

Article II. Noise

Sec. 11-26. Unlawful acts.

It shall be unlawful for any person to create or assist in creating, permit, continue or permit the continuation of any unreasonably loud, disturbing and unnecessary noise in the Town. (Code 1962, Ch. H, Art. I)

Sec. 11-27. Prohibited noise.

Noise of such character, intensity and duration as to be detrimental to the life or health of any individual is prohibited. The following acts, among others, are declared to produce loud, disturbing and unnecessary noises in violation of this article, but such enumeration shall not be deemed to be exclusive namely:

- (1) The sounding of any horn or signal device or any device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are applied and deceleration of the vehicle is intended; the creation by means of such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time;
- (2) The use of any gong or siren upon any vehicle, other than police, fire or other emergency vehicle;
- (3) The use of any manual or automatic piano, phonograph, radio, loudspeaker or any other instrument or sound amplifying device so loudly as to disturb persons in the vicinity thereof, or in such a manner as to render the same a public nuisance between the hours of 10 pm and 7 am;
- (4) The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort and repose of any person in the vicinity;
- (5) The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such a manner as to create loud or unnecessary grating, rattling or other noise;
- (6) The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of danger;
- (7) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;
- (8) The use of any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and reduced;

- (9) The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than between sunrise and sunset on weekdays, except in the case of an urgent necessity in the interest of public safety and then only with a permit from the Town clerk, which permit may be renewed for a period of three (3) days or less while the emergency continues;
- (10) The creation of excessive noise on any street adjacent to any school, institution of learning or court while the same are in session, or within one hundred fifty (150) feet of any hospital, which unreasonably interferes with the working of such institution; provided, conspicuous signs are displayed in such streets indicating that the same is a school, court or hospital street;
- (11) The creation of any excessive noise on Sundays on any street adjacent to any church; provided, conspicuous signs are displayed in such streets adjacent to churches indicating that the same is a church street;
- (12) The creation of loud and excessive noise in connection with loading or unloading any vehicle and of the opening and destruction of bales, boxes, crates and containers;
- (13) The sounding of any bell or gong attached to any building or premises which disturbs the quiet or repose of persons in the vicinity thereof;
- (14) The shouting and crying of peddlers, barkers, hawkers and vendors which disturbs the quiet and peace of the neighborhood;
- (15) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale or display of merchandise;
- (16) The use of any mechanical loudspeakers or amplifiers on trucks or other moving vehicles for advertising purposes or other purposes except where specific license is received from the Town Council;
- (17) The conducting, operating or maintaining of any garage or filling station in any residential district so as to cause loud or offensive noises to be emitted therefrom between the hours of 11:00 pm and 7:00 am;
- (18) The firing or discharging of squibs, crackers, gunpowder or other combustible substance in the streets or elsewhere for the purpose of making noise or disturbance, except by permit from the Town Council.

The following are excepted from the application of this chapter:

(A) Construction activity performed by an agency of government provided that all equipment is operated in accordance with manufacturer's specifications and is equipped with all noise-reducing equipment in proper condition;

(B) Sound or noise of safety signals, warning devices, emergency pressure relief valves and church bells;

(C) Noises resulting from any authorized emergency vehicle when responding to any emergency call or acting in time of emergency;

(D) Sound or noise emanating from street fairs, festivals or celebrations conducted pursuant to a Special Event Permit issued by the town.

(E) Sound or noise emanating from properly equipped aircraft operated in accordance with applicable federal rules and regulations;

(F) Sound or noise from lawful fireworks;

(G) Lawn mowers and agricultural equipment operated between the hours of 8:00 a.m. and 9:00 p.m. when operated in accordance with manufacturer's specifications and with all standard noise-reducing equipment in place and proper condition;

(H) Musical accompaniment to parades or military ceremonies;

(I) sounds emanating from regularly scheduled athletic events at town parks or facilities and school athletic facilities.

NON-RESIDENT OWNER AND OCCUPANT RESPONSIBILITY

(A) A non-resident owner of any premises subject to this chapter shall be responsible and liable for any actions by the tenants or occupants of the premises that constitute second or subsequent violations of this chapter; provided that no non-resident owner shall be liable unless notified of first or previous violations of the chapter; and further provided that the first or previous violations shall have occurred within the previous 24-month period. Notice of first or previous violations shall be effected by mailing a copy of the citation to the non-resident owner by registered or certified mail, return receipt requested. No non-resident owner may be subjected to criminal liability by the application of this section, but shall be subject to civil penalties and equitable relief as provided hereinafter. This section shall in no way relieve any tenant or occupant from responsibility for violations of this chapter.

(B) The owner or occupant of any premises shall be responsible and liable for any actions of guests or invitees on the premises that violate this chapter; provided that the occupant shall have been actually or constructively present at the time of the violation.

SEC. 11-28 VIOLATIONS.

(A) A violation of the provisions of this chapter is a misdemeanor punishable in accordance with the provisions of G.S. § 14-4. The fine for such violation shall not exceed \$500.

(B) (1) A violation of the provisions of this chapter shall subject to the offender to the following civil penalties:

- (a) For the first violation, a civil penalty of \$100.
- (b) For the second violation, a civil penalty of \$250.
- (c) For the third and any subsequent violation, a civil penalty of \$500.

(2) If any person fails to pay a civil penalty within 15 days after being cited for a violation, the town may seek to recover the penalty in a civil action in the nature of debt.

(C) The provisions of this chapter may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction.

(D) Each day's continuing violation of any provisions of this chapter shall be a separate and distinct offense.