

## **Chapter 14 - NOISE**

### **ARTICLE I. – IN GENERAL**

#### **Sec. 14-1. - Title.**

This chapter shall be known and may be cited as the Noise Ordinance of Rowan County.

(Ord. of 3-19-01)

#### **Sec. 14-2. – Purpose and Authority.**

The purposes and objectives for which this chapter is adopted include the following:

- (1) To preserve and promote the aesthetic quality of life in the county.
- (2) To achieve an environment for all citizens free from unreasonably loud noise that jeopardizes their health or welfare.
- (3) To regulate, restrict and, when necessary, prohibit or abate the production and emission of amplified sound, music and other noises or sounds in the unincorporated areas of the county that tend to annoy, disturb or frighten citizens.

This chapter is adopted pursuant to North Carolina General Statutes 153A-122, 153A-123, 153A-128 and 153A-133.

(Ord. of 3-19-01; Amend. of 10-20-25)

#### **Sec. 14-3. - Definitions.**

For the purposes of this chapter, certain words or terms used herein shall be defined as follows:

*Amplified sound* means any sound using amplifying equipment whose source is outside or inside, and the sound propagates to the outside through open doors or windows or other openings in the building.

*Farming activities* means the production or related activities incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry and including the operation, improvement, maintenance of a farm and the structures and buildings on it.

*Holiday*. The following days, for the purpose of this chapter, will be recognized as “holidays” for exceptions to the standards of this Chapter: Memorial Day, Independence Day, Labor Day, Halloween, December thirty-first (New Year’s Eve) and January first (New Year’s Day).

*Noise* means any sound which annoys or disturbs humans, or which causes, or tends to cause, an adverse psychological or physiological effect on humans.

*Offender* means any person(s) or property owner(s) having apparent, legal or actual control of a premises where a violation(s) of this ordinance originates.

*Outdoor athletic event* means any regularly scheduled youth or collegiate exercises, sports, or games.

*Parties or Gathering* an assembly of individuals, for any purpose, which includes two or more individuals who do not reside at the property from which the noise or other disturbance is emanating.

*Person* means any individual, association, partnership or corporation, and includes any officer,

employee, department, agency or instrumentality of the United States, the state or any political subdivision thereof.

*Plainly audible* means any sound for which the information content of that sound is unambiguously communicated to the listener; such as, but not limited to, understandable speech or comprehension of musical rhythms.

*Unnecessary sound* means 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 their conduct.

*Unreasonably loud* means any noise which a reasonably prudent person would consider or find substantially incompatible with the time and location where created to the extent that such noise creates an actual or imminent interference with the peace, dignity or good order in the immediate area where created.

(Ord. of 3-19-01; Amend. of 10-20-25)

#### **Sec. 14-4. - Jurisdiction.**

The Rowan County Sheriff's Office shall have the authority to enforce this chapter outside the incorporated area of any municipality, within the county, as provided in G.S. 153A-121 and 153A-122.

(Ord. of 3-19-01; Amend. of 10-20-25)

#### **Secs. 14-5—14-9. - Reserved.**

### **ARTICLE II. - REGULATION STANDARDS**

#### **Sec. 14-10. – Noises expressly prohibited.**

Unless specifically exempted by this Chapter or by issuance of a Permit to Exceed, the standards of this Section shall apply to the unincorporated areas of Rowan County between 10:00 pm and 7:00 am.

a) **Amplified Sound.** It shall be unlawful for any person, group, event or business to play, use or otherwise operate any sound amplification equipment (to include radio, tape player, stereos, etc.) emitting sound that is unnecessary or unreasonably loud in a manner which may annoy or disturb the quiet, comfort or repose of the general public.

b) **Parties or Gatherings.** A gathering of people or participation in any party or event from which noise emanates at a sufficient volume or of such nature as to disturb the peace, quiet and comfort of any neighboring inhabitants and is determined to be unnecessary sound or unreasonably loud.

c) **Explosions.** The discharge of fireworks, pyrotechnics, binary explosives (aka Tannerite) or other explosive materials is prohibited.

(Ord. of 3-19-01; Amend. of 10-20-25)

## **Sec. 14-11. - Exceptions.**

The following are exempt from the provisions of this chapter:

- (1) Noise of safety signals, warning devices, emergency pressure relief valves and all church bells.
- (2) Noise resulting from parades, lawful picketing or other public demonstrations protected by the U.S. Constitution or federal law.
- (3) Noise from noisemakers and fireworks on holidays
- (4) Noise from outdoor athletic events.
- (5) Noise or sound emanating from farm equipment or associated farming activities.
- (6) Discharge of firearms.

(Ord. of 3-19-01; Amend. of 10-20-25)

## **Sec. 14-12. - Permits to exceed.**

- (a) *Who may apply.* Any person or organization may apply for a "permit to exceed" provided the event is open to the public.
- (b) *Application for permit.* Applications may be made on the appropriate permit application form obtained from the Rowan County Planning Department. All requested information shall be provided by the applicant. In the event a permit application is submitted by a group or organization, a representative shall sign the application to serve as a contact.

All applications for a "permit to exceed" shall be submitted to the planning department at least three (3) calendar weeks prior to the next regularly scheduled county commission meeting; failure to comply with this requirement shall be grounds for denying the permit. The planning department will provide mailed notice to owners of property within one hundred (100) feet of the request and post a sign(s) notifying the public of the request at least ten (10) days prior to consideration by the board of commissioners.

- (c) *Review of application.* The county board of commissioners shall act upon all requests for permits. In considering and acting on all requests for "permits to exceed", the following shall be considered in issuing or denying such permit:
  - (1) The timeliness of the application.
  - (2) The nature of the requested activity.
  - (3) Previous experience with the applicant.
  - (4) The time of the event.
  - (5) Other activities in the vicinity of the proposed event.
  - (6) Frequency of the event.
  - (7) Cultural or social benefits of the proposed event.
  - (8) The effect of the activity on any adjacent residential area.
  - (9) Previous violations, if any, by the applicant.
- (d) *Permit fee.* All applications for a permit to exceed shall be accompanied by a processing fee as established by the board of commissioners. This fee shall be nonrefundable except in cases of administrative error.
- (e) *Permit conditions.* "Permits to exceed" shall specify the duration for which

noncompliance shall be permitted and prescribe any conditions or requirements necessary to minimize adverse effects upon the community or surrounding neighborhood.

(Ord. of 3-19-01; Amend. of 3-5-12; Amend. of 11-15-21; Amend. of 10-20-25)

**Secs. 14-13—14-20. - Reserved.**

**ARTICLE III. - ENFORCEMENT, PENALTIES, SEPARABILITY, EFFECTIVE DATE**

**Sec. 14-21. – Administration and Enforcement.**

- a) Administration. The Rowan County Sheriff's Office shall be responsible for the administration and enforcement of this chapter as provided in G.S. 153A-123. Duties of the Rowan County Planning Department shall involve the processing of permits to exceed.
- b) Noise Complaint Procedure. When any person has reasonable grounds for believing this Chapter is being violated, a report of the incident may be made to the Sheriff's Office via phone call, email or social media, which may cause the alleged violation to be investigated.
- c) Investigation and Determination. Upon receiving a complaint or observing a possible violation, the Sheriff's Office may investigate the alleged violation. Upon arrival at the site of the complaint, if the source of the noise is plainly audible to the responding law enforcement officer at a distance of one hundred (100) feet, this shall constitute prima facie evidence that such sound is an unnecessary sound or unreasonably loud.
- d) Enforcement. The Sheriff's Office shall have the discretion to enforce this article by any one of the following or by any other manner provided by law:
  - (1) Issue a first offense, informing the offender that the noise violates this ordinance and ordering the offender to immediately cease the unnecessary or unreasonable noise.
  - (2) Following a first offense and for subsequent offenses, issue a citation(s) which subjects the offender to a civil penalty prescribed in Section 14.22. An offender shall have one (1) hour following receipt of a citation for an offense to achieve compliance with the ordinance before additional enforcement actions may be initiated.
  - (3) Initiate a civil action seeking an injunction and order of abatement to be directed toward any offender creating or allowing the creation of any unlawful noise.
  - (4) Following a first offense and for subsequent offenses, the offender's failure to pay the same within ten (10) calendar days, the Rowan County Sheriff's Office may issue a misdemeanor warrant.
- e) Equitable Remedy. Enforcement of this Chapter may be by appropriate equitable remedy, injunction or order of abatement issuing from a court of competent jurisdiction pursuant to G.S. 153A-123(d) and (e).

(Ord. of 3-19-01; Amend. of 10-20-25)

**Sec. 14-22. - Misdemeanors.**

Any person, group, event or business found in violation of this chapter shall be guilty of a Class III misdemeanor, as provided by applicable state law. Each incident shall constitute a separate and distinct offense. Offense(s) within thirty (30) calendar days issuance of the First Offense shall subject the offender to the penalties prescribed below. An offense issued more than thirty (30)

calendar days from the First Offense will constitute another separate and distinct First Offense.

First Offense (written warning)	Warning Citation (No Fine)
Second offense	\$100.00
Third offense	\$300.00
Fourth and subsequent offenses	\$500.00

Notwithstanding the penalties listed herein, chronic violations of this chapter may subject the offender to an injunction or abatement as provided in Section 14.21.

(Ord. of 3-19-01; Amend. of 10-22-25)

#### **Sec. 14-23. - Separability.**

Should any section or provision of this chapter be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the chapter as a whole or part thereof, other than the part so declared to be unconstitutional or invalid.

(Ord. of 3-19-01; Amend. of 10-20-25)