

ALAMANCE COUNTY ORDINANCE PROHIBITING UNREASONABLY LOUD, DISTURBING, AND UNNECESSARY NOISES

Section 1. Title.

This ordinance shall be known and cited as the “Alamance County Ordinance Prohibiting Unreasonable Loud, Disturbing, and Unnecessary Noises” (hereinafter referred to as “Ordinance”).

Section 2. Purpose.

The purpose of this Ordinance is to prohibit noise disturbances or unreasonably loud noise in order to secure and promote the public health, comfort, convenience, safety, welfare, and prosperity of the citizens of Alamance County. Nothing in this Ordinance is intended to deter individuals from lawfully exercising the individual right of freedom of speech or any other freedom guaranteed under the Constitutions of the United States of America or of the State of North Carolina.

Section 3. Authority and Enactment.

The Board of Commissioners of the County of Alamance, pursuant to the authority conferred by the General Assembly of the State of North Carolina in General Statutes Chapter 153A, Sections 121 and 133 hereby ordains and enacts into law these articles and sections.

Section 4. Jurisdiction.

This ordinance shall be applicable to all unincorporated areas of Alamance County.

Section 5. Administration.

The Sheriff of Alamance County, or his/her designee, shall be responsible for the administration and enforcement of this Ordinance.

Section 6. Loud and Unreasonable Noise

- (a) Subject to the provisions of this section, it shall be unlawful for any person or persons to make, permit, continue or cause to be made or to create any unreasonably loud, disturbing and unnecessary noise in the County. For purposes of this section, the following definitions shall apply:
1. Unreasonably loud: Noise which is substantially incompatible with the time and location where created to the extent that it creates an actual or imminent interference with peace or good order;
 2. Disturbing: Noise which is perceived by a person of ordinary sensibilities as interrupting the normal peace and calm of the area;

3. Unnecessary: 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 his conduct.

In determining whether a noise is unreasonably loud, disturbing and unnecessary, the following factors incident to such noise are to be considered: Time of day; proximity to residential structures; whether the noise is recurrent, intermittent or constant; the volume and intensity; whether the noise has been enhanced in volume or range by any type of electronic or mechanical means; the character of the area; whether the noise is related to the normal operation of a business or other labor activity; whether the noise is subject to being controlled without unreasonable effort or expense to the creator thereof.

- (b) The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section but this enumeration shall not be deemed to be exclusive:
 - 1) Blowing horns: The sounding of any horn, whistle or signal device on any automobile, motorcycle, bus or other vehicle or railroad train, except as a danger signal or as required by law, so as to create any unreasonable, loud or harsh sound or the sounding of such device for an unnecessary and unreasonable period of time;
 - 2) Radios, stereos, etc: The playing of any radio, television set, stereo or other sound reproduction system, musical instrument or sound-producing or sound-amplifying device in such manner or with such volume, particularly but not limited to the hours between 11:00 p.m. and 6:00 a.m. Sunday through Thursday, or 12:00 a.m. and 6:00 a.m., Friday and Saturday, so as to annoy or disturb the quiet, comfort or repose of any person of normal sensibilities in any dwelling, motel, hotel or other type of residence;
 - 3) Use of vehicles: The use of any automobile, motorcycle, dirt bike, go-cart, recreational vehicle or any other vehicle so out of repair, so loaded or operated in such manner as to create loud or unnecessary grating, grinding, rattling, screeching of tires or other noise;
 - 4) Blowing whistles: The blowing of any steam whistle attached to any stationary boiler except as a warning of danger;
 - 5) Exhaust discharge: The discharge into the open of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or recreational vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;
 - 6) Compressed air devices: The use of any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and reduced;
 - 7) Building operations: The erection (including excavation), demolition, alteration or repair of any building in a residential area between the hours of 8:00 p.m. and 6:00 a.m. of any day or in any district other than a residential area between the hours of 11:00 p.m. and 6:00 a.m. of any day, except in the case of urgent necessity in the interest of public safety and then only with a permit from the County Manager or his designee, which permit may be renewed for a period of three (3) days or less while the emergency continues;

- 8) Noises near schools, etc: The creation of any excessive noise on any street adjacent to any school, institution of learning, library, or court while the same is in session, or adjacent to any hospital, or any church during services, which unreasonably interferes with the operation or activities of such institution;
- 9) Loading and unloading operations: The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening or destruction of bales, boxes, crates and containers;
- 10) Bells and gongs: The sounding of any bell or gong which disturbs the quiet or repose of any person of normal sensibilities in the vicinity thereof;
- 11) Noises to attract attention: The use of any drum, loudspeaker or other instrument for the purpose of attracting attention by creation of noise to any performance, show, sale, display or advertisement of merchandise;
- 12) Blowers, engines: The operation of any noise-creating blower, power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise emitting therefrom is sufficiently muffled and the engine is equipped with a muffler device sufficient to deaden such noise, so that the same shall not cause annoyance to the public nor unreasonably disturb the rest and quiet of any person of normal sensibilities on adjacent premises or within the vicinity thereof.
- 13) Appliances and other mechanical devices: The operation of any noise-producing appliance or other mechanical device which, due to operational deficiencies, malfunction or other type of disrepair, causes loud and excessive noises in such a manner as to unreasonably annoy the public or disturb the rest and quiet of any person of normal sensibilities on adjacent premises or within the vicinity thereof;
- 14) Loudspeakers or amplifiers: The use of mechanical loudspeakers or amplifiers on trucks, airplanes or other vehicles or by any other means for advertising or other commercial purposes is prohibited. In the exercise of non-commercial free speech, loudspeakers or amplifiers may be used, subject to the following conditions:
 - a. It shall be unlawful for any person to speak into a loudspeaker or amplifier within the jurisdictional limits of the County, when such loudspeaker or amplifier is so adjusted that the voice of the speaker is amplified to the extent that it is audible at a distance in excess of one hundred and fifty feet (150') from the person speaking, except that this prohibition shall not apply in circumstances surrounding the special operations of law enforcement and emergency service personnel in the performance of their duties to protect the public;

Section 7. Exceptions

The following shall be considered an exception and shall be exempt from the provisions of this ordinance:

- 1) Sound emanating from regularly scheduled athletic events of any Alamance County Schools or Alamance County Parks and Recreation Department facility;

- 2) Sound emanating from regularly scheduled events at any permitted commercial race track, speedway, or drag strip;
- 3) Farming operations;
- 4) Sound as the result of normal or routine lawn/yard maintenance and landscaping.
- 5) 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.
- 6) All noises coming from the normal operations of properly equipped aircraft;
- 7) Sounds from or at parades, or street fairs and similar festivals sponsored, permitted or sanctioned by Alamance County;
- 8) Noise from all churches or any place of worship;
- 9) Noise from all governmental operations;
- 10) Noise from any sanitation operations;
- 11) Noise from all lawful fireworks or noisemakers on holidays;
- 12) 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;
- 13) All noises coming from normal operation of motor vehicles properly equipped with the manufacturer's standard muffler and noise-reducing equipment;
- 14) 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;

Section 8. Complaint Procedure and Enforcement

In the event any person has reasonable grounds for believing that any provision of this Chapter is being violated, he may make a report thereof to the Alamance County Sheriff's Department, which shall investigate the alleged violation. If any such investigation reveals a violation, the investigating deputy has the authority to cause a written complaint to be made, and may obtain criminal process for violation thereof, and may issue a citation for a civil penalty, and may obtain other enforcement measure as allowed in this Ordinance.

Section 9. Civil Penalties

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

Warning (in writing)	
1 st Citation.....	\$50.00
2 nd Citation within same 30 day period.....	\$100.00
3 rd Citation within same 30 day period.....	\$250.00
All subsequent violations in 30 day period.....	\$500.00

Non-payment within ten (10) days shall result in the issuance of a \$50 delinquency charge. The County shall have the right to collect said payments and delinquency charges through Civil Action.

Section 10. 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 Alamance conflict with this Ordinance, the more restrictive or that imposing the higher standards will govern.

Section 11. Severability.

If any section of 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.

Section 12. Amendment.

This ordinance may be amended from time to time by the Board of Commissioners of the County of Alamance on its own motion or on petition and after public notice and hearing.

Section 13. Replacement of Existing Ordinance.

This ordinance, upon adoption, shall replace and rescind the existing Alamance County Noise Ordinance adopted on January 3, 1995.

Section 14. Effective Date.

This Ordinance shall take effect and be in force upon adoption.

Adopted this the 5th day of October, 2009.

The foregoing ordinance was adopted by the Board of Commissioners for the County of Alamance during regular session on October 5, 2009. See Minute Book No. 39, Page 117.