

**Approved by the Johnston County Board of Commissioners at their August 6, 2012 6:00 p.m. Meeting. Will require a second vote at the September 4, 2012 6:00 p.m. meeting (due to the absence of a Commissioner).**

**Sec. 12-32. - Loud and disturbing noise.**

- (a) Subject to the provisions of this article, the creation, causing, or allowing of any unreasonably loud or disturbing noise in the county is prohibited and unlawful.
- (b) For the 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, order, or calm of the area or which is obnoxious to or unreasonably disturbing to a person whose residence, work or commercial enterprise is within a reasonable proximity to the point, place or person from which such noise is emanating or emanated and the noise is such a kind, nature, duration or extent that a reasonable person would consider the noise to be unreasonably loud or disturbing.
  - (2) Disturbing. Noise which is perceived by a person of reasonable and ordinary firmness and sensibilities as interrupting the normal peace, order, or calm of such person or persons or that of the proximal area or tending to annoy, disturb, or frighten such persons in such proximity to the point, place or person from which such noise is emanating or emanated that a person of reasonable and ordinary firmness and sensibilities would reasonably be or reasonably be expected to be disturbed in his or her use, occupation, or pursuits.
- (c) In determining whether a noise is unreasonably loud or disturbing, the following non-exclusive factors incident to such noise are to be considered: Time of day; proximity to residential structures; whether the noise is consistent with the nature of the surrounding area (that is, within a reasonable degree of proximity such that the noise could reasonably be expected to affect the persons or persons who occupy, live or dwell in such proximity); the range or distance from the point of emanation that the sound may be unreasonably loud or disturbing; whether the noise is recurrent, repetitive, intermittent, or constant; the volume or intensity of the noise; whether the noise has been enhanced in volume or range by any type of mechanical, electronic, or other similar means; the nature and zoning 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 or person or entity causing or allowing the emanation of such noise; and any other factor which reasonably should be considered in determining whether a noise is unreasonably loud or disturbing.
- (d) The following acts, among others, are declared to be loud and disturbing noises in

violation of this article, **but such enumeration shall not be deemed to be exclusive:**

- (1) The use of any loud, boisterous or raucous language or shouting so as to annoy or disturb the quiet, comfort or repose of persons in the vicinity or otherwise to be a loud or disturbing noise as defined under this ordinance;
  - (2) The sounding of any horn or signal device on or from any automobile, motorcycle, bus or other vehicle, except as a danger signal or as required by law, so as to create any unreasonably loud or harsh sound; or the sounding of such device for an unreasonable period of time.
  - (3) The playing of any radio, television set, record player, 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 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of persons of reasonable and ordinary firmness and normal sensibilities in any dwelling, motel, hotel or other type of residence.
  - (4) The keeping of any animal, except livestock and poultry maintained and kept consistent with the zoning applicable to the property where kept, which by causing frequent or long continued noise on a regular basis, shall disturb the comfort and repose of any person of reasonable and ordinary firmness and sensibilities in the vicinity or which may otherwise be an unreasonably loud or disturbing noise as defined under this ordinance. With respect to this subsection only, if the violation continues or complaints are received from other households, the owner shall be granted ten working days to remedy and rectify the situation before issuance of a citation.
  - (5) The use of any automobile, motorcycle, ATV or other motor vehicle or vehicle of any kind which may be so out of repair, so modified from factory settings or equipment, and/or so loaded or operated in such manner, as to create loud grating, grinding, rattling or other noise caused by or emanating from such vehicle or its operation or which otherwise shall be, create or cause an unreasonably loud or disturbing noise as defined under this ordinance.
  - (6) The discharge of a firearm or firearms in such a manner as to create an unreasonably loud or disturbing noise as defined or contemplated in this section. It shall not be a defense to a violation of this section that the discharge of the firearm is in compliance with Section 16-3.
- (e) Enforcement. The violation of this ordinance shall be punished as provided under N.C. G. S. §14-4. Any person or corporation or other legal entity violating this ordinance shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00). A first violation of this ordinance shall be punishable by a fine of not less than \$50.00; a second violation shall be punishable by a fine of not less than \$150.00;

and a third violation, or more, each shall be punishable by a fine of not less than \$500.00

**Sec. 12-33. - Exceptions.**

The following are exempt from the provisions of this article:

(1) Noises generated, made or created during the regular operations of a manufacturing or industrial facility, defined as any premises where goods or wares are made, processed, warehoused or stored or where manufacturing is legally permitted and carried on and the owner of such manufacturing or industrial facility takes or has taken reasonable steps not to cause, create or allow unreasonably loud or disturbing noise not necessarily inherent to such manufacturing or industrial facility.

(2) Noises generated, made or created by fire, law enforcement, ambulance, rescue or other emergency vehicles while such vehicles are engaged in their proper functions.

(3) Parades, fairs, circuses, other similar public entertainment events, sanctioned sporting events, athletic contests, sporting events and sporting activities taking place in areas set aside for such activities, or any activities normally associated with any of the above, when such events and activities take place between the hours of 7:00 a.m. and 11:00 p.m. After 11:00 p.m., persons engaged in these events and activities who create or allow noise which is prohibited by section 12-32 shall be in violation of this article or of such ordinance.

(4) Construction operations for which building permits have been issued or construction operations not requiring permits due to ownership of the project by an agency of government; provided all equipment is operated in accordance with manufacturer's specifications and with all standard equipment, manufacture's mufflers and noise-reducing equipment in use and in proper operating condition.

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

(6) Lawnmowers and agricultural equipment and landscape maintenance equipment when operated with all the manufacturer's standard mufflers and noise-reducing equipment in use and in reasonable operating condition.

(7) Emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster, or to restore public utilities, or to protect persons or property from an imminent danger.

(8) Noises resulting from the provision of government services.

(9) Noise from noisemakers and fireworks on holidays or at times allowed under a pyrotechnics permit issued pursuant to G.S. 14-410 *et seq.*

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

(11) Noise from the discharge of a firearm or firearms when the firearm is being used to take birds or animals pursuant to N.C. Gen. Stat. Chapter 113, Subchapter IV, or when lawfully used in defense of person or property, or when used pursuant to lawful directions of law-enforcement officers.