

(Code 1989, § 84.04; Ord. of 6-14-2016, Ord. of 6-14-2022)

Secs. 20-5—20-26. Reserved.

ARTICLE II. NOISE REGULATION¹

Sec. 20-27. Scope.

This article shall apply to all sound, sound vibration, and noise originating within the corporate limits of the town. Nothing in this article shall be construed to limit or prevent the town or any person from pursuing any other legal remedies for damages or the abatement of noises in the town.

(Code 1989, § 84A.01)

Sec. 20-28. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Amplified sound means any sound or noise, including the human voice, that is increased in volume or intensity by means of mechanical and/or electrical power.

Construction means the erection, repair, assembly, alteration, landscaping, or demolition of any building or building site.

Decibel (dB) means a unit for describing the amplitude of sound, equal to 20 times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micronewtons per square meter.

Motorized vehicle means any vehicle, as defined in G.S. 20-4.01(49), including, but not limited to:

- (1) Excursion passenger vehicles as defined in G.S. 20-4.01(27)e.
- (2) Common carriers of passengers as defined in G.S. 20-4.01(27)d.
- (3) Motorcycles and mopeds as defined in G.S. 20-4.01(27)h and j.
- (4) Truck tractors as defined in G.S. 20-4.01(48).
- (5) Farm tractors as defined in G.S. 20-4.01(11).

Noise disturbance means any sound or noise which:

- (1) Endangers or injures the health or safety of humans or animals;
- (2) Endangers or injures personal or real property; or
- (3) Disturbs a reasonable person of normal sensitivity or interferes with normal human activity.

Except as otherwise provided herein, a sound will be considered a noise disturbance if it exceeds the decibel level thresholds established by zoning district and time of day.

Person means any individual, association, firm, partnership, corporation, or business entity.

¹State law reference(s)—Authority to regulate noises, G.S. 160A-184.

Sound means any disturbance of the air or other medium that is detectable by the unaided human ear or which produces vibrations detectable by reasonable persons of normal sensitivity.

Sound level meter means an ANSI standard S1.4 Type 0, I or II class instrument which includes a microphone, amplifier, RMS detector, integrator or time average (LEQ as defined below), output meter, and weighting network used to measure sound pressure levels.

(Code 1989, § 84A.02)

Sec. 20-29. General regulation.

Except as allowed in this article, no person shall willfully engage in any activity within the town, whether on private or public property, which activity produces or constitutes a noise disturbance on occupied neighboring premises or public area.

(Code 1989, § 84A.03)

Sec. 20-30. Exceptions.

Sound or noise associated with the following are excepted from the application of this article:

- (1) 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;
- (2) Construction or repair work and regulated activities of utilities regulated by the state utilities commission;
- (3) Construction activities associated with home improvements between the hours of 7:00 a.m. and 9:00 p.m. Monday through Sunday;
- (4) Lawnmowers and turf management equipment operated between the hours of 6:00 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 in proper condition;
- (5) Refuse collection vehicles operating during daylight hours;
- (6) Safety signals, warning devices, emergency pressure relief valves, and church bells;
- (7) Outdoor entertainment events only to the extent authorized in a special event permit issued by the town;
- (8) Regularly scheduled athletic events at town parks, athletic facilities, and public or private schools;
- (9) Film and video production activities for which permits have been issued by the town, provided all equipment such as generators are properly muffled;
- (10) Lawful fireworks;
- (11) Properly equipped aircraft operated in accordance with applicable federal rules and regulations; and
- (12) Governmental emergency vehicles and firearms in the course of the performance of official duties.

(Code 1989, § 84A.04)

Sec. 20-31. Decibel standards—Generally.

It shall be presumed that a noise disturbance in violation of this article has occurred whenever any noise or sound is projected from one property in the town onto another or onto a public area if such sound, measured in accordance with section 20-32, exceeds the following decibel standards. The zoning classification of the property where the sound originates will be used to determine which standards apply.

- (1) Residential districts R-2, R-4, L-1, M-1, S-1 and the various R-1 districts:
 - a. 7:00 a.m. to 11:00 p.m.: 65 dBA.
 - b. 11:00 p.m. to 7:00 a.m.: 55 dBA.
- (2) Resort, commercial and all other zoning districts:
 - a. 7:00 a.m. to 11:00 p.m.: 65 dBA.
 - b. 11:00 p.m. to 7:00 a.m.: 55 dBA.

(Code 1989, § 84A.05)

Sec. 20-32. Decibel standards—Method of measurement.

Except as qualified by section 20-34, when measuring vehicular noise, this section describes acceptable methods and techniques for the measurement and reporting of noise for the purpose of determining compliance with the allowable noise levels listed in section 20-31.

- (1) *Measurement location.* Measurement of sound shall be made at any point beyond (outside) the property line of the property where the noise originates; provided, however, when sound is measured on town property, the point of measurement shall be at least 50 yards from the property line of the property where the sound originates.
- (2) *Calibration.* All sound level measuring devices shall be calibrated by a certified agency, at a minimum once each year.
- (3) *Sound level meter.* Sound level measurement shall be made with a sound level meter using the A-weighting scale, set on "slow" response.
- (4) *Use of sound level meters.* Sound level meters shall be at least Type II meeting American National Standard Institute (ANSI S1.4-1983) requirements. Persons using the sound level meters shall be trained in sound level measurement and the operation of sound level measurement equipment.
- (5) *Measurement procedures.* The following procedures shall be followed to obtain representative sound level measurements:
 - a. Measurement location shall be at least three feet above the ground and not more than ten feet above ground.
 - b. Measurement shall be taken with line of sight to the noise source if possible.
 - c. Measurements shall be made with the sound level meter set for "A" weighting and "slow" response.
- (6) *Data documentation.* A record of all sound level measurements shall be completed and signed by the person making the measurements. The record sheet should include the following:
 - a. Date.

- b. Time of measurement.
- c. Location (street address if possible).
- d. Noise source.
- e. Make, model and serial number of sound level meter and the date of last certification/calibration.
- f. Field calibration results.
- g. Name of complainant (if provided).

(Code 1989, § 84A.06)

Sec. 20-33. Quiet hour prohibitions.

In addition to the general prohibition set forth in section 20-29, the following quiet hours are established that further restrict noise-generating activities in order to support the community's expectation of a quiet sleeping period. The following activities are prohibited:

- (1) Construction activities associated with home improvements between the hours of 9:00 p.m. and 7:00 a.m. Monday through Sunday.
- (2) Lawnmowers and turf management equipment operated between the hours of 9:00 p.m. and 6:00 a.m.
- (3) With the exception of construction activities associated with home improvements, which are addressed in subsection (1) of this section, the excavation, grading and/or the erection demolition, alteration or repair of any building or other structure within 500 feet of a residential district as established pursuant to chapter 36, between the hours of 7:00 p.m. and 7:00 a.m. Monday through Saturday, except by permit from the town manager when, in his opinion, such work will not adversely affect other persons. Following the issuance of such a permit, if the town manager shall determine that the building operations are adversely affecting others, he shall be authorized to modify or revoke the permit. The town manager may permit emergency work in the preservation of public health or safety at any time.
- (4) Operation of outdoor amplified music or public address systems between the hours of 11:00 p.m. and 7:00 a.m.

(Code 1989, § 84A.07)

Sec. 20-34. Vehicular noise.

The following shall be prohibited as a public nuisance under this article:

- (1) Operation of any motor vehicle so as to cause the tires to squeal or screech unnecessarily.
- (2) Operation within the town limits any type of motor vehicle that exceeds a measured noise level of 92 decibels on the sound meter when measured 20 inches from the exhaust pipe at a 45-degree angle while the engine is operating at idle.
- (3) Operation of any motor vehicle of any size and regardless of the year of manufacture that meets one or more of the following criteria:
 - a. It is not equipped with an adequate muffler in constant operation, free of defects and modifications, that prevents the escape of any excessive or unusual noise;

- b. It has a muffler system that is equipped with a straight pipe exhaust system (regardless of the presence of baffles);
 - c. It has a hollow core muffler;
 - d. It has a muffler that is labeled for off-road course competition use;
 - e. It has a muffler system that has a cut-out, bypass, or similar device designed or so installed so that it can be used continually or intermittently to bypass or otherwise reduce or eliminate the effectiveness of a muffler or muffler system;
 - f. It has a muffler system that has been modified in a manner which will amplify or increase the noise emitted by the exhaust.
- (4) Operation of any motor vehicle within the town limits so as to make any unreasonably loud noise that results from any one or more of the following actions by the operator:
- a. Misuse of acceleration or braking power that exceeds tire traction limits, sometimes known as "burn-outs," "burning rubber," "laying down rubber" or "peeling rubber."
 - b. Excessive acceleration or deceleration while in motion where there is no emergency need.
 - c. Racing or revving of engines by manipulation of the accelerator, gas pedal, or carburetor in applying fuel to the engine in a greater amount than is necessary whether the vehicle is either in motion or standing still.
 - d. Use of an engine braking system which is in any way activated or operated by the compression of the engine of any motor vehicle or any part thereof, except in cases of emergency for the protection of persons and/or property. Such braking systems are commonly referred as compression brakes or jake brakes.

(Code 1989, § 84A.08)

Sec. 20-35. Animal noises.

Animal noise may constitute a noise disturbance even though they do not exceed the decibel levels established in section 20-31. Accordingly, the keeping of any dog which by prolonged or habitual barking, howling or whining or any other animal that frequently or for long periods of time makes noises which disturb the comfort or repose of any persons in the vicinity shall constitute a noise disturbance.

(Code 1989, § 84A.10)

Sec. 20-36. Non-exclusivity.

Nothing in this article shall be construed to prevent or limit any person from seeking any remedy available in law or equity for activities that are or may be subject to regulation by this article, or from pursuing said remedy simultaneously with proceedings under this article, nor shall any of the procedures specified herein be a condition precedent to the initiation of any legal action.

(Code 1989, § 84A.10)

Sec. 20-37. Enforcement.

- (a) Violations of the provisions of this article shall be punishable as a misdemeanor as provided by G.S. 14-4. Violations of the provisions of this article shall also subject the offender to the civil penalties set forth in

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Section 1-10. In addition to the penalties set forth therein, second or subsequent violations of the provisions of this article by the same person for the same activity occurring within one year of the first such violation shall be subject to civil penalties per section 1-10 as follows:

<i>Violation</i>	<i>Penalty</i>
First violation	\$50.00
Second violation	\$100.00
Third violation	\$200.00
Fourth or subsequent violation, per offense	\$300.00

- (b) In addition to the penalties provided for in the table in subsection (a) of this section, the town may enforce the provisions of this chapter by appropriate equitable remedies.
- (c) This article may be enforced by the town police department and by other employees of the town as designated by the town manager. Employees of an animal control agency working under contract with the town for the enforcement of animal control ordinances and who have been designated by the chief of police may enforce the provisions of this chapter relating to animals and animal noises.

(Code 1989, § 84A.11, Ord. of 6-14-2022)