Manager's designee shall consider, but shall not limit consideration to the following: the timeliness of the application; the nature of the requested activity; previous experience with the applicant; the nature of the event; other activities in the vicinity of the location proposed; the frequency of the application; the cultural or social benefit of the proposed activity; the effect of the activity on the residential areas of the Town; previous violations of the requirements of this subchapter, if any, by the applicant.
- D. Permits to exceed limits shall specify the duration for which noncompliance shall be permitted and may prescribe the conditions or requirements necessary to minimize adverse effects upon the community or surrounding neighborhood. The Town Manager or Town Manager's designee may require, without limitation, the following:
 - 1. That no sound speakers shall be set up more than ten (10) feet above the ground;
 - 2. That the permit holders change the arrangement of loudspeakers or sound instruments so as to minimize the disturbance to others resulting from the position or orientation of the speakers or from atmospherically or geographically caused dispersal of sound beyond the property lines.
- E. Permit holders shall agree to cooperate with the Police Department in enforcing these noise control regulations by having signers of the permit available at the site of the event during the entire time for which as permit has been issued and capable of assisting the Police Department in enforcing the requirements of this Chapter. Failure of the permittee or designees to be present or to assist the Police Department in compliance with this Chapter will result in revocation of the permit.

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Sec. 13-4. Complaints and Investigations.

It is the intent of the Town Council that violations of this Chapter should be investigated and administered by the Police Department in response to citizen complaints. Notwithstanding this intent, this section shall not be interpreted as prohibiting enforcement by the Police Chief, or any Police Officer, upon finding a violation of this Chapter in the course of official duties. In any event, the Police Chief or Police Officer enforcing this Chapter shall investigate any alleged violation in person to enable the Police Chief or Police Officer to personally attest to the violation.

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Sec. 13-5. Penalties.

Violation of any provision of the Chapter shall be grounds for immediate revocation of any permit issued pursuant to § 13-4. In addition, a person violating any provision of this Chapter may be charged with a civil fine as specified herein.

- A. The Town may recover penalties in the form of a civil action in the nature of a debt if the offender does not pay the penalty within five (5) business days after being cited for a violation.
- B. The following civil penalties are established for violations of this Chapter:
 - 1. Warning citation (to be issued in the discretion of the issuing officer): correct violation immediately.
 - 2. First citation - \$100.00.
 - 3. Second citation for same offense - \$250.00.
- C. In the event of a third violation for the same offense, the Police Officer shall charge the violator with a Class 3 misdemeanor pursuant to N.C.G.S. § 14-4(a) and a fine of five hundred dollars (\$500.00).
- D. No permits pursuant to 13-4 shall be issued to anyone with outstanding civil penalties or anyone guilty of a criminal violation hereunder for a period of three (3) years from the date of the conviction.
- E. In addition to the foregoing enforcement provisions, this Chapter may be enforced by any remedy provided in N.C.G.S. § 160A-175, including, but not limited to, all appropriate equitable remedies issued from a court of complete jurisdiction as provided in N.C.G.S. § 160A-175(e). This section specifically provides that each day's continuing violation shall be a separate and distinct offense.

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