

NOISE ORDINANCE

FOR SAMPSON

COUNTY

THAT WHEREAS, North Carolina General Statutes Section 153A-133 provides that a county may by ordinance regulate, restrict, or prohibit the production or emission of noises or amplified speech, music, or other sounds that tend to annoy, disturb, or frighten its citizens; and

THAT WHEREAS, there exists the production or emission of noises or amplified speech, music, or other sounds that do tend to annoy, disturb, or frighten the citizens of Sampson County; and

THAT WHEREAS, it is in the best interest of the citizens of Sampson County that the production of noises or amplified sounds that annoy, disturb, injure, or endanger the comfort, health, peace, or safety of reasonable persons of ordinary sensibilities be regulated, restricted, or prohibited;

THEREFORE, it is hereby ordained by the Board of Commissioners of Sampson County that the following noise ordinance be adopted and hereafter enforced:

Section 1. Application and jurisdiction.

- (a) This ordinance shall apply at all times of the day or night to all parts of Sampson County, including all areas within the municipal limits of any incorporated town or city if such town or city does not have a duly adopted noise ordinance, and in the event that such town or city should have a duly adopted noise ordinance, then and in that event that town's or city's ordinance shall prevail.
- (b) This ordinance shall apply to any individual, association, partnership, or corporation and includes any officer, employee, department, agency, or instrumentality of any association, partnership, or corporation.

Section 2. General Prohibition

Subject to the provisions of this ordinance, it shall be unlawful to willfully make, continue, or cause to be made or continue any loud, raucous, and disturbing noise, and it shall be unlawful for a person who owns or is in apparent control of real property to knowingly permit the same to occur or exist thereon. The term loud, raucous, and disturbing noise shall mean any sound which, because of its volume level and duration or character, annoys, disturbs, injures, or endangers the comfort, health, peace, or safety of reasonable persons of ordinary sensibilities within Sampson County.

The following acts are declared to be loud, raucous, and disturbing noises in violation of this ordinance, but such enumeration shall not be deemed exclusive:

- (1) Using any loud, boisterous, or raucous language or shouting so as to annoy or disturb the quiet, comfort, or repose of any reasonable person of ordinary sensibilities in the vicinity.
- (2) Sounding any horn or signal device on any automobile, motorcycle, bus, or other vehicle, except as a danger signal, so as to create any unreasonably loud or harsh sound and the sounding of such device for any unreasonable period of time.
- (3) Operating or permitting to be operated any television, radio, boom box, stereo, tape or CD player, phonograph, musical instrument, or any sound production or amplifying equipment, whether from vehicles, buildings, or otherwise, in such manner or with such volume as to annoy or disturb the quiet, comfort, or repose of any reasonable person of ordinary sensibilities in the vicinity.

(4) Operating a motor vehicle so out of repair or so loaded, with inadequate mufflers, or in such manner that it creates a noise sufficient to annoy or disturb the quiet, comfort, or repose of any reasonable person of ordinary sensibilities in the vicinity. "Motor vehicle" shall mean any vehicle propelled other than by human or animal power on land, including, but not limited to, any automobile, motorcycle, dirt-bike, go-cart, or recreational vehicle.

(5) Possessing any animal (other than cattle, poultry, horses, sheep, or other similar farm animal) which, by habitual howling, yelping, barking, or other natural sound, creates a disturbing noise in a residential area. A "residential area" shall mean any neighborhood, subdivision, housing development, mobile home park, or any other area, whether on one or more streets or roads and whether intermixed with other types of development or land use, where two or more households are situated within hearing distance of each other.

Sections. Exceptions.

The following are exempt from the provisions of this ordinance:

(1) Sound emanating from public or private secondary educationally sponsored outdoor athletic events.

(2) Construction operations from 7:00 a.m. to 9:00 p.m. on weekdays and 8:00 a.m. to 9:00 p.m. on weekends for which building permits have been issued or are not required, providing all equipment is operated in accord with the manufacturer's specifications and with all standard equipment, manufacturer's mufflers, and noise-reducing equipment in use and in proper operating condition. "Construction" shall mean any site preparation, assembly, erection, repair, alteration, or similar action, including demolition of buildings or structures.

(3) Noise of safety signals, warning devices, emergency pressure relief valves, and all church bells. For purposes of this subsection, the term "church bells" shall not include electronic devices or artificial sound reproduction systems intended to sound like church bells.

(4) Noise resulting from any authorized law enforcement or emergency vehicle.

(5) Noise resulting from parades, lawful picketing, or other public demonstrations protected by the U.S. Constitution or federal or state law, for which a local permit has been granted by the County, provided such activity is of a temporary duration lasting no longer than two hours during any twenty-four (24) hour period. Regulation of noise emanating from activities under such permits shall be according to the conditions and limits stated on the permit.

(6) All noises coming from the normal operations of properly equipped aircraft (not including scale model aircraft).

(7) Noise from noisemakers on holidays and fireworks on holidays or at times allowed under a pyrotechnics permit issued pursuant to Article 54, Chapter 14 of the North Carolina General Statutes.

(8) Lawn mowers, power equipment, and landscape maintenance equipment used between the daylight hours of 7:00 a.m. and 9:00 p.m. when operated with all the manufacturer's standard mufflers and noise reducing equipment in use and in proper operating condition.

(9) Unamplified and amplified sound at community concerts conducted or sponsored by the county.

(10) Practice sessions or performances by marching bands.

(11) Noise from trains and associated railroad rolling stock when operated in proper repair and manner.

(12) Agricultural equipment when operated in accord with the manufacturer's specifications and with all standard equipment, manufacturer's mufflers, and noise reducing equipment in use and in proper operating condition when used as a part of normal seasonal agricultural practices.

(13) Noise created by livestock and/or poultry kept or raised as part of normal agricultural practices.

(14) The discharge of firearms while engaged in activities permitted or sanctioned by law.

Section 4. Special permits authorized.

Notwithstanding any of the provisions of this ordinance, the Sampson County Board of Commissioners or its designee may, in its sole discretion, from time to time grant permission by way of a special permit upon written application, duly filed, to such persons, associations, partnerships, or corporations who apply for the right to conduct activities of a business, commercial, educational, or civic nature and which activity entails, or might reasonably be expected to entail, the creation of noise otherwise prohibited by this ordinance. Permits shall be issued in accordance with procedure established by the Sampson County Board of Commissioners. For purposes of this subsection, "civic" shall mean a project or undertaking in which citizens of a county cooperate to promote the common good and general welfare of the county.


Section 5. Enforcement and Penalties.

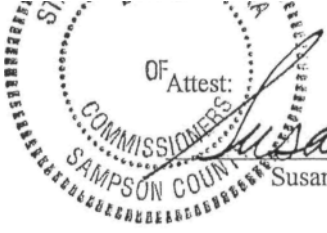
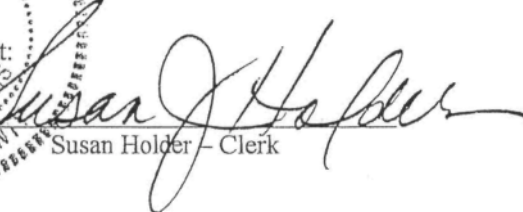
The provisions of this ordinance shall be enforced as follows:

(1) If any person shall violate this ordinance or any provision thereof, that person shall be guilty of a Class 3 misdemeanor and shall be subject to a fine of up to five hundred dollars (\$500.00) (see G.S.14-4(a)); or

(2) A law enforcement officer or animal control officer may issue a citation to any person violating this ordinance or any provision thereof. The violator shall thereby be subject to a one hundred dollar (\$100.00) civil penalty, which penalty may provide for a fifteen dollar (\$15.00) delinquency charge upon nonpayment, and which penalty and delinquency charge may be recovered by the city in a civil action. For purposes of this subsection, a law enforcement officer shall mean the sheriff of the county or any officer who possesses the power of arrest, who has taken the law enforcement oath administered under the authority of the State as prescribed by G.S. 11-11, and who is certified as a law enforcement officer under the provisions of Chapter 17C of the General Statutes or certified as a deputy sheriff under the provisions of Chapter 17E of the General Statutes.

This ordinance was passed following presentation to the Sampson County Board of Commissioners at a duly advertised regular board meeting held September 12, 2005. The same being passed by unanimous vote with all board members being present. The same to be entered in Sampson County's Book of Ordinances and to be effective immediately.


Kermit D. Williamson - Chairman


OF Attest:
COMMISSIONERS
SAMPSON COUNTY

Susan Holder - Clerk