

Fernando Blanton

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**NOISE ORDINANCE
OF
HARNETT COUNTY, NORTH CAROLINA**



Harnett
C O U N T Y

NORTH CAROLINA

Harnett County Board Of Commissioners

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Section 1 Title

This Ordinance shall be known and cited as the "Harnett County Noise Ordinance" (hereinafter referred to as "Ordinance").

Section 2 Purpose

The purpose of this Ordinance is to protect, preserve, and promote the health, safety, welfare, comfort and prosperity of the citizens of Harnett County through regulation of the production and emission of noises or amplified speech, music or other sounds that tend to annoy, disturb or frighten the County residents.

Section 3 Findings

- (a) Harnett County finds that inadequately controlled noise offers serious hazards to the public health, safety and welfare, and a source of annoyance to the population of the County. Unreasonably loud and disturbing noise tends to degrade the environment to a degree that:
 - 1. Is harmful to the health, welfare and safety of Harnett County inhabitants and visitors;
 - 2. Interferes with the comfortable enjoyment of life and property;
 - 3. Interferes with the wellbeing, tranquility, and privacy of the home; and
 - 4. Both causes and aggravates health problems.

- (b) Both the effective control and elimination of unreasonably loud and disturbing noise is essential to the health and welfare of the County's inhabitants and visitors, and to the conduct of the normal pursuits of life, including recreation, work and communication.

- (c) The use of sound amplification equipment creates loud and disturbing noise that may, in a particular manner and at a particular time and place, substantially and unreasonably invade the privacy, peace, and freedom of inhabitants of, and the visitors to Harnett County.

- (d) Certain short-term easing of noise restrictions is essential to allow the construction and maintenance of structures, infrastructure, and other elements necessary for the physical and commercial vitality of Harnett County.

Section 4 Authority and Enactment

The Board of Commissioners of the County of Harnett, pursuant to the authority conferred by the General Assembly of the State of North Carolina in General Statutes Chapter 153A, Sections 121 and 133 hereby ordains and enacts into law this Ordinance.

Section 5 Jurisdiction

Under the authority granted by N.C.G.S. 153A-122 the county is hereby authorized to enact this Ordinance within the rural areas of the county and outside and beyond the corporate limits of any municipality of Harnett County.

Section 6 Administration

The Sheriff's Office of Harnett County shall be responsible for the administration and enforcement of this Ordinance.

Section 7 Severability

If any section of specific provision or standard of this Ordinance is found by a court to be invalid, the decision of the court shall not affect the validity of any other section, provision, or standard of this Ordinance.

Section 8 Conflict with Other Laws

It is not intended that this Ordinance repeal, abrogate, annul, impair, or interfere with any existing provisions of any other ordinances or laws. However, if the requirements of any other lawfully adopted rules, regulations, or ordinances of the County of Harnett conflict with this Ordinance, the more restrictive or that imposing the higher standards will govern.

Section 9 Amendment

This Ordinance may be amended from time to time by the Board of Commissioners of the County of Harnett on its own motion or on petition and after public notice and hearing.

Section 10 Replacement of Existing Ordinance

This Ordinance, upon adoption, shall replace and rescind the existing Harnett County Noise Ordinance adopted on November 3, 1980.

Section 11 General Prohibition

No person shall make, continue or cause to be made or continued:

- (a) Any noise that is unreasonably loud and disturbing.

- (b) Any noise which unreasonably disturbs, injures or endangers the comfort, repose, health, peace or safety of reasonable persons of ordinary sensitivity, within the jurisdictional limits of Harnett County.
- (c) Any noise which is so harsh, prolonged, unnatural or unusual in time or place as to bring unreasonable discomfort to any persons within the neighborhood from which said noises emanate, or as to unreasonably interfere with the peace and comfort of neighbors or their guests, or operators or customers in places of business, or as to detrimentally or adversely affect such residences or places of business.
- (d) Any noise that is produced so that it is plainly audible within the confines of a structure that is secured in a manner to render a reasonable expectations of having freedom from disturbance.

Section 12 Loud and Unreasonable Noise

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 create any unreasonably loud or disturbing noise in the County. For purposes of this section, the following definitions shall apply:

- (a) 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.
- (b) Disturbing: Noise which is perceived by a person of ordinary sensibilities as interrupting the normal peace and calm of the area.

In determining whether a noise is unreasonably loud or disturbing, the following factors incident to such noise are to be considered:

- (a) Time of day.
- (b) Distance traveled.
- (c) Volume and intensity.
- (d) The character of the area.
- (e) Proximity to residential structures and noise sensitive areas such as: schools, courts, churches, hospitals, residential care facilities and similar institutions.
- (f) Whether the noise is recurrent, intermittent or constant.
- (g) Whether the noise is related to the normal operation of a business or labor activity.
- (h) Whether the noise has been enhanced in volume or range by any type of electronic or mechanical means.
- (i) Whether the noise is subject to being controlled without unreasonable effort or expense to the creator thereof.
- (j) Whether the noise is amplified to a level that penetrates the confines of an enclosed dwelling.

Section 13 Noises Expressly Prohibited

The following acts generating noise, among others, are declared to be loud, disturbing and unreasonable noises in violation of this Ordinance, but said enumeration shall not be deemed to be exclusive, namely:

- A. 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 period of time greater than ten (10) seconds;

- B. Radios, Televisions, Boom boxes, Phonographs, Stereos, Musical Instruments and Similar Devices: The use or operation of a radio, television, boom box, stereo, musical instrument or similar device that produces or reproduces sound in a manner that is plainly audible to any person other than the player(s) or operator(s) of the device, and those who are voluntarily listening to the sound, and which unreasonably disturbs the peace, quiet and comfort of neighbors and passers-by, or is plainly audible at a distance of fifty (50) feet from any person in a commercial, industrial area or public space.
- C. Vehicles: The use of any automobile, motorcycle, dirt bike, go-cart, recreational vehicle or any other vehicle so out of repair, so modified, so loaded or operated in such a manner as to create loud or unnecessary grating, grinding, rattling, screeching of tires or other noise;
- D. Exhaust Discharge: The discharge into the open of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or recreational vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises there from;
- E. Blowing Whistles: The blowing of any steam whistle attached to any stationary boiler except as a warning of danger or to give notice of time to begin or stop work.
- F. Compressed Air Devices: The use of any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and reduced;
- G. Pets: The keeping of any animal or bird, which by causing frequent or long continued noise, shall unreasonably disturb the comfort and repose of any person in the vicinity;
- H. Building Operations: The erection (including excavation), demolition, alteration or repair of any building in a residential area between the hours of 8:00 pm and 6:00 am of any day or in any district other than a residential area between the hours of 11:00 pm and 6:00 am of any day, except in the case of urgent necessity in the interest of public safety;
- I. Noises Near Schools, Etc.: The creation of any excessive or disturbing noise on any street or parcel of property adjacent to any school, institution of learning, library, or court while the same is in session, or adjacent to any hospital, or any church during services, which unreasonably interferes with the operation or activities of such institution;
- J. 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;
- K. 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 there from is sufficiently muffled and the engine is equipped with a muffler device sufficient to deaden noise, so that the same shall not cause annoyance to the public nor unreasonably disturb the rest and quiet of any person of normal sensibilities on adjacent premises or within the vicinity thereof;
- L. Loudspeakers or Amplifiers: 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. In the exercise of non-commercial free

speech, loudspeakers or amplifiers may be used, subject to the following conditions:

- (a.) It shall be unlawful for any person to speak into a loudspeaker or amplifier within the jurisdictional limits of the County, 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 and fifty feet (150') from the person speaking, except that this prohibition shall not apply in circumstances surrounding the special operations of law enforcement and emergency service personnel in the performance of their duties to protect the public.
- M. Gong or Siren: The use of any gong or siren upon any vehicle, other than police, fire, or other emergency vehicle

Section 14 Exceptions

The following shall be considered an exception and shall be exempt from the provisions of this Ordinance:

- A. Noise emanating from regularly scheduled athletic events of any Harnett County Schools or Harnett County Parks and Recreation Department facility;
- B. Noise resulting from farming and agricultural operations including but not limited to noises generated by machinery, equipment and farm animals;
- C. Noise as the result of normal or routine lawn/yard maintenance and landscaping;
- D. Noises from safety signals, warning devices, emergency signaling devices, and of any authorized emergency vehicle when responding to any emergency call or acting in time of emergency;
- E. Noises generated from the normal operation of properly equipped aircraft;
- F. Noise from or at parades, street fairs, and similar festivals and/or concert events sponsored, permitted or sanctioned by Harnett County;
- G. Noise from all churches or any place of worship;
- H. Noise from governmental operations;
- I. Noise from any sanitation operations;
- J. Noise from all lawfully permitted firework displays;
- K. Emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster, to restore public utilities, or to protect persons or property from an imminent danger;
- L. All noises coming from normal operation of motor vehicles properly equipped with the manufacturer's standard muffler and noise-reducing equipment;
- M. Normal sounds associated with or customary to industrial or manufacturing operations in the normal course of business, provided that said businesses are operating in a lawful manner;
- N. Noise caused by the discharge of firearms by law enforcement officers in the performance of their official duties or during the course of official firearms training.
- O. Discharge of firearms or other methods utilized in the lawful activity of hunting or the taking of wildlife.
- P. Noise made by dogs while hunting or being lawfully trained by hunters or emergency service personnel.
- Q. Noise generated by the discharge of firearms at a firing/shooting range that is operating as a legally permitted facility or a pre-existing facility protected under NCGS 14-409.46 Sport Shooting Range Protection.

- R. Noise resulting from activities of a temporary duration permitted by law and for which a license or permit therefore has been granted by the County of Harnett.

Section 15 Permissible Noise Level Limits

The permissible noise level limits identify the maximum permitted sound levels for continuous sound generated in the use categories listed below.

When Land Use Is Adjacent To:	Maximum Permissible Sound Level 7:00 am thru 10:00pm	Maximum Permissible Sound Level 10:00 pm thru 7:00am
Residential Uses	60 (dB)	55 (dB)
Commercial or Business Uses	75 (dB)	70 (dB)
Manufacturing, Industrial or Agricultural Uses	75 (dB)	75 (dB)

- a) No person shall operate or cause to be operated any source of continuous sound from any use in such a manner as to create a sound level which exceeds the limits set forth for the use category listed above, more than ten percent of any measurement period, which shall not be less than ten minutes.
- b) For any source of sound, the maximum intermittent sound level shall not exceed the permissible sound levels listed above by 15 dB (A) for all categories.

Section 16 Methods of Noise Level Measurement

In the enforcement of this Ordinance, various techniques of measurement shall be utilized to measure and/or determine if levels of noise are unreasonably loud or disturbing and fail to be in compliance with the regulations and limitations specified within this Ordinance. Noise shall be measured by one or more of the following techniques:

- a) Distance:
Noise levels may be measured by the distance that separates the generator of the noise to the location of the receiver of the noise. This type of measurement can be utilized by any designee of the Harnett County Sheriff's Office with ordinary sensibilities which can detect plainly audible noise and can verify a measurable distance in linear feet.
- b) Duration:
Noise levels may be measured by the amount of time that the noise generated reaches the receiver of the noise. Noise measured in this manner may be conducted by any designee of the Harnett County Sheriff's Office with ordinary sensibilities and shall be directed to the length of time that the noise is plainly audible rather than the volume level of the noise.
- c) Decibel Level:
Noise levels utilizing this method of measurement shall be measured from any point beyond (outside) the property line of the property where the noise generates or the specified developmental setback distance as specified within

the Harnett County Unified Development Ordinance. Noise level measurements shall be performed by an authorized agent of the Harnett County Sheriff's Office that has been trained in the area of sound level measurement, using a certified sound level meter. The meter must be set to the "A" weighted response scale and the meter to slow response. Measurements shall be conducted in accordance with the standards promulgated by American National Standards Institute or other reasonable standards adopted or tested by the County of Harnett. Measurements shall be taken at least three (3) feet above ground and not more than ten (10) feet above ground.

d) Penetration:

Noise levels may be measured by the detection of sound within an enclosed area that was generated outside of the enclosed area. This method of measurement shall be used to verify if noise is being forced into a structure and minimizes the expectation of having freedom from disturbance. Measurements of this nature may be performed by any designee of the Harnett County Sheriff's Office with ordinary sensibilities that can detect plainly audible noise.

Section 17 Data Documentation & Recordation

A record of all noise level measurements performed utilizing the decibel level method shall be completed and signed by the individual conducting the noise level testing. The documentation of the measurement shall contain the following:

- a) Date
- b) Time of measurement
- c) Location of testing sites
- d) Location of noise source / generator
- e) Noise level readings for each testing site
- f) Weather conditions
- g) Make, model and serial number of the sound level meter used for testing
- h) Date of last certification / calibration of the noise level meter
- i) Noise source
- j) Responsible party information of the noise source
- k) Name and contact information of the complainant

All other methods of noise level measurements shall document the following:

- a) Date
- b) Time of measurement
- c) Location of testing site
- d) Location of noise source
- e) Noise source

Section 18 Complaint Procedure and Enforcement

In the event any person has reasonable grounds to believe that any provision of this Ordinance is being violated, he or she shall make a report thereof to the Harnett County Sheriff's Office, which shall investigate the alleged violation. If the investigation reveals a violation, the investigating officer has the authority to issue a written warning or civil

citation and may obtain criminal process for the violation thereof. The investigating officer may utilize other enforcement measures as allowed by law if found to be necessary to render compliance to this Ordinance.

Section 19 Penalties

The Administrator shall be authorized to use any one (1) or more of the methods described in this Section, or action authorized by law, to insure compliance with or to prevent a violation of the provisions of this Ordinance.

19.1 Civil Citation

After issuing a written warning to the violator, a deputy sheriff, or other law enforcement officer of the County may issue a citation subjecting the violator to a civil penalty to be paid within ten (10) days. Civil Citations shall be issued as follows:

Initial Detection.....	Written Warning
Reoccurring Detections.....	Civil Citations
1st Citation.....	\$50.00
2 nd Citation within same 30 day period.....	\$100.00
3 rd Citation within same 30 day period.....	\$250.00
All subsequent violations within 30 day period.....	\$500.00

Non-payment within Ten (10) days shall result in the issuance of a \$50.00 delinquency charge. The County shall have the right to collect said payments and delinquency charges through Civil Action.

19.2 Criminal Prosecution

Violations of this Ordinance may constitute a misdemeanor and is punishable as provided in NCGS 14-4 and the maximum fine; term of imprisonment or infraction penalty allowed by law is hereby authorized.

19.3 Injunction

Enforcement may also be achieved by injunction. When a violation occurs, the County may either before or after the institution of any other authorized action or proceeding, apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction commanding the defendant, or in the case of counterclaims the plaintiff, to correct the unlawful condition or cease the unlawful use of the property.

Section 20 Definitions

In addition to the common meanings of words, the following definitions shall be used in interpreting the sections of this Ordinance.

"A" *weighting scale* means the sound pressure level, in decibels, as measured with the sound level meter using the "A" weighted network scale. The standard unit notation is dB (A).

dB (A) means the sound level in decibels, determined by the "A" weighting scale of a standard sound level meter having characteristics defined by the American National Standards Institute, Publication ANSI, 1.4-1983, for a type 2 instrument.

Decibel (dB) means a unit of measure, on a logarithmic scale, of the ratio of the magnitude of a particular sound measure to a standard reference pressure.

Noise means an unwanted or disturbing sound.

Plainly Audible means any sound that can be detected by a person using his or her unaided hearing faculties.

Ordinary Sensibilities means to have normal bodily faculties of perception or feeling without the aid or assistance of a mechanical or external device.

Sound Level means, in decibels, a weighted sound pressure level determined by the use of a sound level meter whose characteristics and frequency weightings are specified in ANSI standards.

Sound Level Meter means an instrument which includes a microphone, amplifier, RMS detector, integrator of time average, output meter, and weighting network used to measure sound pressure levels.

Section 21 Effective Date

This Ordinance shall take effect and be in force upon adoption.

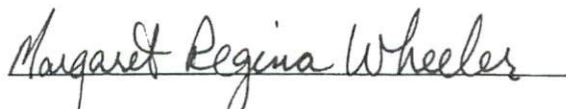
Adopted this the 17th day of June, 2013.



HARNETT COUNTY BOARD OF COMMISSIONERS


Jim Burgin, Chairman

ATTEST:


Margaret Gina Wheeler, Clerk to the Board