

O-1999-004

**SUMMERFIELD, NORTH CAROLINA**  
**OFFENSES AGAINST PUBLIC PEACE AND ORDER**

**Sec. 1-1. Unnecessary noises.**

(a) 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 make, permit, continue, or cause to be made, or to create any unreasonably loud, disturbing, and unnecessary noise in the Town. The person responsible for and in charge of any premises or activities on the premises shall also be responsible and liable for any violations of this section by tenants, guests, or licensees on the premises if the person so responsible for the premises is actively present at the time of the violation. This section shall in no way relieve any other person including the absentee owner as provided by section 1-1.1 from responsibility for violations of this noise ordinance. 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.

(3) Unnecessary. Any excessive or unusually loud sound or any sound which is of such character, intensity and duration as to disturb the peace and quiet of any neighborhood or which disturbs, injures or endangers the comfort, repose, health, peace or safety of any person, and being a type of sound which could be lessened or otherwise controlled by the maker without unduly restricting his conduct.

In determining whether a noise is unreasonably loud, disturbing and unnecessary, the following factors incident to such noise are to be considered: Time of day; proximity to residential structures; proximity to occupied 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 mechanical means; the nature and zoning of the area; whether the noise is subject to being controlled or postponed without unreasonable effort or expense to the creator thereof.

(b) The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section but this enumeration shall not be deemed to be exclusive.

(1) Blowing horns. The sounding of any horn, whistle or signal device on any automobile, motorcycle, bus or other vehicle or railroad train, except as a danger signal or as required by law, so as to create any unreasonable, loud or harsh sound or the sounding of such device for an unnecessary and unreasonable period of time.

(2) Radios, record players, etc. 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 9:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of any person of normal sensibilities in any dwelling, motel, hotel or other type of residence.

- (3) *Sound-producing equipment in vehicles.* The playing of any radio, tape recorder, cassette player, or other similar device for reproducing sound located on or in any motor vehicle on a public street, highway, or within the motor vehicular area of any public or private parking lot or part, if the sound generated is audible at a distance of fifty (50) feet from the radio, tape recorder, cassette player or other device that is producing the sound.
- (4) *Use of vehicles.* The use of any truck, automobile, motorcycle, or vehicles, so loaded, or operated in such manner as to create loud grating, grinding, rattling, screeching of tires, or other noise including but not limited to engine breaks.
- (5) *Blowing whistles.* The blowing of any steam whistle attached to any stationary boiler except as a warning of danger.
- (6) *Exhaust discharge.* The discharge into the open 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) *Compressed air devices.* The use of any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and reduced.
- (8) *Building operations.* The erection (including excavation, grading, tree clearing), demolition, alteration, or repair of any building between the hours of 9:00 p.m. and 7:00 a.m. of any day, except in the case of urgent necessity in the interest of public safety and then only with a permit from the Town, which permit may be renewed for a period of three (3) days or less while the emergency continues.
- (9) *Noises near schools, etc.* The creation of any excessive noise near any school, institution of learning, library, or 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) *Loading and unloading operations.* The operation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers.
- (11) *Bells or gongs.* The sounding of any bell or gong attached to any building or premises which disturbs the quiet or repose of persons in the vicinity thereof.
- (12) *Hawking, peddling or soliciting.* The shouting and crying of peddlers, hawkers, vendors, which disturb the quiet and peace of the neighborhood.
- (13) *Noises to attract attention.* The use of any drum, loudspeaker, or other instrument for the purpose of attracting attention by creation of noise to any performance, show, sale, display, or advertisement of merchandise.

(14) *Blowers, engines.* The operation of any noise-creating blower, power fan, or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise emitting therefrom is sufficiently muffled and the engine is equipped with a muffler device sufficient to deaden such noise, so that the same shall not cause annoyance to the public nor unreasonably disturb the rest and quiet of persons on adjacent premises or within the vicinity thereof.

(15) *Appliances and other mechanical devices.* The operation of any noise-producing appliance or other mechanical device which, due to operational deficiencies, malfunction or other type of disrepair, causes loud and excessive noises in such a manner as to unreasonably annoy the public or disturb the rest and quiet of persons on adjacent premises or within the vicinity thereof.

(16) *Gun Fire.* The discharge of a firearm within one thousand (1,000) feet of an occupied dwelling or structure without permission from the owner or occupant of that property.

(17) *Loudspeakers or amplifiers.*

a. The use of mechanical loudspeakers or amplifiers on trucks, airplanes or other vehicles or by any other means for advertising or other commercial purposes is prohibited.

b. In the exercise of noncommercial free speech, loudspeakers or amplifiers may be used, subject to the following conditions:

1. It shall be unlawful for any person to speak into a loudspeaker or amplifier within the corporate limits of the Town, when such loudspeaker or amplifier is so adjusted that the voice of the speaker is amplified to the extent that it is audible at a distance in excess of one hundred fifty (150) feet from the person speaking; provided that such use in Town recreational facilities shall be regulated by the rules of the Town; provided, further, that the county health department may, upon obtaining a permit approved by the Council, use loudspeakers or amplifiers as a part of its educational campaign.

2. No wires or other materials or connections for the transmission of power or for other purposes shall be placed on any street, sidewalk or on the ground in any public park or public place. Any such wires, materials or connections shall be placed not less than seven (7) feet above the street, sidewalk or ground except at the point of connection to the loudspeaker or amplifier.

(c) A violation of this section by any person shall subject the offender to a fine of up to two hundred dollars (\$200.00) and/or imprisonment for up to thirty (30) days. A second violation by the same person within one (1) year shall subject such person to a fine of up to four hundred dollars (\$400.00) and/or imprisonment for up to thirty (30) days. All subsequent violations by the same person within one (1) year shall subject such person to a fine of up to five hundred dollars (\$500.00) and/or imprisonment for up to thirty (30) days.

(d) In the interest of public safety and convenience the following activities are excepted from the application of this section.

(1) Emergency work made necessary to restore property to a safe condition; emergency work required to protect persons or property from danger or potential danger; or work by private or public utilities when restoring utility service.

(2) Blasting and pile driving on street or road projects are exempted under this exception only to the extent that they are carried on between the hours of 9:00 a.m. and 5:00 p.m., Monday through Saturday.

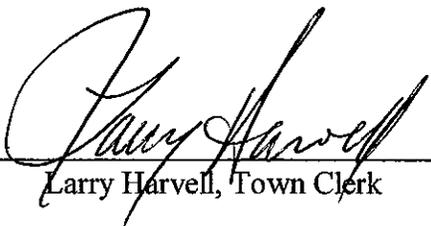
Sec. 1-1.1. Owner and occupant responsibility for noise violations.

An owner of any premises subject to section 1-1 who is not an occupant of the premises shall be responsible and subject to civil penalty but not criminal liability, for actions by tenants, guests, or other licensees that constitute second or subsequent violations of section 1-1 but only if such absentee owner has been notified of the first or previous violations of section 1-1 which have occurred within the previous twelve-month period. Notice of any first or previous violations pursuant to this paragraph shall be effected by registered or certified mail.

The civil penalty for violation of this section shall be one hundred dollars (\$100.00) to be paid within ten (10) days following service, which penalty may provide for an additional fifty dollars (\$50.00) delinquency charge upon nonpayment, and which penalty and delinquency charge may be recovered by the Town in a civil action.

**ADOPTED:** July 6, 1999

Ordinance No. \_\_\_\_\_

(SEAL)  \_\_\_\_\_  
Larry Harvell, Town Clerk