CHAPTER ___ NOISE REGULATIONS

SECTION 1. AUTHORITY

Pursuant to NCGS Chapter 153A and NCGS 14-4, and other applicable law, Caldwell County hereby establishes these Ordinances.

SECTION 2. PURPOSE

This Chapter prohibits certain unusually loud, excessive, disturbing, or continuous noises which seriously disturb a person of ordinary sensibilities, or are a detriment to public health, safety, and welfare.

SECTION 3. DEFINITIONS

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

County means Caldwell County.

Board means the Caldwell County Board of Commissioners.

NCGS means the North Carolina General Statutes.

Noise means any sound or combination of sounds which, because of volume, duration or intensity annoys, disturbs, injures, harms, or otherwise endangers the comfort or peace of persons of ordinary sensibilities or negatively impacts public health, safety, and welfare. Noise includes repeated dog barking.

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

Sound means any disturbance of air detectable by the unaided human ear, or which produces vibrations detectable by persons of ordinary sensibilities.

Sound Amplification Device means any electronically powered, operated, or assisted device or instrument used to amplify the human voice, music, or other sound, including but not limited to, loudspeakers, audio equipment, stereos, and radios.

State means the State of North Carolina.

State Law means the laws, regulations, and rules of North Carolina.

SECTION 4. NOISE GENERALLY

It shall be unlawful for any Person to authorize, allow, or cause to be emitted from any property or source under their control any noise which is unreasonably loud, excessive, continuous, or disturbing, so as to frighten, pose a danger to the health, safety and welfare of, or seriously disturb any person of ordinary sensibilities who:

(a) If the noise emanates from a source located on private property, is located on other property; or

(b) If the noise emanates from a source located on a street or other public property, is located on private property or the street or other public property.

SECTION 5. PARTICULAR NOISE

Without limiting the generality of Section 4, the following acts are specifically declared to be unlawful and a violation of this Chapter:

(a) The blowing of a horn on any motor vehicle except when the horn is used as a warning device.

(b) The operation of any motor vehicle or any engine without a muffler, or with a muffler so defective or so designed that the vehicle emits an unusually loud noise.

(c) The operation of a motor vehicle which creates unusual noises through the screeching of tires or racing of engines.

(d) The operation of a motor vehicle so loaded or so out of repair or is operated in such a manner as to create loud grating, grinding, rattling, backfiring, or similar noises.

(e) The use of any mechanical device operated by compressed air unless the noise created is effectively muffled and reduced.

(f) The excavation, erection, demolition, alteration, or repair of any building in any area not zoned for commercial or industrial use at any time other than between the hours of 7:00 am and 6:00 pm on weekdays and Saturdays, except in case of urgent necessity in the interest of public safety.

(g) The keeping of any animal or bird which causes frequent, habitual, repeated, or excessive noise.

(h) The discharging of squibs, firecrackers, gunpowder, or other combustible substances without a permit issued by the County fire marshal's office.

(i) The discharge of all manner of firearms is prohibited between the hours of 11:00 pm and 7:00 am, except as required in the hunting and taking of animal prey or in the defense of person or property, so long as the discharge is in conformance with all other laws.

(j) The playing or use of any sound amplification device, television, or any musical instrument, so as to unreasonably disturb the comfort, quiet or repose of persons in any place of residence or so as to interfere substantially with the operations of any church, school, theater, library or other similar place of assembly.

(k) The use of any sound amplification device, musical instrument, or other device for the purpose of attracting attention by the creation of noise to any performance, show, sale, display, advertisement or merchandise, or other commercial venture.

(l) Operation of garage or service station machinery or equipment between the hours of 11:00 pm and 7:00 am except where such activity is being operated in conformity with the County's zoning ordinance.

(m) Operation of construction machinery or equipment between the hours of 11:00 pm and 7:00 am.

(n) Operation of lawn mowers or other power-operated domestic tools out-of-doors between the hours of 11:00 pm and 7:00 am.

SECTION 6. EXCEPTIONS

The following are excepted from the applications of Sections 4 and 5 of this Chapter:

(a) Noise or sound emanating from scheduled outdoor, school-sanctioned athletic events.

(b) Noise or sound of safety signals, warning devices, emergency pressure relief valves or church bells, provided the church bells are not sounded for more than five minutes in any hour.

(c) Noise or sound emanating from properly equipped aircraft operated in accordance with applicable federal rules and regulations.

(d) Noise or sound emitted from any authorized emergency or public safety vehicle.

(e) Noise or sound emanating from parades, street fairs, festivals or similar events which are conducted, sponsored, or authorized by the County or a municipality.

(f) Noise or sound from railroad operations.

(g) Noise or sound emanating from farm equipment.

SECTION 7. NOISE COMPLAINT PROCEDURE

A Person with reasonable grounds for believing a provision of this Chapter is being violated may make a report to the County Sheriff's Office. The investigating officer may issue a criminal citation.

SECTION 8. PENALTIES

Any Person violating a provision of this Chapter shall be guilty of a Class 3 misdemeanor and shall be fined not more than $500.00, or imprisonment for not more than 30 days, or both. Each day a violation continues, after the offender has been notified of the violation, shall constitute a separate occurrence. A third conviction within a 5-year period shall constitute a Class 1 misdemeanor, with a maximum penalty of 120 days in jail and a discretionary fine, as provided by law. Each 30 days of continued violation shall be considered a separate offense.