

NOISE ORDINANCE OF WAYNE COUNTY, NORTH CAROLINA



WAYNECOUNTY
NORTH CAROLINA

Wayne County Board of Commissioners

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ARTICLE III. - NOISE ² Ordinance of Wayne County, North Carolina

Footnotes:

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State Law reference— County may regulate noise and amplified speech, G.S. 153A-133.

Sec. 30-140 – Purpose

The purpose of this Ordinance is to protect, preserve and promote the health, safety, welfare, comfort and prosperity of the citizens of Wayne County through regulation of the production and emission of noises or amplified speech, music, or other sounds that tend to annoy, disturb or frighten the County residents.

Sec. 30 -141 – Administration

The Sheriff’s office of Wayne County shall be responsible for the administration and enforcement of this Ordinance.

Sec. 30-142 – Jurisdiction

Under the authority granted by N.C.G.S. 153A-122, the County is hereby authorized to enact the Ordinance within the rural areas of the County and outside and beyond the corporate limits of any municipality of Wayne County.

Sec. 30-143 – Authority and Enactment

The Board of Commissioners of the County of Wayne, pursuant to the authority conferred by the General Assembly of the State of North Carolina in General Statute’s, Chapter 153A, Sections 121 and 133 hereby ordains and enacts into law this ordinance.

Sec. 30-144 - Severability

If any section or specific provision or standard of this Ordinance is found by a court to be invalid, the decision of the court shall not affect the validity of any other section, provision, or standard of this Ordinance.

Sec. 30-145 - Conflict with Other Laws

It is not intended that this Ordinance repeal, abrogate, annul, impair, or interfere with any existing provisions of any other ordinances or laws. However, if the requirements of any other lawfully adopted rules, regulations, or ordinances of the County of Wayne conflict with this Ordinance, the more restrictive or that imposing the higher standards will govern.

Sec. 30- 146 - Amendments

This Ordinance may be amended by the Board of Commissioners of the County of Wayne on its own motion or on petition and after public notice and hearing.

Sec 30-147 – Replacement of Existing Ordinance

This Ordinance, upon adoption, shall replace and rescind the existing Wayne County Noise Ordinance adopted December 5th, 1995.

Sec. 30-148. - Prohibitions.

1. It shall be unlawful for any person in the county to use any loud, boisterous, raucous language or shouting so as to disturb the quiet, comfort or repose of any person in the vicinity. This article shall not apply to persons attending organized sporting events, which are held at schools, ball fields, racetracks, horse shows, or other such facilities in which cheering and shouting usually accompany such events; provided, however, it shall be unlawful for any person to use loud language to curse, swear, or make vulgar, or racial remarks in a violent or offensive manner while attending said events.
2. It shall be unlawful for any person to sound any horn, signal device, or siren or any automobile, motor vehicle, bus, truck, or other vehicle, except as a danger signal or as required by law, so as to create any unreasonably loud or harsh sound. It shall be unlawful for the sounding of such device for greater than ten (10) seconds of time to disturb the quiet, comfort, or repose of any person in the vicinity.
3. It shall be unlawful for any person to play any radio, television set, record player, tape deck, CD player, stereo, musical instrument or sound producing or sound amplifying device or musical instrument in such a manner or with such volume as to disturb the quiet, comfort, or repose of any person of in any dwelling, motel, hotel, or other type of residence.
4. It shall be unlawful to keep any animal or bird in a manner causing frequent or long continued noise that shall unreasonably disturb the comfort and repose of any person in the vicinity.
5. It shall be unlawful to engage building operations involving construction, excavation, demolition, alteration or repair of any building in a residential area between the hours of 11:00pm and 6:00am of any day, except in the case of urgent necessity in the interest of public safety.
6. It shall be unlawful to create any noise in violation of Section 30-150 on any street or parcel of property adjacent to any school, institution of learning, library, or court while the same is in session; any church during services; or adjacent to any hospital .
7. It shall be unlawful to utilize any noise generating crop protection device within 500 feet of a residential structure, church, school or daycare. Any noise generating crop protection device utilized shall be pointed in a direction away from structures.
8. It shall be unlawful to use any noise generating crop protection device between the hours of 10:00p.m. and 6:00a.m.

Sec. 30-149 – Exceptions.

The following shall be considered an exception and shall be exempt from the provisions of this Ordinance.

- A. Noise emanating from athletic events, bands and band practice at any school, college or university in Wayne County;

- B. Noise resulting from farming and agricultural operations including but not limited to noises generated by machinery, equipment or farm animals. Noise generating crop protection devices except as prohibited in Sec. 30-148.8;
- C. Noise as the result of normal or routine lawn/yard maintenance and landscaping when conducted between the hours of 6:00 am to 9:00pm;
- D. Noises from safety signals, warning devices, emergency signaling devices, and of any authorized emergency vehicle when responding to any emergency call or acting in time of emergency;
- E. Noises generated from the normal operation of properly equipped aircraft;
- F. Noise from or at parades, street fairs, and similar festivals and /or concert events sponsored, permitted or sanctioned by Wayne County;
- G. Noise from all churches or any place of worship if confined within the structure with the exception of bells or chimes of churches or places of worship;
- H. Noise from Government operations;
- I. Noise from sanitation operations;
- J. Noise from lawfully permitted fireworks displays;
- K. Emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster, to restore public utilities, or to protect persons or property from an imminent danger;
- L. All noises coming from normal operation of motor vehicles properly equipped with the manufacturers standard muffler and noise reducing equipment;
- M. Normal sounds associated with or customary to industrial or manufacturing operations in the normal course of business, provided that said businesses are operating in a lawful manner;
- N. Noise caused by the discharge of firearms by law enforcement officers in the performance of their official duties or during the course of official firearms training;
- O. Discharge of firearms or other methods utilized in the lawful activity of target shooting, hunting or taking of wildlife on private property;
- P. Noise made by dogs while hunting or being lawfully trained by hunters or emergency service personnel or law enforcement personnel;
- Q. Noise generated by the discharge of firearms at a firing/shooting range that is operating as a legally permitted facility or a pre-existing facility protected under NCGS 14-409.46 Sport Shooting Range Protection;
- R. Noise resulting from activities of a temporary duration permitted by law and for which a license or permit therefore has been granted by the County of Wayne;
- S. Any noise emanating from a military base or surrounding area due to military operations;
- T. Any noise emanating from a public airport or surrounding areas as the result of normal airport operations;
- U. Noise emanating from construction in a residential area between the hours of 11:00pm to 6:00am when said construction is isolated to the interior of the structure.
- V. Any noise made by a service animal.

Sec. 30-150 – Permissible Noise Level Limits

The maximum permissible noise level limits for continuous sound is 90 decibels.

- A. No person shall operate or cause to be operated any source of continuous sound from any use in such a manner as to create a sound level which exceeds the limits of 90db more than one minute of any 10 minute period unless excepted in Sec. 30-149.
- B. For any source of sound, the maximum intermittent sound level shall not exceed 90db.

Sec. 30-151 – Method of Noise Level Measurement

In the enforcement of this Ordinance, decibel levels shall be utilized to measure and/or determine if levels of noise are unreasonably loud or disturbing and fail to be in compliance with the regulations and limitations specified within this Ordinance. Noise shall be measured by the following technique:

Decibel Level: Noise levels shall be measured from any point beyond (outside) the property line of the property where the noise generates. Noise levels on a public right of way shall be measured from any point beyond (outside) of the public right of way, or from a distance of 100 feet if measured within the right of way. Noise level measurements shall be performed by an authorized agent of the Wayne County Sheriff's Office that has been trained in the area of sound level measurement using a certified sound level meter. Measurements shall be taken between three and ten feet above grade.

Sec. 30-152 - Complaint Procedure and Enforcement

In the event any person has reasonable grounds to believe that any provision of this ordinance is being violated, he or she shall make a report thereof to the Wayne County Sheriff's Office, which shall investigate the alleged violation. If the investigation reveals a violation, the investigating officer has the authority to issue a written warning or civil citation and may obtain criminal process for the violation thereof. The investigating officer may utilize other enforcement measures as allowed by law if found to be necessary to render compliance to this Ordinance.

(Ord. of 12-5-1995, § II)

Sec. 30-153. - Penalties.

The Sheriff's Office shall be authorized to use one (1) or more of the methods described in this Section, or action authorized by law, to insure compliance with or to prevent a violation of the provisions of this Ordinance.

1. Written warning.
2. Civil Citation

After issuing a written warning to the violator, a deputy sheriff, or other law enforcement officer may issue a citation subjecting the violator to a civil penalty to be paid within ten (10) days. Civil Citations shall be issued as follows:

Initial Detection.....	Written Warning
Reoccurring Detections.....	Civil Citations
1 st Citation.....	\$50.00
2 nd Citation within one year of the 1 st citation.....	\$100.00
3 rd Citation within one year of the 1 st citation.....	\$250.00
4 th All subsequent violations.	\$500.00

Non-payment within Ten (10) days shall result in the issuance of a \$50.00 delinquency charge. The County shall have the right to collect said payments and delinquency charges through Civil Action.

3. Criminal Prosecution

Violations of this Ordinance may constitute a misdemeanor and are punishable as provided in NCGS 14-4 and the maximum fine; term of imprisonment or infraction penalty allowed by law is hereby authorized.

4. Injunction

Enforcement may also be achieved by injunction. When a violation occurs, the County may either before or after the institution of any other authorized action or proceeding, apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction commanding the defendant, or in the case of counterclaims, the plaintiff, to correct the unlawful condition or cease the unlawful use of the property.

Sec. 30-154 – Definitions

In addition to the common meanings of words, the following definitions shall be used in interpreting the sections of this Ordinance.

Aircraft means an airplane, helicopter, hot air balloon, drone or remote controlled aircraft capable of flight.

Decibel (dB) means a unit of measure, on a logarithmic scale, of the ratio of the magnitude of a particular sound measure to a standard reference pressure.

Noise means an unwanted or disturbing sound.

Plainly Audible means any sound that can be detected by a person using his or her unaided hearing faculties.

Sound Level Meter means an instrument which includes a microphone, amplifier, RMS detector, integrator of time average, output meter, and weighting network used to measure sound pressure levels.

Crop Protection Device means any device which includes but is not limited to propane cannons, air cannons or amplified sound devices intended to deter wildlife away for the protection of agricultural crops.

Sec. 30-155 – Effective Date

This Ordinance shall take effect and be in force upon adoption

Adopted this the ___th day of _____, 2016

Wayne County Board of Commissioners

Joe C. Daughtery, Chairman

(Ord. of 12-5-1995, § III)

Secs. 30-149—30-179. - Reserved.