

## **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.**

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 recognize the right of individuals to obtain information and derive pleasure by listening to radio and other such devices, and the right of the public to a peaceful and healthful environment.

(Ord. of 3-19-01)

#### **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.

*Commercial or business property* means all premises where sales, professional or other commercial activities are legally permitted.

*Emergency work* means any work performed for the purpose of preventing or alleviating physical trauma or property damage threatened or caused by an existing or imminent peril.

*Holiday.* The following days, for the purpose of this chapter, will be recognized as holidays for the consideration of granting permits to exceed maximum sound level: Memorial Day, Independence Day, Labor Day, Halloween and December thirty-first.

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

*Outdoor athletic event* means any regularly scheduled exercises, sports, or games conducted in an organized competitive manner engaged in by athletes or with the aid of animals.

*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.

*Public space* means any area owned, utilized or occupied by a municipal, county, state or federal agency including, but not limited to, park or recreation areas, streets and sidewalks.

*Residential use* means all premises containing habitually occupied sleeping quarters. However, premises containing transient commercial sleeping quarters are considered commercial uses. Hospitals, nursing homes, schools, libraries, fraternity and sorority houses and churches are considered residential uses.

*Sports facility* means any area primarily engaged in operating and promoting professional or amateur outdoor athletic events and having facilities dedicated or constructed for that purpose.

*Unreasonable, frequent and continued noise*, for the purposes of assessing complaints pursuant to this chapter, shall be any audible sound which due to its character, intensity, and duration is a nuisance to the surrounding public.

(Ord. of 3-19-01)

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

The county sheriff's department and any other county sanctioned law enforcement agency shall enforce this chapter outside the incorporated area of any municipality, within the county, as provided in

G.S. 153A-121 and 153A-122. As provided in G.S. 18B-501, the county alcohol beverage control office may enforce this chapter at any ABC licensed premises within the county.

(Ord. of 3-19-01)

#### **Secs. 14-5—14-9. - Reserved.**

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

#### **Sec. 14-10. - Unreasonable 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 unreasonable, frequent and continued with such volume at any time on any given day of the week, in a manner which may annoy or disturb the quiet, comfort or repose of the general public. This provision will be applicable when the source of the noise is plainly audible to the responding law enforcement officer at a distance of one hundred (100) feet.

(Ord. of 3-19-01)

#### **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) Emergency work, as defined in section 14-3.
- (5) Noise from outdoor athletic events or sports facilities.

(Ord. of 3-19-01)

**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 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.

- (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.
  - (10) Adjoining property owners surrounding the location be notified by the planning department or applicant at least seventy-two (72) hours prior to consideration by the board of commissioners.
- (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)

**Secs. 14-13—14-20. - Reserved.****ARTICLE III. - ENFORCEMENT, PENALTIES, SEPARABILITY, EFFECTIVE DATE****Sec. 14-21. - Enforcement and duties.**

The county sheriff's office shall be responsible for the administration and enforcement of this chapter as provided in G.S. 153A-123. In addition, the county alcohol beverage control and any other county sanctioned law enforcement agency have the authority to enforce the provisions of

this chapter within their realm of jurisdiction. Duties of the county planning department shall involve the processing of permits to exceed.

(Ord. of 3-19-01)

**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.

First offense	\$100.00
Second offense	\$200.00
Third and subsequent violations for same offense	\$300.00

(Ord. of 3-19-01)

**Sec. 14-23. - Criminal process.**

The responding law enforcement officer shall be authorized to serve either a criminal summons or misdemeanor citation, as appropriate, to the person in apparent or obvious control of the location or facility.

(Ord. of 3-19-01)

**Sec. 14-24. - Alcohol establishments.**

As provided in G.S. 18B-502, county ABC officers are authorized to conduct inspections of all licensed premises for which an ABC permit has been issued and are empowered to enforce the provisions of this chapter as necessary.

(Ord. of 3-19-01)

**Sec. 14-25. - 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)

**Sec. 14-26. - Equitable remedies.**

This chapter may be enforced by an appropriate equitable remedy, injunction or order issued by a court of competent jurisdiction pursuant to G.S. 153A-123.

(Ord. of 3-19-01)