

Noise Ordinance for Brunswick County

Chapter 1-9 - PUBLIC HEALTH AND SAFETY

Article VIII NOISE ORDINANCE

[Sec. 1-9-561. - Purpose.](#)

It is recognized that excessive and unnecessary noise endangers the physical and emotional health and welfare of the people, interferes with legitimate business and recreational activity, increases construction costs, depresses property values, offends the senses, creates public nuisances, and in other respects reduces the quality of life.

It is further recognized that a substantial body of science and technology exists by which excessive sound may be measured and substantially abated. Because the regulation of excessive and unnecessary noise that may jeopardize human health or welfare, or substantially degrade the quality of life, is well within the power of the governing body's police powers, it is declared to be the purpose of this section to prevent, prohibit, and provide for the regulation and abatement of excessive and unnecessary noise which may injure the physical and emotional health or welfare of its citizens or degrade the quality of life.

[Sec. 1-9-562. - Terminology and Standards](#)

(a) *Conformance.* All terminology used in the provisions of this Article not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

(b) *Definitions:* [The following definitions shall apply to this article:]

Affected Person. Any person who registers a complaint with an authorized enforcement agency that he or she is the receptor of noise on a protected property category, and said affected person has an interest in the property as an owner, tenant, or employee.

Affected Property. The permanent or temporary residential property of an affected person, which includes but is not limited to hospitals, skilled nursing facilities, motels, hotels, tents, recreational vehicles whereby noise is plainly audible within, when all windows and doors are closed.

Emergency Work. Activities necessary to protect the health and safety of persons, or prevent or repair damage to property as a result of an unexpected occurrence of natural or unnatural origin.

Excessive Noise. Any loud, raucous, or disturbing noise which, because of its volume level, duration or character, annoys, disturbs, injures or endangers the comfort, health, peace or safety of an affected person of ordinary sensibilities within the limits of the County of Brunswick.

Motor Vehicle. Every vehicle defined as a motor vehicle by North Carolina General Statute §20-4.

Muffler. An apparatus consisting of a series of chambers or baffle plates designed for the purpose of transmitting gases while reducing sound emanating from such apparatus.

Noise. Any unwanted sound.

Person. Any individual, firm, owner, sole proprietorship, partnership, limited liability company, corporation, unincorporated association, governmental body, municipal corporation, executor, administrator, trustee, guardian, agent, occupant or other legal entity.

Plainly Audible. Any sound, other than unamplified human conversation, that can be detected by a person using his or her unaided hearing faculties. For example, if the sound source under investigation is a vehicular or personal sound production device, the detection of the rhythmic bass component of music is sufficient to establish plainly audible sound. It is not necessary to identify the title, specific words, or the artist performing the song.

Real Property Line. An imaginary line along the ground surface and its vertical extension which separates the real property owned by one person from that owned by another person, but not including the intra-building real property divisions, such as an apartment or condominium.

Harassing or Intimidating Noise: A knowing and willful course of conduct to generate noise that is directed at a specific person or persons which would cause emotional distress to a person of reasonable sensibilities.

Sec. 1-9-563. – Specific Prohibitions.

The following acts, or the causing or permitting thereof, among others, are declared to be excessive noise and are in violation of this article:

(1) *Schools, public buildings, places of worship, and hospitals.* The creation of any noise that is plainly audible within a school, court, public building, place of worship or hospital that interferes with the operation of the institution.

(2) *Horns, whistles, etc.* Sounding or permitting the sounding of any horn, whistle or other auditory sounding device on or in any motor vehicle on any public right-of-way or public property, except as a warning of danger.

(3) *Vehicles.* Operation of a motor vehicle or operation of a motorcycle within the county that creates mechanical or exhaust noise that is plainly audible at a distance of two hundred (200) feet or more from the vehicle. Operation of sound amplifying equipment in a motor vehicle at a volume plainly audible at a distance of fifty (50) feet from the vehicle.

(4)

(5) *Radios, television sets, musical instruments and similar devices.* Operating, playing

or permitting the operation or playing of any radio, television, compact disc player, or other sound reproduction device, or any drum, musical instrument, or similar device in such a manner as to permit sound to be plainly audible within an affected property or through partitions common to two (2) dwelling units within a building between the hours of 11:00 p.m. and 7:00 a.m.

(6) *Loudspeakers, public address systems and sound trucks.* Using, operating or permitting the operation of any loudspeaker, public address system, mobile sound vehicle or similar device amplifying sound therefrom for any purpose in such a manner as to permit sound to be plainly audible within an affected property, or through partitions common to two (2) dwelling units within a building between the hours of 11:00 p.m. and 7:00 a.m.

(7) *Yelling, shouting, etc.* Yelling, shouting, and other vocal sounds in excess of a normal conversational level, whistling or singing, any of which is plainly audible within an affected property, or through partitions common to two (2) dwelling units within a building between the hours of 11:00 p.m. and 7:00 a.m.

(8) *Large party nuisance.* Noise that emanates from a gathering of ten (10) or more people where the gathering is not completely contained within a structure, but spills outdoors into balconies, yards, common areas, parking lots, or other outdoor spaces and is plainly audible within an affected property, or through partitions common to two (2) dwelling units within a building between the hours of 11:00 p.m. and 7:00 a.m.

(9) *Domesticated or caged animals.* Domesticated or caged animals that without provocation, vocalize a noise that is plainly audible within an affected property or through partitions common to two (2) dwelling units within a building between the hours of 11:00 p.m. and 7:00 a.m., Prima facie evidence of a violation of this section shall include but not be limited to:

- (a) Vocalizing (howling, yelping, barking, squawking, etc.) for five (5) minutes without interruption, defined as an average of four or more vocalizations per minute in that period; or (b) Vocalizing for ten (10) minutes intermittently, defined as an average of two vocalizations or more per minute in that period.

(10) *Construction or Demolition Activities.* The creation of any noise emanating from construction or demolition activities that is plainly audible within an affected property or through partitions common to two (2) dwelling units within a building between the hours of 7:00 p.m. or sunset, whichever is later, and 7:00 a.m.

(11) *Lawn Care Equipment.* The creation of any noise emanating from yard tools, leaf blowers, lawnmowers and other lawn care equipment that is plainly audible within an affected property or through partitions common to two (2) dwelling units within a building between the hours of 7:00 p.m. or sunset, whichever is later, and 7:00 a.m.

Harassing or Intimidating Noise: No person shall intentionally make noise that is plainly audible beyond the boundaries of such person's own property for the purpose of

harassing or intimidating another person.

[Sec. 1-9-564 - Exemptions.](#)

- (a) The following are exempt from the provisions of [Section 1-9-563](#):
- (1) Non-amplified crowd noises resulting from the activities, such as those planned by student, governmental or community groups;
 - (2) Noises emanating from organized school athletic events;
 - (3) Agricultural and farming operations when the equipment is operated with all the manufacturers' standard mufflers and noise reducing equipment in use and proper operating condition;
 - (4) Noises emanating from livestock or poultry;
 - (5) Noises made by dogs while they are being lawfully used for hunting or taking wildlife, and noise made by dogs during the course of training by hunters, pursuant to N.C.G.S. Chapter 113, or that are provoked when kenneled;
 - (6) Noises emanating from or resulting from the normal operation of any facility that is properly licensed by the North Carolina Department of Agriculture, Veterinary Division, as a boarding kennel, pet shop or dealer, in accordance with the North Carolina Animal Welfare Act (N.C.G.S. Chapter 19A-20 et seq.), as may be amended, or from any animal shelter that is operated by Brunswick County;
 - (7) Noises of safety signals, warning devices, emergency pressure relief valves and bells and chimes of churches;
 - (8) Noises resulting from any authorized emergency or law enforcement vehicle or aircraft when operating for official business purposes;
 - (9) Repealed
 - (10) Noises associated with any event held in recognition of a community celebration of national, state or county events or public festivals;
 - (11) All noises coming from the normal operations of aircraft (not including scale model aircraft) and all noises emanating from any airport within the county;
 - (12) All noises coming from the normal operations of railroads and locomotives (not including scale model railroads);
 - (13) All noises emanating from the operation of an industrial or manufacturing facility or traffic relative thereto.
 - (14) Repealed
 - (15) All noises emanating from emergency work during a natural disaster, declared State of Emergency, or other incident requiring emergent activity to protect life or property, including but not limited to construction activities, generator use,

machinery or heavy equipment.

(b) If any exceptions stated in this Chapter 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.

[Sec. 1-9-565. - Enforcement Responsibility.](#)

(a) The sheriff of the county shall have primary enforcement responsibility for this Article.

[Sec. 1-9-566. - Penalties for Violation.](#)

(a) *Civil penalties.*

(1) Any person, firm or corporation violating any provision of sections this Article shall be subject to a civil penalty in the amount of \$300.00 for each offense, and separate offenses shall be deemed committed on each day during or on which a violation occurs or continues. Any subsequent violation within a 12-month period of a first violation shall subject the violator to a civil penalty of \$500.00 for each subsequent violation. For purposes of determining subsequent violations within a 12-month period, the date of the first violation shall be the anniversary date from which a new 12-month period shall begin.

Any person, firm, or corporation found to be in violation of any provision of this Article shall be issued a citation which shall, among other things, state upon its face the amount of the civil penalty and that it shall be paid within 72 hours from and after such violations; notify such offender that failure to pay the penalty within the prescribed time shall subject the offender to a civil action in the nature of a debt for the stated penalty plus the cost of the action to be taxed in the court; and further provide that the penalty may be paid at the Brunswick County Sheriff's Office, 70 Stamp Act Drive, Bolivia, North Carolina 28422. If the penalty prescribed in subsection (1) above is not paid within 72 hours, the county may initiate a civil action in the nature of a debt and recover the civil penalty and the cost of the action.

(2) As an additional remedy, this article may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction to restrain the violation. The action shall be brought in the appropriate division of the general court of justice of Brunswick County. The institution of an action for equitable relief shall not relieve any party to such proceeding from any civil or criminal penalty prescribed for violations of this article.

(b) *Criminal penalties:* A violation of any provision of this article shall be deemed a class 3 misdemeanor punishable to the extent provided in North Carolina General Statutes, Section 14-4. A violation that either reoccurs or continues without cessation after a person has been criminally charged, either by arrest or citation, shall constitute a separate offense.

[Sec. 1-9-567. - Severability.](#)

If any article, section, subsection, sentence, or clause of this article is adjudged to be unconstitutional or invalid, such adjudication shall not affect the validity of the remaining portions of this article. It is hereby declared that this article would have been passed, and each article, section, subsection, sentence, or clause hereof, irrespective of the fact that any one or more articles,

sections, subsections, sentences, or clauses might be adjudged to be unconstitutional or for any other reason invalid.

[Sec. 1-9-568 – 1-9-580. - Reserved.](#)