

CHAPTER 32: NOISE

Section

- 32.01 Loud and raucous noises prohibited
- 32.02 Enumeration of Specific noises which are prohibited
- 32.03 Operation of radios, boom boxes or other mechanical sound-making devices or instruments in vehicles; exceptions
- 32.04 Limited exceptions

Statutory reference:

Authority to regulate noises, see G.S. 160A-184

32.01 LOUD AND RAUCOUS NOISES PROHIBITED

I It shall be unlawful for any person to willfully make, continue or cause to be made or continued any loud and raucous noise, which term shall mean any sound which, because of its volume level, duration and character, annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities within the limits of the town. The term includes the kinds of noise generated by the activities enumerated in 95.02 and 95.03. The term shall be limited to loud and raucous noise heard from the public streets, in any public park, in any school or public building or upon the grounds thereof while in use, in any church or upon the grounds thereof while in use, in any parking lot open to members of the public as invitees or licensees, in any occupied business unit which is not the source of the noise or upon the parking lot or grounds thereof, or in any occupied residential unit which is not the source of the noise or upon the grounds thereof, and in any event from a location not less than 50 feet from the source of the noise, measured in a straight line from the radio, loudspeaker, boom box, motor, horn or other noise source.

32.02 ENUMERATION OF SPECIFIC NOISES WHICH ARE PROHIBITED

The following acts are specifically declared to be loud and raucous noises in violation of this code, but such enumeration shall not be deemed to be exclusive:

- (A) The playing of any radio tape player, boom box, phonographs or other musical instruments or other mechanical sound making device in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of any reasonable person of ordinary sensibility.
- (B) The sounding of any horn or signal device on any motor vehicle, motorcycle, bus or other vehicle while not in motion, except as a danger signal, or if in motion, only as a warning signal as required by law or as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

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- (C) The use of any gong or siren upon any motor vehicle other than police vehicles, fire vehicles, ambulances or other emergency vehicle.
- (D) The use of any motor vehicle, motorcycle or other vehicle so out of repair, so loaded, or in such manner as to create unnecessary grating, grinding, rattling, or other noise.
- (E) The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of danger, and the blowing of any steam whistle attached to any stationary boiler at any time in an unnecessary long, loud, or shrill manner.
- (F) The discharge into the open air of the exhaust of any stationary internal combustion engine, or motor vehicle engine, except through a muffler or other device which will effectively prevent loud or explosive noises there from.
- (G) The creation of any loud and raucous on any street adjacent to any church, which unreasonably interferes with the working of such institution.
- (H) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale or display of merchandise, except by permit from the police department.
- (I) The use, in an offensive manner, of any mechanical loudspeakers or amplifiers on trucks or other moving vehicles for advertising or other purposes.
- (J) The creation of any loud and raucous noise by the operation of an airplane over the city by stunting, diving or otherwise operating an airplane for the purpose of advertising or otherwise.
- (K) The playing of any radio, tape player, boom box, phonograph or other musical instrument or other mechanical sound making device by a pedestrian of the public streets or sidewalks in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of any reasonable person of ordinary sensibility.

32.03 OPERATION OF ANY RADIOS, BOOMBOXES OR OTHER MECHANICAL SOUND MAKING DEVICES OR INSTRUMENTS IN VEHICLES; EXCEPTIONS.

- (A) It shall be unlawful for any person operating or occupying a motor vehicle on a street or highway within the limits of the city to operate or amplify the sound produced by a radio, tape player, boom box, or other mechanical sound making device or instrument from within the motor vehicle so that the sound is:
 - (1) Plainly audible at a distance of 100 feet or more from the motor vehicle; or

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- (2) Louder than necessary for the convenient hearing by persons inside the motor vehicle in areas adjoining churches.
- (B) The provisions of this section shall not apply to any law enforcement motor vehicle equipped with any communications device necessary in the performance of law enforcement duties or to any emergency vehicle equipped with any communication device necessary in the performance of any emergency procedure.
- (C) Provisions of this section do not apply to motor vehicles used for business or political purposes, which in the normal course conducting such business use sound making devices and have obtained the proper permit from the police department. The provisions of this subsection shall not be deemed to prevent the town, with the respect to streets and highways under its jurisdiction and within the reasonable exercise of its police power, from regulating the time and manner in which such business or political activity may be operated.

32.04 LIMITED EXCEPTIONS

Limited exceptions from this chapter:

- (A) Sound coming from scheduled outdoor athletic events, community concerts, theatrical events, practice sessions or performances of bands and community fairs that are sponsored or sanctioned by the town;
- (B) Noise from noisemakers on holidays or fireworks on holidays or at other times allowed under a pyrotechnics permit issued pursuant to G.S. 14-410 through 14-415; and
- (C) Noise resulting from parades, lawful picketing, or other public demonstration protected by the U.S. Constitution or federal law, or for which a local permit has been granted by the city, provided such activity is of temporary duration lasting no longer than two hours during any 24-hour period.