# City of Saluda Noise Ordinance

State law references; Authority of City to regulate and prohibit noise, NC G.S. 160A-184.

Whereas the Board of Commissioners seek to regulate, restrict, or prohibit the production or emission of noises or amplified speech, music, or other sounds that tend to annoy, disturb, or frighten its citizens.

Article I. Definitions

Section 1.01 Terms

(a) Motor Vehicle – Motor Vehicles and Commercial Motor Vehicles as defined in NC G.S. 20-4.01

(b) Animals - Every living vertebrate in the classes Amphibia, Reptilia, Aves, and Mammalia except human beings.

Article II. Regulated, Restricted and Prohibited Noise

Section 2.01 Noises regulated, restricted or prohibited

The following acts, among others, are declared to be annoying, disturbing or frightening to the citizens and in violation of this section, but said enumeration shall not be deemed to be exclusive.

(a) The sounding of a horn on a motor vehicle while not in motion, except as a danger signal;

(b) The use of a gong or siren on a motor vehicle, other than an emergency vehicle;

(c) The playing of a radio, television, stereo, or other musical or vocal instrument, machine, mechanical device or equipment in such a manner or with such volume, during the hours between 11:00 pm and 7:00 am so as to be heard from outside the property boundary;

(d) The playing of any radio, television, stereo, or other musical or vocal instrument in such a manner or with such volume, during the hours between 7:00 am to 11:00 pm so as to be heard from more than (1,000) one thousand feet outside the property boundary;

(e) The keeping of animals, including every living vertebrate in the classes Amphibia, Reptilia, Aves, and Mammalia except human beings, causing continuous or repetitive noise heard from more than (100) one hundred feet outside the property boundary;

(f) Compression brakes on a motor vehicle are prohibited within the municipal limits;

(g) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, or motor boat engine, except through a muffler or muffling device;

(h) The use of a mechanical device operated by compressed air, unless the noise created thereby is muffled;

(i) The erection, including excavating, demolition, alteration, or repair of any building in a residential or business district other than between the hours of 7 :00 am and 11 :00 pm except in the case of declared states of emergency or urgent necessity or in the interest of public safety, and only with a permit from the city manager or chief of police except no permit shall be required during a declared state of emergency;

(j) The creation of noise on a street adjacent to a public school, court, church while the same are in session, or healthcare facility, where such noise interferes with the working of such institution, provided that conspicuous signs are displayed in such streets indicating that the same are school, court, church or healthcare streets;

(k) The shouting and crying of peddlers, barkers, hawkers and vendors;

(l) The use of any drum, speaker, instrument or device for the purpose of attracting attention by creation of noise to any performance, show, sale or display of merchandise;
(m) The use of any mechanical speaker or amplification device on motor vehicles, for advertising or other purposes;
(n) The discharging of squibs, crackers, gunpowder or other combustible substances in the municipal limits;
(o) Using noise or language calculated to endanger the health, safety and welfare of the public;
(p) Shouting or screaming so as to disturb the public peace;
(q) The playing of any radio, television, stereo, or other musical or vocal instrument in such a manner or with such volume from a motor vehicle or as a pedestrian so as to be audible from more than 100 feet from the source of the sound, unless such device is being used to request assistance or warn against an unsafe condition;
(r) Willfully or wantonly disturbing any public meeting or gathering.

Section 2.02 Exceptions

Provisions of this article shall not apply to:

(a) The emission of sound for the purpose of alerting persons to the existence of an emergency;
(b) The emission of sound in the performance of emergency work;
(c) Pyrotechnic demonstrations at public exhibitions, fair, carnivals and public celebrations, provided a permit has been obtained pursuant to the provisions of the City Manager;
(d) Activities associated with festivals and processions as recognized and authorized by the Board of Commissioners;
(e) Public safety personnel, when responding to an emergency call or engaged in other official business;
(f) The operator of a public utility vehicle, when utilizing two-way communications equipment;
(g) The activation of a theft alarm signaling device.

Article III. Enforcement

Section 3.01 Procedures

When a person or business is determined to be in violation of the provisions of this ordinance the police officer or the code enforcement officer shall perform the following:

(a) No penalty shall be assessed until the person or business alleged to be in violation has been notified of the violation by a police officer or other designated code enforcement officer. Notification shall be effective if a police officer or other designated code enforcement officer advised the suspected offender of the violation in writing;
(b) Civil Citations
  (i) A person or business determined to be in violation of any of the provisions of this ordinance and having received a written notification of the violation and continuing to not abate the violation or repeats the same noise violation within 7 days of the written notification shall receive a civil citation as penalty for a First Offense Noise Ordinance Violation as defined in the Schedule of Fees;
  (ii) A person or business determined to be in violation of any of the provisions of this ordinance and having received a written notification and First Offense Noise Ordinance Citation of the violation and continuing to not abate the violation or repeats the same noise violation within 7

days of the written notification shall receive a civil citation as penalty for a Second Offense Noise Ordinance as defined in the Schedule of Fees;

(iii) A person or business determined to be in violation of any of the provisions of this ordinance and having received a written notification, First Offense Noise Ordinance Citation, and a Second Offense Noise Ordinance Citation of the violation and continuing to not abate the violation or repeats the same noise violation within 7 days of the written notification shall receive a civil citation as penalty for a Repeating Offense Noise Ordinance as defined in the Schedule of Fees;

Section 3.02 Failure to Pay

(a) If any civil penalty is not paid within thirty ( 30) days after citation issuance by the police officer or code enforcement officer, the city may initiate a civil action in the nature of a debt collection to recover civil penalties which have previously accrued. Such action shall not stop further civil penalties from accruing if the violation has not been corrected.

Section 3.03 Other Remedies

(a) In addition, all remedies allowed in the North Carolina General Statutes and this Ordinance of the City of Saluda may be pursued by the city at the same time, without waiving the civil penalties.

Section 3.04 Appeal

(a) A person notified of a violation may appeal such determination to the Board of Adjustments. Such appeal must be filed in writing with the city not later than ten (10) days after the receipt of the written notice of violation. Failure to timely file an appeal shall constitute acceptance of the determination that a violation exists, and waiver of the right to appeal. If an appeal is timely filed, further action by the code enforcement officer shall be suspended until a ruling is issued by the Board of Adjustments. If the Board of Adjustments finds that a violation exists, enforcement under this chapter shall continue despite any further appeals by the violator. The fact that an appeal is pending under this chapter shall not prevent the city from pursuing other enforcement remedies allowed by law, and a finding by the Board of Adjustment that a violation does exist shall not be binding in any other separate enforcement proceeding brought by the city with regard to the same violation that the Board of Adjustment ruled upon.

This article is effective upon adoption this 14th day of August, 2017.

Mayor: Fred Baisden

Fred Baisden, Mayor

Attest: Tola Ellis

Tola Ellis, City Clerk

Approved as to form: Jana Berg

Jana Berg, City Attorney