

Chatham County Noise Ordinance

8-8-2006

A Resolution and Ordinance to Provide for the Control of Noise in Chatham County

Pursuant to the authority provided in North Carolina General Statute Section 153A-121, 152A-123, and 153A-133, the Board of Commissioners of Chatham County hereby resolves and ordains as follows:

Article I: Definitions

In addition to the common meaning of words, the following definitions shall be used in interpreting this ordinance.

- (a) “A” weighting scale: The sound pressure level in decibels as measured with a sound level meter using the “A” weighted network. The standard unit notation is dB(A)
- (b) db(A): Sound level in decibels determined by the “A” weighting scale of a standard sound level meter having characteristics defined by the American National Standards Institute (ANSI) Publication ANSI, S14-1971.
- (c) Decibel: A unit of measure on a logarithmic scale, of the ratio of the magnitude of a particular sound pressure to a standard reference pressure, which for purposes of this ordinance shall be 20 micronewtons / meter.
- (d) Impact Noise: Sound that occurs intermittently rather than continuously.
- (e) Sound Amplifying Equipment: Any device for the amplification of the human voice, music or any other sound including but not limited to juke boxes, stereos, and radios.
- (f) Sound Level: In decibels, a weighted sound pressure level determined by the use of a sound level meter whose characteristics and frequency weightings are specified in the ANSI Standards.
- (g) Sound Level Meter: Any instrument certified to meet or exceed ANSI standards which includes omni-directional microphone, an amplifier, an output meter and frequency weighting network(s) for the measurement of sound level.
- (h) Sound Pressure Level: In decibels 20 times the logarithm to the base 10 of

the ratio of the magnitude of a particular sound pressure to the standard reference pressure. The standard reference pressure is 20 micronewtons / meter.

(i) Weekday: Any day except Sunday.

Article II: Noise--Generally

(a) *Unreasonably loud and disturbing noises prohibited:* 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 and disturbing 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. In determining whether a noise is unreasonably loud and disturbing, 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 and zoning (if applicable) of the area; whether the noise is related to the normal operation of a business or other labor activity and whether the noise is subject to being controlled without unreasonable effort or expense to the creator thereof.

(b) *Particular noises prohibited:* The following acts, among others, are declared to be unreasonably loud and disturbing noises in violation of this section but the enumeration shall not be deemed to be exclusive, namely.

(1) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal; the creation by means of any such signal device of any unreasonably loud or harsh sound, and the sounding of such device for an unnecessary and unreasonable period of time.

(2) The playing of any radio, phonograph or any musical instrument in such a manner or with such volume, particularly during the hours between

11:00 p.m. and 7:00 a.m., that creates an unreasonably loud or disturbing noise.

(3) The keeping of any animal or bird which, by causing frequent or long continued noise, that creates an unreasonably loud or disturbing noise.

(4) The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create an unreasonably loud or disturbing noise.

(5) The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of danger.

(6) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

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

(8) The erection (including excavation), demolition, alteration or repair, or cleaning the outside of, any building in a residential or business district other than between the hours of 7:00 a.m. and 9:00 p.m. on weekdays, except in cases of urgent necessity in the interest of public safety or convenience; provided, however, in cases in which the work is required by an emergency, or by the nature of the particular project or specified portion thereof it is necessary to have a continuous operation without break, or where the specified work cannot be performed while the plant or enterprise is in operation, the county manager may issue a permit for such work to be carried on between hours and on days in addition to the hours and days herein mentioned. The term "weekdays", when used in this paragraph, means any day except Sunday.

(9) The creation of any excessive noise on any street adjacent to any school, institution of learning, library, sanitarium or court while the same is in session, or adjacent to any hospital, or any church during services, which unreasonably interferes with the working of such institution.

(10) The creation of unreasonably loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.

(11) The sounding of any bell or gong attached to any building or premises that creates an unreasonably loud or disturbing noise.

(12) The shouting and crying of peddlers, hawkers and vendors which disturbs the quiet and peace of the neighborhood.

(13) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show, sale, display or advertisement of merchandise.

(14) The firing or discharging of firearms in the streets or elsewhere that creates an unreasonably loud or disturbing noise.

Article III: Maximum Permissible Standards by Receiving Land

(a) The use of sound amplifying equipment is limited to the conditions specified in this article.

(b) A live musical group or individual using sound amplifying equipment may operate out of doors within the limits of the ordinance as specified in Article III, Sections (c) and (d) provided they have obtained a permit from Chatham County. A live musical group or individual using sound amplifying equipment who wishes to operate outside of the specified limits may do so only if the property owner, tenant in possession, or in the case of a business, the business manager or an authorized agent of that business manager has been granted a permit. This permit may be secured after it is signed by an authorized agent of the musical group or by a representative of the individual organization or group retaining the services of the musical group and on whose premises the amplifying equipment is to be used.

(c) No person shall outside the corporate limits of a city or town, and within Chatham County, operate or cause to be operated any source of sound in such a manner as to create a sound level which exceeds the limits set forth in Table I below when measured as specified in Article III.

TABLE I: Sound Levels (dB(a)) By Receiving Land

<u>Time Period</u>	<u>Sound Level</u>	
	<u>Without a Permit</u>	<u>With a Permit</u>
8:00am to 10:00pm	60	60
10:00pm to 10:00am	50	50

(d) Sound Levels in excess of those listed in Table I above will be permitted as follows:

<u>Time Period</u>	<u>Sound Level</u>	
	<u>Without a Permit</u>	<u>With a Permit</u>

Thursday Evening 5:00pm to 10:00pm	70	up to 85
Friday Evening 5:00pm to Midnight	70	up to 85
Saturday Morning Midnight to 1:00am	60	60
Saturday Evening 5:00pm to Midnight	70	up to 85
Sunday Morning Midnight to 1:00am	60	60

Article IV: Sound Measurement Standards

Standards, instrumentation and measurement procedures to be used in the measurement of sound as provided for in this ordinance are as follows:

(a) Sound level measurement shall be made with a sound level meter using the “A” weighting scale set on “slow response.”

(b) Sound level meters shall be of at least Type Three meeting American National Standards Institute, Incorporated (ANSI) S1.4 – 1971 requirements (or the latest approved version thereof). The entire sound measurement system shall be serviced and operated as recommended by the manufacturer. Persons using the sound level meters shall be trained in sound level measurement and the operation of sound level meters.

(c) Except as provided in (d) below, noise measurements shall be taken at the corner of the primary structure of the complainant nearest the noise source but when this location is not practical, noise measurements shall be made at the boundary of the public or the private right of way which adjoins the complainant’s property.

(d) In the case of noises emanating from within a multi-family structure and where the complainant is a resident of the same multi-family structure, noise measurements shall be made in the unit of the complainant at a height of at least four (4) feet above the floor and at a point approximately equidistant from all walls

Article V: Exceptions

Exceptions. The following sounds shall be exempt from provisions of this “*Noise Ordinance*”:

- (a) Construction operations from 7:00am to 9:00pm on weekdays and 8:00am to 7:00pm on Sundays for which building permits have been issued, or construction operations not requiring permits; provided all equipment is operated in accordance with the manufacturer’s specifications and with all standard equipment, manufacturer’s mufflers and noise reducing equipment in use and in proper operating condition.
- (b) Noises of safety signals, warning devices, emergency pressure relief valves and church bells.
- (c) Noises resulting from any authorized emergency vehicle when responding to any emergency call or acting in time of emergency.
- (d) Unamplified noises at street activity (such as fairs or parades) where the participants have a permit for the conduct of such activity and for use of the streets.
- (e) All noises coming from the normal operation of properly equipped aircraft (not including scale model aircraft).
- (f) All noises coming from motor vehicles properly equipped with the manufacturer’s standard muffler and noise reducing equipment in use and in proper operating condition.
- (g) Noise from lawful fireworks and noisemakers on holidays.
- (h) Lawn mowers and agricultural equipment used between daylight and 9:00pm when operated with all the manufacturer’s standard mufflers and noise reducing equipment in use and in proper operating condition.
- (i) Agricultural equipment operated for farming purposes including poultry farming. When operated in accordance with the manufacture specifications and with all standard equipment, including manufactures mufflers and noise reducing equipment in use and in proper operation condition.
- (j) Any sound resulting from activities of a temporary duration permitted by law and for which a license or permit has been granted by the county or a state or federal agency when such sounds do not exceed the conditions and limits stated in the license or permit.

Article VI: Permit to Exceed Maximum Permissible Standards

(a) No person or group of persons shall operate or cause to be operated a source of sound in excess of sound levels not requiring a permit as specified in Article III, without first obtaining a permit as hereinafter set forth.

(b) Any person or persons desiring a permit shall apply as provided herein and provide all information required.

(1) The applicant must apply for a permit at least forty-eight (48) hours prior to the activity for which the permit is requested. This forty-eight hour requirement shall not prohibit the issuance of a permit in situations where the application is received less than forty-eight hours prior to the activity, provided the application is made sufficiently in advance of the activity for the County Manager, or his designee, to consider the factors necessary and contained in Section VI (b) (3) of this ordinance. The legally responsible person must be listed on the permit.

(2) The Chatham County Manager, or his designee, will act upon all requests for a permit to exceed maximum permissible standards.

(3) In considering and acting on all requests for permits pursuant to this article, the County Manager, or his designee shall consider the following in issuing or denying such permit: the timeliness of the application; the nature of the requested activity; previous experience with the applicant; the nature of the event; the time of the event, other activities in the vicinity of the location proposed; the effect of the activity on surrounding areas and/or persons; previous noise ordinance violations, if any of the applicant, and any other relevant information at his disposal.

(4) Prior to obtaining a permit to exceed maximum permissible sound levels, the applicant will pay to Chatham County an administrative fee of \$50.00.

(5) Permit holders shall cooperate with the Chatham County Sheriff's Office in enforcing this ordinance by having the applicant or applicant's designee as indicated on the permit application physically present at the site of the event during the entire time for which a permit has been issued and shall agree to assist the Sheriff in enforcing this ordinance. The permit holder shall allow the Sheriff's Office to enter the premises at any time during the prescribed activity in order to assess compliance. Failure of the applicant or the designee to be present or to assist the Sheriff as herein prescribed shall be cause for revocation of the permit.

Article VII: Burden of Proof Regarding Exceptions

In any proceeding based upon this ordinance, if an exception stated in this ordinance would limit obligation, limit liability, or eliminate either an obligation or liability, the person who would benefit from the application of the exception shall have the burden of proving that the exception applies and that the terms of the exception have been met.

Article VIII: Presumption in Prosecution for Noise Violations

The complaint of a Chatham County Deputy Sheriff or any other duly authorized investigating person shall be prima facie evidence that such sound is unreasonably loud, disturbing, and annoying or unnecessary noise. Sound emission decibel measurements shall be used when charging violations under Article III of this noise ordinance.

Article IX: Violations and Penalties

(a) Violations

The Chatham County Sheriff or the Chatham County Code Enforcement Officer shall be responsible for determining noise level violations of this ordinance. For purposes of this ordinance “The Chatham County Sheriff” shall include the Sheriff and any Deputy Sheriff of Chatham County.

(b) Civil Penalties

(1) Any person violating any of the provisions of this ordinance shall be subject to a civil penalty of one hundred dollars (\$100.00). Each 24 hour period defined as 12:00 midnight to 11:59 pm of a continuing violation shall constitute a separate offense under this subsection.

(2) The Chatham County Manager shall assess civil penalties under this ordinance and shall make written demand for payment upon the person responsible for the violation for which the penalty has been invoked. If payment is not received or equitable settlement reached within sixty (60) days after demand for payment is made, the matter shall be referred to the County Attorney for institution of a civil action in the name of the County in the appropriate division of the General Court of Justice of Chatham County for recovery of the penalty. Any sums recovered shall be used to carry out the purposes and requirements of this ordinance.

(c) Criminal Penalties

Any person who violates any provision of this ordinance shall be deemed guilty of a misdemeanor punishable by imprisonment not to exceed thirty (30) days or by fine not to exceed five hundred (\$500.00) dollars in accordance with N.C.G.S. 153A-123, or both Each day of a continuing violation shall constitute a separate offense under this subsection.

Article X: Severability

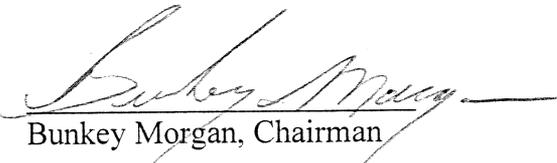
If any provision of this ordinance is adjudged invalid or if the application thereof to any person or in any circumstance is adjudged invalid, such invalidity shall not affect the validity of this ordinance as a whole or of any part, subpart, sentence or clause thereof not adjudged invalid.

Article XI: Abrogation

This ordinance is not intended to repeal, abrogate or impair any greater restrictions imposed on existing easements, covenants, or deed restrictions. Wherever the provisions of any other law, ordinance or regulation impose higher standards than are required by the provisions of this ordinance, the provision of such law, ordinance or regulation shall govern.

This ordinance shall be effective on October 01, 2006.

Adopted this the 18th day of September, 2006.


Bunkey Morgan, Chairman

ATTEST:


Sandra B. Sublett, CMC, Clerk to the Board
Chatham County Board of Commissioners