

AN ORDINANCE TO AMEND
CHAPTER 24 (“NUISANCES”)
OF THE
CRAVEN COUNTY
CODE OF ORDINANCES

BE IT ORDAINED by the Craven County Board of Commissioners as follows:

1. That Chapter 24 (“Nuisances”), Article II (“Noise Control”), Section 24-22 (“Prohibited acts”) be replaced in its entirety as follows:

Sec. 24-22. - Prohibited acts.

(a) *Noise disturbances.* Except as provided in Section 24-23, no person shall make, continue, or cause to be made or continued any noise disturbance, regardless of the time of day. Noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way shall be exempt from the operation of this section.

(b) *Specific prohibitions.* Except as provided in Section 24-23, the following acts, among others, are declared to be unreasonably loud, disturbing and unusually excessive noises in violation of this article, but such enumeration shall not be exclusive:

(1) *Radios, television sets, musical instruments and similar devices.* Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device which produces, reproduces, or amplifies sound:

a. Between the hours of 11:00 p.m. and 7:00 a.m. the following day in such a manner as to create a noise disturbance across a real property boundary or within a noise-sensitive zone;

b. In such a manner as to create a noise disturbance at 50 feet from such a device, when operated in or on a motor vehicle on a public right-of-way or public space, or in a motorboat or other vessel which operates on public waters; or

c. In such a manner as to create a noise disturbance to any person other than to the operator of the device, when operated by any passenger on a common carrier.

This subsection shall not apply to noncommercial spoken language covered under subsection (b)(2) of this section.

(2) *Loudspeakers and public address systems.* Using or operating, for any purpose, any loudspeaker, public address system, or similar device such that the sound therefrom creates a noise disturbance across a real property boundary or within a noise-sensitive zone, or between the hours of ~~11:00~~10:00 p.m. and 7:00 a.m. the following day on a public right-of-way or public space.

~~(3) *Street sales.* Offering for sale or selling anything by shouting or outcry within any area of the county, except in a stadium or sports arena.~~

~~(4) *Animals and birds.* Owning, possessing or harboring any animal or bird which frequently or for continued duration makes any sound which creates a noise disturbance across a residential real property boundary or within a noise sensitive zone.~~

~~(5)~~(3) *Loading or unloading.* Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, or similar objects between the hours of 11:00 ~~10:00~~ p.m. and 7:00 a.m. the following day in such a manner as to cause a noise disturbance across a residential real property boundary or within a noise-sensitive zone.

~~(6)~~(4) *Construction and demolition.* Operating or permitting the operation of any tools or equipment used in construction or demolition work between the hours of 11:00 ~~10:00~~ p.m. and 7:00 a.m. the following day, such that the sound therefrom creates a noise disturbance across a residential real property boundary or within a sensitive zone, except for emergency work; provided that this shall not apply to the use of domestic power tools subject to subsection (b)(12) of this section.

~~(7)~~(5) *Airport and aircraft operations.* ~~Nothing in this section shall be construed to prohibit, restrict, penalize, enjoin, or in any manner regulate the movement of aircraft which are in all respects conducted in accordance with, or pursuant to, applicable federal laws or regulations.~~

~~(8)~~(6) *Explosives, firearms and similar devices.* The use or firing of explosives, firearms, firecrackers and other fireworks, or similar devices which create impulsive sound so as to cause a noise disturbance across a real property boundary or on a public space or right-of-way.

~~(9) *Stationary nonemergency signaling devices:*~~

~~a. *Sounding or permitting the sounding of any signal from any stationary bell, chime, siren, whistle, or similar device, intended primarily for nonemergency purposes, from any place for more than one minute in any hourly period.*~~

~~b.a. *Devices used in conjunction with places of education and religious worship shall be exempt from the operation of this provision.*~~

~~(10)~~(7) *Emergency signaling devices.*

a. The intentional sounding or permitting the sounding outdoors of any fire, burglar, or civil defense alarm, siren, whistle, or similar stationary emergency signaling device, except for emergency purposes or for testing, as provided in subsection (b)(10)b of this section.

b. Testing of a stationary emergency signaling device shall occur at the same time of day each time such a test is performed, but not before 8:00 a.m. or after 9:00 p.m.

(11) *Noise-sensitive zones.* After being forbidden to do so, creating or causing the creation of any sound within any noise-sensitive zone designated pursuant to subsection (b)(2) of this section so as to disrupt the activities normally conducted within the zone.

(12) *Domestic power tools.* Operating or permitting the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tools, or similar device used outdoors, in or near residential areas between the hours of 11:00 ~~10:00~~ p.m. and 7:00 a.m. the following day so as to cause a noise disturbance across a residential real property boundary.

(13) *Motor vehicles, motorcycles and motorboats.*

a. *Generally.* No person shall operate a motor vehicle, motorcycle or motorboat which causes a noise disturbance across a real property boundary, within a noise-sensitive zone or on a public right-of-way, public space or public waterway as a result of:

1. A defective or modified exhaust system; or
2. Any unreasonably rapid acceleration, deceleration, engine revving or tire squealing; or,
3. Overloading or ill-repair which causes unusually excessive grating, grinding, rattling or other noise.

b. *Repairs and testing.* Repairing, rebuilding, modifying, or testing any motor vehicle, motorcycle, or motorboat in such a manner as to cause a noise disturbance across a residential real property boundary or within a noise-sensitive zone.

c. *Horns and signaling devices of motor vehicles and motorcycles.* The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public place of the county, except as a danger warning, the creation, by means of any such signaling device, of any unreasonably loud or harsh sound, the sounding of any such device for an unreasonable amount of time, the use of any horn, whistle, or other device operated by engine exhaust, and the use of any such signaling device when traffic is for any reason held up. Authorized emergency vehicles may use warning sounds.

(14) *Engine exhausts.* The discharge into the open air within the county of the exhaust of any steam engine, gasoline engine, stationary internal combustion engine, or other kind or type of engine, motorboat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

2. That Chapter 24 (“Nuisances”), Article II (“Noise Control”), Section 24-23 (“Exceptions”) be replaced in its entirety as follows:

Sec. 24-23. – Exceptions.

(a) *Emergency exception.* The provisions of this Article shall not apply to the emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work.

(b) *Permit exception.* This Article shall not apply for activities described in a permit issued by the Board of Commissioners.

(c) *Domesticated animals and livestock exception.* The provisions of this Article shall not apply to the emission of sound emanating from domesticated animals or livestock.

(d) *Hunting exception.* The provisions of this Article shall not apply to noises related to hunting activities conducted in full accordance with all applicable federal, state and local laws.

(~~b~~)(e) *Timbering, logging and agricultural activities exception.* The provisions of this Article shall not apply to noises related to timbering, logging and agricultural activities conducted in full accordance with all applicable federal, state and local laws.

3. That Chapter 24 (“Nuisances”), Article II (“Noise Control”), be amended by adding a new Section 24-24 (“Penalties”) to read as follows:

Sec. 24-24. - Penalties

In addition to those penalties set forth in Sections 1.11 and 1.12 of the Code of Ordinances, violations of the provisions of this Article, or failure to comply with any of its requirements, shall constitute a misdemeanor as provided in N.C.G.S. Section 14-4.

4. This Ordinance is adopted and effective this ____ day of _____, 2015.

CRAVEN COUNTY

(County Seal)

By

STEVE TYSON, Chairman
Craven County Board of Commissioners

ATTEST:

GWENDOLYN M. BRYAN
Clerk to the Board