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KAREN H. WAGONER
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YADKIN COUNTY

NOISE ORDINANCE

April 7, 2008

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YADKIN COUNTY

YADKIN COUNTY NOISE ORDINANCE

It is the purpose of this Ordinance to establish an effective means of regulating and controlling sound and noise within the County of Yadkin to the ends that (1) the health, safety, and welfare of the population are promoted and maintained through peace and good order; and (2) the rights of individuals are not unreasonably restricted.

OFFENSES AGAINST PUBLIC PEACE AND ORDER:

Subject to the provisions of this section, the creation of any unreasonably loud and disturbing noise in the County is prohibited. Noise of such character, intensity, and duration as to be detrimental to the health, safety, or welfare of any individual is prohibited. For the purpose 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; 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 electronic or mechanical means; whether the noise is related to the normal operation of a business or other labor activity; whether the noise is subject to being controlled without unreasonable effort or expense to the creator thereof.

The following acts, among others, particularly, but not limited to, the hours between eleven o'clock p.m. and seven o'clock am., 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, siren or signal device on any automobile, motorcycle, bus or other vehicle, 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, stereo, or other sound reproduction system, musical instrument or sound-producing, or sound amplifying device in such a manner or with such volume, so as to annoy or disturb the quiet, comfort or repose of any person of normal sensibilities in any dwelling, motel, or any other type residence;

3. Pets: The keeping of any animal or bird, which, by causing frequent or long continued noise, shall disturb the comfort and repose of any person with normal sensibilities in the vicinity;

4. Use of Vehicles: The use of any automobile, motorcycle, dirt bike, go-cart, all terrain vehicle, recreational vehicle, or any other vehicle so out of repair, so loaded or operated in such manner as to create loud or unnecessary grating, grinding, rattling, screeching of tires or other noise;

5. Exhaust Discharge: The discharge into the open of the exhaust of any steam engine, stationary internal combustible engine, or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises there from;

6. Compressed Air Devices: The use of any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and reduced;

7. Noises near Schools, Etc.: The creation of any excessive noise on any street 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;

8. 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;

9. Explosives, Firearms: No person shall, without the written permission of the current owner or lawful occupant of such property, discharge a firearm within three hundred (300) feet of a dwelling or other building or structure, which is designed to be occupied by human beings. Such written permission must be dated, shall be valid for no longer than one (1) year after its issuance and must be displayed upon the request of any law enforcement officer with authority to enforce this section. The use or discharge of live ammunition at any historical, ceremonial, or commemorative event is strictly prohibited.

10. Blowers, Engines: The operation of any noise-creating blower, power fan, appliance, or other mechanical device, which, due to its operational deficiencies, malfunction, or other type disrepair, causes loud and excessive noises in such a manner as to unreasonably annoy the public or disturb the quiet, comfort or repose of any person of normal sensibilities in any dwelling, motel, or any other type residence;

EXCEPTIONS:

The following uses and activities, among others, are not governed by and shall be exempt from the noise regulations set forth in this chapter.

1. Noises of safety signals and warning devices legally used for its intended purpose for a reasonable duration;

2. Noise resulting from any authorized emergency vehicle, when responding to an emergency call or acting in time of emergency;

3. Noise 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;

4. Noise resulting from farming operations, including but not limited to noises generated by machinery, equipment, and farm animals;

5. Noise associated with any event held in recognition of a community celebration of a national, state, or county events or public festivals;

6. Noise associated with any school activity, except that it shall be unlawful for any person to use loud, boisterous, raucous language or shouting in a violent or offensive manner while attending said activities;

7. Noise associated with the chimes or bells of business, schools, or religious institutions in the daytime hours;

8. Noise caused by the firing, shooting, discharging of any firearm by a law enforcement officer in the discharge of duty pursuant to the North Carolina General Statues;

9. Noise associated with the official training of any law enforcement officers, including but not limited to driver training, firearm training and any such other training that is deemed necessary and advisable;

10. Noise caused by the firing, shooting, discharging of any firearm in the lawful defense of person or property;

11. Noise associated with the discharge of firearms for the taking of birds or animals pursuant to Chapter 113, Subchapter IV, Game Laws, of the North Carolina General Statutes;

12. Non-amplified crowd noises resulting from activities planned by student, governmental, or community groups;

13. Noise associated with or resulting from the normal operations of any construction, commercial, industrial, or agricultural activities or operations;

14. Noise associated with or resulting from the normal operations of any facility that is properly licensed by the North Carolina Department of Agriculture, Veterinary Division, as a boarding kennel, pet shop or dealer, in accordance with the North Carolina Animal Welfare Act (NCGS 19A-20 et sec.), as may be amended, or of any animal shelter that is operated by Yadkin County;

15. Events such as tractor pulls, rodeos, ball games or other similar type events sponsored by civic organizations such as Ruritan Club, Rotary Club, Kiwanis Club, Lions Club, Sertoma Club, Jaycees, Boy Scouts, Girl Scouts or other similar organizations.

If any exception stated in this chapter would limit obligation, limit liability, or eliminate either an obligation or liability, the person who would benefit from the application of the exception shall have the burden of proving that the exception applies and that the terms of the exception have been met.

Adopted this 7th day of April, 2008.

Kimberly Clark Phillips

Kim Clark Phillips
Chairman, Yadkin County Board of Commissioners

Attest: Gina H. Brown
Gina H. Brown
Clerk to the Board