

NOISE ORDINANCE

Be it resolved by the Pitt County Board of Commissioners that the following Noise Control Ordinance is hereby adopted repealing the Noise Control Ordinance adopted March 23, 1987:

Section 1. Declaration of Findings and Policy: Scope

WHEREAS, excessive sound is a serious hazard to the public health, welfare, safety and quality of life; and

WHEREAS, the people have a right to, and should be ensured an environment free from excessive sound,

NOW, THEREFORE, it is the policy of Pitt County to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens of Pitt County or degrade the quality of life.

This Ordinance shall apply to the control of sound originating from sources within the limits of the County of Pitt.

Section 2. Definitions

Commercial Area: A group of commercial facilities and the abutting public spaces.

Commercial Facility: Any premises, property, or facility involving traffic in goods or furnishing of services for sale or profit, including but not limited to:

- A. Banking and other financial institutions;
- B. Dining establishments;
- C. Establishments for providing retail services;
- D. Establishments for providing wholesale services;
- E. Establishments for recreation and entertainment;
- F. Office buildings;
- G. Transportation facilities; or
- H. Warehouses.

Construction: Any site preparation, assembly, erection, repair, alteration or similar action, but excluding demolition of buildings or structures.

Decibel (dB) and Frequency: The practical unit of measurement for sound pressure level; the number of decibels of a measured sound is equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound (20 micropascals); abbrevi-

ated "dB". Frequency is the number of sound pressure oscillations per second expressed in hertz; abbreviated "Hz".

Demolition: Any dismantling, intentional destruction, or removal of buildings or structures.

Emergency Work: Any work or action necessary to deliver essential services including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, or abating life threatening conditions.

Industrial Facility: Any activity and its related premises, property, facilities, or equipment involving the fabrication, manufacture, or production of durable or nondurable goods.

Motor Vehicle: Any vehicle that is propelled or drawn on land by an engine or motor.

Muffler: A sound dissipative device or system for abating the sound of escaping gasses of an internal combustion engine.

Dwelling Building: Any building wherein that is a single family or two or more dwelling units.

Noise: Any sound of such level and duration as to be or tend to be injurious to human health or welfare, or which would unreasonable interfere with the enjoyment of life or property throughout the County or in any portions thereof, but excludes all aspects of the employer-employee relationship concerning health and safety hazards within the confines of a place of employment.

Noise Control Officer: An officially designated employee of the County, trained in the measurement of sound and empowered to issue a summons for violations of this ordinance. This position may be held by more than one (1) person.

Noise Disturbance: Any sound that:

- A. endangers the safety or health of any person, or
- B. disturbs a reasonable person of normal sensitivities, or
- C. endangers personal or real property.

Person: Any individual, corporation, company, association society, group, firm, partnership, joint-stock company, the County or any political subdivision, agency or instrumentality of the County, except duly incorporated Municipalities.

Public Right-of-Way: Any street, avenue, boulevard, road, highway, sidewalk, alley that is leased, owned or controlled by a governmental entity.

Public Space: Any real property or structures thereon that are owned, leased or controlled by a governmental entity.

Residential Property: Any property used for human habitation, including but not limited to:

- A. Private property used for human habitation;
- B. Commercial living accommodations and commercial property used for human habitation;
- C. Recreational and entertainment property used for human habitation;
- D. Community service property used for human habitation;
- E. Hospitals, nursing and retirement homes and other areas where there is human habitation.

Sound Level: The sound pressure level measured in decibels with a sound level meter set for A-weighting; sound level is expressed in "dBA".

Sound Level Meter: An instrument used to measure sound level and conforms to Type 1 or Type 2 standards as specified by ANSI specification S1.4-1971.

Section 3. Loud, Disturbing and Unnecessary Noise

- A. Subject to the provisions of this Section, the creation of any unreasonably loud or disturbing noise in the County of Pitt is prohibited. Noise of such character, intensity and duration as to be detrimental to the health, safety or welfare of any individual is prohibited.
- B. The following acts, among others, are declared to be loud or disturbing in violation of this Section, but such enumeration shall not be deemed to be exclusive:
 1. The use of any loud, boisterous or raucous language or shouting as to annoy or disturb quiet, comfort or repose of any person in the vicinity.
 2. The sounding of any horn or signal device on any motor vehicle while not in motion, except as a danger signal if another motor vehicle is approaching apparently out of control, or if in motion only as a danger signal; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for any unnecessary and unreasonable period of time.
 3. The playing of any radio, phonograph, electronic amplified sound devices, television set or other machine or device for the producing or reproduction of sound, or musical instrument, in such manner or with such volume, as to annoy or disturb the quiet, comfort or repose of any individual in any dwelling, hotel, retirement or nursing home, hospital or other type of residence.
 4. The using or operating of any loudspeaker or sound amplifying device mounted upon any vehicle for the purpose of broadcasting or advertising any information about any business or activity for any other purpose.
 5. The repairing, rebuilding, or testing of any motor vehicle between the hours of 10:00 P.M. and 7:00 A.M. within any residential area in such a manner as to disturb the peace, quiet, and comfort of the residents of the area.
 6. The keeping of any animal or bird which, by such causing frequent and long continued noise, shall disturb the comfort and repose of any person in the vicinity.
 7. The creating of any excessive noise on any street adjacent to any school, institution of learning, or church, while the same are in use, or adjacent to any hospital, nursing or retirement home, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients or occupants in such institutions, provided conspicuous signs are displayed in such streets indicating that the same is a school, institution of learning, church, hospital, nursing or retirement home street.

Section 4. Noise Control Officer(s)

A. *Enforcement.* The provisions of this Ordinance shall be enforced by the Noise Control Officer(s) who shall be appointed by the Sheriff of Pitt County and who shall be a qualified deputy of the Sheriff's Department with expertise in the measurement of noises with a Sound Level Meter.

B. *Powers.* The Noise Control Officer(s) shall have the power to:

1. Coordinate the noise control activities of all departments and institutions of the County and cooperate with all other public bodies and agencies to the extent practicable;

2. Review the actions of all County departments and advise such department of the effect, if any, of such actions of noise control;
3. Review any and all public or private projects for compliance with this Ordinance;
4. Grant permits for variances and exceptions where applications are made therefore, provided the variances are consistent with this Ordinance.

Section 5. Maximum Permissible Sound Levels

- A. No person shall cause, suffer, allow or permit the operation of any source of sound on a particular category of property or any public space or right-of-way in such a manner as to create a sound level that exceeds the particular sound level limits set forth in Table 1, hereto attached and made a part hereof, when measured at or within the property line of the receiving property or the source of the complaint.
- B. When measuring noise within a dwelling unit of a multi-dwelling unit building, all exterior doors and windows shall be closed and the measurements shall be taken in the center of the room of the complainant.

Section 6. Exemptions

The following uses and activities shall be exempt from the noise regulations set forth in this Ordinance:

- A. Noise of safety signals and warning devices.
- B. Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of an emergency.
- C. Noises resulting from emergency work, to be construed as work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from an imminent exposure to danger.
- D. This Noise Ordinance shall be construed in conjunction with any other ordinance of the County which may address the matter of noise as part of its prohibitions.
- E. The Noise Ordinance shall not apply to any event held in recognition of any community celebration or national, state or county events, fairs, or public festivals.
- F. Sounds from Church Bells and Church Chimes when a part of a religious observance or service.
- G. Sounds emanating from scheduled outdoor athletic events.
- H. Noises emanating from the operation of railroad rolling stock.

Section 7. Penalties

A separate offense shall be deemed to have been committed each day during or upon which a violation occurs or is permitted to continue. Violation of any provision hereof shall be a misdemeanor as provided in N.C.G.S. §14-4, punishable upon conviction by a fine not exceeding \$50.00 or by imprisonment not exceeding 30 days.

Section 8. Injunctions

The operation or maintenance of any activity, device, vehicle, or machinery in violation of any provision of this Ordinance which causes discomfort or annoyance to reasonable persons of normal sensitiveness or

which endangers the comfort, repose, health or peace of residents of this County shall be deemed, and is declared to be, a Public Nuisance, and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

Section 9. Severability

The provisions of this Ordinance shall be severable and should any provision be declared illegal or unconstitutional, the remaining provisions and sections shall be and remain in full force and effect.

Section 10. Effective Date

This Ordinance shall be in full force and effect from and after the date of its adoption.

ADOPTED this the 17th day of August, 1992.

TABLE I. Maximum Permissible Sound Levels
by Receiving Property Category, in dBA

Sound Source Property Category	Receiving Property Category					
	Multi-Dwelling-Unit Building		Residential		Commercial	Industrial
	7am-10pm	10pm-7am	7am-10pm	10pm-7am	All Times	All Times
Any location within a Multi- Dwelling-Unit Building	45	40	55	50	65	75
Residential			55	50	65	75
Commercial or Public spaces or Rights-of-Way			65	50	65	75
Industrial			65	50	65	75