

## Chapter 93: Noise

Adopted October 16, 2023

### 93.01 Loud and disturbing noise.

**(A)** *Prohibition.* Subject to the provisions of this section, it shall be unlawful for any person or persons to make, permit, continue or cause to be made or to create any unreasonably loud, disturbing, and unnecessary noise in the town. For purposes of this section, the following definitions shall apply:

(1) *Unreasonably loud:* Noise which is substantially incompatible with the time and location were created to the extent that it creates an actual or imminent interference with peace or good order;

(2) *Disturbing:* Noise which is perceived by a person of ordinary sensibilities as interrupting the normal peace and calm of the area;

(3) *Unnecessary:* Any excessive or unusually loud sound or any sound which is of such character, intensity and duration as to disturb the peace and quiet of any neighborhood or which disturbs, injures or endangers the comfort, repose, health, peace or safety of any person, and being a type of sound, which could be lessened or otherwise controlled by the maker without unduly restricting his conduct.

In determining whether a noise is unreasonably loud, disturbing and unnecessary, the following factors incident to such noise are to be considered: Time of day; proximity to residential structures; whether the noise is recurrent, intermittent or constant; the volume and intensity; whether the noise has been enhanced in volume or range by any type of electronic or mechanical means; the character and zoning of the area; whether the noise is related to the normal operation of a business or other labor activity; whether the noise is subject to being controlled without unreasonable effort or expense to the creator thereof.

**(B)** *Prohibited noise sources.* The creation of noise from the following sources is prohibited:

(1) The use of any loud, boisterous, or raucous language or shouting so as to annoy or disturb the quiet, comfort or repose of any person in the vicinity.

(2) The sounding of any horn or signal 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.

(3) The playing of any radio, phonograph, musical instrument or any other machine or device for the production or reproduction of sound in such manner or with such volume, as to annoy or disturb the quiet, comfort or repose of any person in any dwelling, hotel, or other type of residence.

(4) The use of any automobile, motorcycle, or other vehicle so out of repair, or so loaded in such manner as to create loud grating, grinding, rattling or other noise.

(5) It shall be unlawful for any dog owner or other type animal owner to keep or have a dog or other type animal that habitually or repeatedly barks, whines, howls, crows, cackles, or any other noise that might interfere with the reasonable use and enjoyment of neighboring premises.

(6) The playing of any radio, cassette player, compact disc, videotape or disc or other similar device for reproducing sound located on or in any motor vehicle on a public street, highway, within any public vehicular area, within the motor vehicular area of any public or private parking lot or park or on the premises of a private residence in an unreasonably loud, annoying, disturbing, or unnecessary manner as defined above. A presumption is created that the sound thus created is unreasonably loud, annoying, disturbing, and unnecessary if the sound generated or noise vibration therefrom is audible or can be felt at a distance of 30 feet or more from the radio, cassette player, compact disc, video tape or disc or other similar device that is producing the sound.

(7) The amplification of sound; music etc.

**(C)** *Restrictions on prohibition.* Creation of the noise described in subsection (a) above is prohibited only under the following circumstances:

(1) The noise is of such character, intensity, and duration as to be detrimental to health, safety or welfare of an individual with normal hearing and of normal sensibilities at a distance greater than 50 feet from the source of such noise, and

(2) The noise is created, particularly but not limited to, between the hours of 11:00 p.m. and 7:00 a.m.

**(D)** *Exemptions.* The following uses and activities shall be exempt from the noise regulations set forth in this section:

(1) Noise of safety signals and warning devices.

(2) Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of an emergency.

(3) Sounds emitting from scheduled outdoor athletic events.

(4) Sounds from church bells and church chimes when a part of a religious observance or service.

(5) Any event held in recognition of any community celebration or national, state or county events, fairs, or public events.

**(E)** *Penalty for violation.*

- (1) No person shall be charged with violating this section without first being warned by a law enforcement officer that their actions constitute a violation of this section and given an opportunity to bring their conduct into compliance with this section.
- (2) If any person or persons shall violate this section, he or she shall be punished by a fine of not more than \$50.00 for a first offense, \$150.00 for a second offense and \$500.00 for each additional offense and imprisonment for up to 30 days. Each separate violation shall constitute a separate offense.
- (3) In addition to the penalties set out in the preceding paragraph or in lieu thereof, a person who violates this section shall be subject to the collection of a civil penalty by the county as provided in G.S. 153A-123(c).