

CASWELL COUNTY DISTURBING THE PEACE ORDINANCE

AN ORDINANCE OF THE COUNTY OF CASWELL, STATE OF
NORTH CAROLINA, PROHIBITING UNREASONABLY LOUD,
DISTURBING AND UNNECESSARY SOUNDS AND/OR NOISES
IN CASWELL COUNTY

WHEREAS, N.C.G.S. Section 153A-121 (a) provides that "A County may
by ordinance define, regulate, prohibit, or abate, acts, omissions,
or conditions detrimental to the health, safety, or welfare of the
citizens and the peace and dignity of the county; and may define
and abate nuisances;" and

WHEREAS, N.C.G.S. Section 153A-133 authorizing counties to adopt
ordinances 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; and

WHEREAS, this Board declares that excessive sounds and vibration
and inadequately controlled noise are serious hazards to the public
health, safety and welfare and a source of annoyance to the
populace; and

WHEREAS, this Board desires to enact the following ordinance
prohibiting unreasonably, loud, disturbing and unnecessary sounds
and/or noises in Caswell County.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners for
the County of Caswell as follows:

SECTION 1: TITLE

This ordinance may be known and be cited as "Caswell County
Disturbing The Peace Ordinance."

SECTION 2: PURPOSE

The purpose of this ordinance is to establish an effective means of
regulating and controlling sound and/or noise within Caswell County
to the ends that (a) the health, safety and welfare of the
population are promoted and maintained through peace and good
order, and (b) the rights of individuals are not unreasonably
restricted:

SECTIONS 3: OFFENSES AGAINST PUBLIC PEACE AND ORDER

(a) 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, disturbing and
unnecessary sound or noise in the County. For purposes of this
section, the following definitions shall apply:

- (1) Daytime hours: One (1) hour prior to sunrise to one
(1) hour after sunset;
- (2) Nighttime hours: One hour after sunset to one hour
prior to sunrise;
- (3) Sound or Noise Source: Any person, devise,
operation process, or activity which emits or causes
sound/noise;
- (4) Unreasonably loud: Sound or 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;
- (5) Disturbing: Sound or noise which is perceived by
a person of ordinary sensibilities as interrupting the

normal peace and calm of the area;

- (6) Unnecessary: Any excessive or unusually loud sound and/or noise or any sound or noise created with the intent to aggravate 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 or noise which could be lessened or otherwise controlled by the maker without unduly restricting his/her conduct.

In Determining whether a sound or noise is unreasonably loud, disturbing and unnecessary, the following factors incident to such sound or noise are to be considered: Time of day; proximity to residential structures; whether the sound or noise is recurrent, intermittent or constant; the volume and intensity; whether the sound or noise has been enhanced in volume or range by and type of electronic or mechanical means; the character and zoning of the area; whether the sound or noise is related to the normal operation of a business or other labor activity; whether the sound or noise subject to being controlled without unreasonable effort or expense to the creator thereof.

(b) The following acts, among others, are declared to be unreasonably loud, disturbing and unnecessary sounds or noises in violation of this section but this enumeration shall not be deemed to be exclusive:

- (1) Horns, Signaling Devices, Etc.: The sounding of any horn, whistle 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, using, operating or permitting to be played, used or operated any radio, television set, record player, stereo or other sound reproduction system, musical instrument or sound-producing or sound-amplifying device in such 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, hotel or other type of residence;
- (3) Pets, etc.: The keeping of any animal or bird, which, by causing frequent or long continued sound or noise, shall disturb the comfort and repose of any person of normal sensibilities in the vicinity;
- (4) Vehicles and Engines: The use or operation of any vehicle (automobile, truck, motorcycle, dirt bike, go-cart, recreational vehicle, etc.) or internal combustion engine so out of repair, so loaded, operated with inadequate mufflers, or operated in such a manner as to create loud or unnecessary sounds or noises so as to disturb the comfort and repose of any person of normal sensibilities in the vicinity.
- (5) Building operations: The erection (including excavation), demolition, alteration or repair of any building in a residential district between the hours of 8:00 p.m. and 6:00 a.m. of any day, or in any district other than a residential district between the hours of 10:00 p.m. and 6:00 a.m. of

any day, except in the case of urgent necessity in the interest of public safety and then only with a permit from the County Manager or his/her designee, which permit may be renewed for a period of three (3) days or less while the emergency continues;

(6) Sounds or Noises near schools, etc.: The creation of any excessive sound or 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;

(7) Appliances and other mechanical devices: The operation of any noise-producing appliance or other mechanical device which, due to operational deficiencies, malfunction or other type of disrepair, causes loud and excessive sounds or noises in such a manner as to unreasonably annoy the public or disturb the rest and quiet of any person of normal sensibilities on adjacent premises or within the vicinity thereof;

(8) Explosives, firearms, and similar devices: The use or firing of explosives, firearms, or similar devices to cause unreasonable loud and excessive sounds or noises in an unnecessary manner or with unreasonable or unnecessary repetition, so as to annoy or disturb the quiet, comfort or repose of any person of normal sensibilities in any dwelling, motel, hotel or other type of residence. Duly licensed hunters engaged in any lawful hunting activity shall be exempt from this provision of the ordinance.

(9) Yelling, shouting, etc.: Yelling, shouting, hooting or whistling at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel or other type of residence.

(b) In addition to any other violation of this ordinance it shall be unlawful to emit any unreasonably loud, frightening, disturbing or unnecessary sound or noise. Specifically it shall be unlawful to emit and unnecessary sound or noise of such character, intensity or duration which tends to disturb the quiet, comfort or repose of any person or persons in any dwelling, hotel, motel or other type of residence.

SECTION 4 EXEMPT ACTIVITIES

The sound or noise limitations standards set out above in this ordinance shall not apply to the following noise or sound sources:

- (a) Emergency warning devices or safety signals;
- (b) Lawn care equipment, when such equipment is in proper operating condition with adequate mufflers, used during daytime hours;
- (c) Agriculture equipment and farming activities;
- (d) Equipment used for construction, when such equipment is in proper operating condition with adequate mufflers, provided that all applicable permits are obtained and in order;

- (e) Any event or activity sanctioned by government officials;
- (f) Bells, chimes and similar devices which operate during daytime hours, provided the duration of such sound or noise is not in excess of fifteen (15) continuous minutes;
- (g) Parades, sporting events, concerts, meetings or public gatherings under the auspices of the Town of Yanceyville or any other incorporated areas of Caswell County, Caswell County Board of Education, Chamber of Commerce or the Caswell County Board of Commissioners.
- (h) The operation of any legitimate commercial or manufacturing business, provided that reasonable measures are taken not to disturb the comfort and repose of any person of normal sensibilities in the immediate vicinity.

SECTION 5 ENFORCEMENT AND PENALTIES FOR VIOLATION

(a) Where there is a violation of any provision or section of this ordinance, the County at its discretion, may take either or all of the following enforcement actions.

(1) A sheriff, deputy sheriff, or other law enforcement officer of the County may issue a citation subjecting the violator to a Fifty Dollar (\$50.00) Civil Penalty to be paid within ten (10) days, which penalty may be recovered by the County in a Civil Action after a Conviction or Prayer for Judgment Continued (PJC) in Criminal Court for violating this ordinance.

(2) A misdemeanor warrant may be issued immediately or upon issuance of a citation and the violator's failure to pay the Fifty Dollar (\$50.00) Civil Penalty assessed under this ordinance.

(3) Enforcement of this ordinance may include any appropriate equitable remedy, injunction, restraining order or order of abatement issued by a court of competent jurisdiction pursuant to North Carolina General Statute Section 153A-123 (d) and (e).

(b) Each separate day of continual violation of this ordinance shall be a separate and distinct offense and shall give rise to a separate and distinct penalty. Payment of a fine imposed in criminal proceedings pursuant to this Ordinance does not relieve a person of his/her liability for the Civil Penalties imposed under this Ordinance.

SECTION 6 JURISDICTION

This ordinance shall be effective in all unincorporated areas in Caswell County, and within the Corporate Limits and extra territorial jurisdiction of any municipality within Caswell County which shall so agree by appropriate resolution.


SECTION 7 SEVERABILITY

If any part of this ordinance should be declared invalid, such part shall be deemed severable in the invalidity thereof shall not affect the remaining parts hereof.


SECTION 8 EFFECTIVE DATE

This ordinance shall take effect upon adoption by the Board of Commissioners.

Adopted this the 20th day of November, 1995.


Jeremiah Jefferies, Chairman
Caswell County Board of Commissioners

ATTEST:


Wanda P. Smith,
Clerk to the Board
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ORDINANCE NO. 47

CASWELL COUNTY DISTURBING THE PEACE ORDINANCE

AN ORDINANCE OF THE COUNTY OF CASWELL, STATE OF
NORTH CAROLINA, PROHIBITING UNREASONABLY LOUD,
DISTURBING AND UNNECESSARY SOUNDS AND/OR NOISES
IN CASWELL COUNTY

WHEREAS, N.C.G.S. Section 153A-121(a) provides that "'A County may by Ordinance define, regulate, prohibit, or abate, acts, omissions, or conditions detrimental to the health, safety, or welfare of the citizens and the peace and dignity of the County; and may define and abate nuisances'" and

WHEREAS, N.C.G.S. Section 153A-133 authorizes counties to adopt Ordinances 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; and

WHEREAS, this Board declares that excessive sounds and vibration and inadequately controlled noise are serious hazards to the public health, safety and welfare and a source of annoyance to the populace; and

WHEREAS, this Board desires to enact the following Ordinance prohibiting unreasonably, loud, disturbing, and unnecessary sounds and/or noises in Caswell County.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners for the County of Caswell as follows:

SECTION 1. TITLE

This Ordinance may be known and cited as "'Caswell County Disturbing the Peace Ordinance"'. .

SECTION 2. PURPOSE

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

SECTION 3. OFFENSES AGAINST PUBLIC PEACE AND ORDER

(a) 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, disturbing, and unnecessary sound or noise 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 in the County. For purposes of this section, the following definitions shall apply:

- (1) Daytime hours: One (1) hour prior to sunrise to one (1) hour after sunset;
- (2) Nighttime hours: One (1) hour after sunset to one (1) hour prior to sunrise;
- (3) Sound or Noise Source: Any person, device, operation process, or activity which emits or causes sound/noise;
- (4) Unreasonably loud: Sound or 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;
- (5) Disturbing: Sound or noise 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;
- (6) Unnecessary: Any excessive or unusually loud sound and/or noise or any sound or noise 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 reasonable persons of ordinary sensibilities, and being a type of sound or noise which could be lessened or otherwise controlled by the maker without unduly restricting his/her conduct.

In determining whether a sound or noise is unreasonably loud, disturbing and unnecessary, the following factors incident to such sound or noise are to be considered: Time of day; proximity to residential, educational, medical, business, or governmental structures, or to parks; whether the sound or noise is recurrent, intermittent or constant; the volume and intensity of the sound; the character or zoning of the area; whether the sound or noise is related to the normal operation of a business or other labor activity; whether the sound or noise is subject to being controlled without unreasonable effort or expense to the creator thereof.

- (b) The following acts, among others, are declared to be unreasonably loud, disturbing and unnecessary sounds or noises in violation of this section, but this enumeration shall not be deemed to be exclusive:

- (1) Horns, signaling Devices, Etc.: The sounding of any horn, whistle 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 as to annoy, disturb, injure, or endanger the comfort, health, peace or safety of a reasonable person of ordinary sensibilities for an unnecessary and unreasonable period of time;
- (2) Radios, record players, etc.: The playing of, using, operating or permitting to be played, used or operated any radio, television set, record player, stereo or other sound reproduction system, musical instrument or sound-producing or sound-amplifying device in such manner or with such volume as to annoy, disturb, injure, or endanger the comfort, health, peace or safety of a reasonable person of ordinary sensibilities;
- (3) Animals, etc.: The keeping or use of any animal or bird, the result of which annoys, disturbs, injures, or endangers the comfort, health, peace or safety of a reasonable person of ordinary sensibilities by causing frequent or long continued loud sound or noise;
- (4) Vehicles and engines: The use or operation of any vehicle (automobile, truck motorcycle, dirt bike, go-cart, recreational vehicle, etc.) or internal combustion engine so out of repair, so loaded, operated with inadequate mufflers, or operated in such a manner as to create loud or unnecessary sounds or noises as to annoy, disturb, injure, or endanger the comfort, health, peace or safety of a reasonable person of ordinary sensibilities;
- (5) Building operations: The erection (including excavation), demolition, alteration or repair of any building in a residential district between the hours of 8:00 p.m. and 6:00 a.m. of any day, or in any district other than a residential district between the hours of 10:00 p.m. and 6:00 a.m. of any day, except in the case of urgent necessity in the interest of public safety and then only with a permit from the County Manager or his/her designee, which permit may be renewed for a period of three (3) days or less while the emergency continues;
- (6) Sounds or noises near schools etc.: The creation of any excessive sound or 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;
- (7) Appliances and other mechanical devices: The operation of any noise-producing appliance or other mechanical device which, due to operational deficiencies, malfunction or other type of disrepair, causes loud and excessive sounds or noises as to annoy, disturb, injure, or endanger the comfort, health, peace or safety of a reasonable person of ordinary sensibilities;

- (8) Explosives and similar devices: The use or firing of explosives or similar devices to cause unreasonable loud and excessive sounds or noises in an unnecessary manner or with unreasonable or unnecessary repetition as to annoy, disturb, injure, or endanger the comfort, health, peace or safety of a reasonable person of ordinary sensibilities;
- (9) Excessively loud voice: Use of an excessively loud voice which, without cause as to annoy, disturb, injure, or endanger the comfort, health, peace or safety of a reasonable person of ordinary sensibilities;
- (c) In addition to any other violation of this Ordinance, it shall be unlawful to emit any unreasonably loud, unnecessary sound or noise as to annoy, disturb, injure, or endanger the comfort, health, peace or safety of a reasonable person of ordinary sensibilities. Specifically, it shall be unlawful to emit any unnecessary sound or noise of such character, intensity, or duration as to annoy, disturb, injure, or endanger the comfort, health, peace or safety of a reasonable person of ordinary sensibilities, and thereby disturb the quiet, comfort, or repose of any person or persons in any dwelling, hotel, motel or other type of residence.

SECTION 4. EXEMPT ACTIVITIES

The sound or noise limitations standards set out above in this Ordinance shall not apply to the following noise or sound sources:

- (a) Emergency warning devices or safety signals;
- (b) Lawn care equipment, when such equipment is in proper operating condition with adequate mufflers, used during daytime hours;
- (c) Agriculture equipment, farming activities, and keeping of livestock on a farm;
- (d) Equipment used for construction, when such equipment is in proper operating condition with adequate mufflers, provided that all applicable permits are obtained and in order, if used during daylight hours;
- (e) Any event or activity sanctioned by government officials;
- (f) Bells, chimes, and similar devices which operate during daytime hours, provided the duration of such sound or noise is not in excess of fifteen (15) continuous minutes out of every two hours;
- (g) Parades, sporting events, concerts, meetings, or public gatherings under the auspices of or authorized by the Town of Yanceyville or any other incorporated areas of Caswell County, Caswell County Board of Education, Chamber of Commerce, or the Caswell County Board of Commissioners.

- (h) The operation of any legitimate commercial or manufacturing business, provided that reasonable measures are taken not to disturb the comfort and repose of any person of normal sensibilities in the immediate vicinity.

SECTION 5. ENFORCEMENT AND PENALTIES FOR VIOLATION

- (a) Where there is a violation of any provision or section of this Ordinance, the County at its discretion, may take either or all of the following enforcement actions.
 - (1) A Sheriff, Deputy Sheriff, or other law enforcement officer of the County may issue a citation subjecting the violator to a Fifty Dollar (\$50.00) civil penalty to be paid within ten (10) days, which penalty may be recovered by the County in a civil action after a Conviction or Prayer for Judgment Continued (PJC) in Criminal Court for violating this Ordinance.
 - (2) A misdemeanor warrant may be issued immediately or upon issuance of a citation and the violator's failure to pay the Fifty Dollar (\$50.00) civil penalty assessed under this Ordinance.
 - (3) Enforcement of this Ordinance may include any appropriate equitable remedy, injunction, restraining order, or order of abatement issued by a court of competent jurisdiction pursuant to North Carolina General Statute Section 153A-123(d) and (e).

- (b) Each separate day of continual violation of this Ordinance shall be a separate and distinct offense and shall give rise to a separate and distinct penalty. Payment of a fine imposed in criminal proceedings pursuant to this Ordinance does not relieve a person of his/her liability for the civil penalties imposed under this Ordinance.

SECTION 6. JURISDICTION

This Ordinance shall be effective in all unincorporated areas in Caswell County, and within the Corporate Limits and extra territorial jurisdiction of any municipality within Caswell County which shall so agree by appropriate resolution.

SECTION 7. SEVERABILITY

If any part of this Ordinance should be declared invalid, such part shall be deemed severable and in the invalidity thereof shall not affect the remaining parts hereof.

SECTION 8. EFFECTIVE DATE

This Ordinance shall take effect upon adoption by the Board of Commissioners.

Adopted as revised this the 16th day of February, 1998.

Bobby F. Aldridge
Bobby F. Aldridge, Chairman
Caswell County Board of Commissioners

ATTEST:

Wanda P. Smith
Wanda P. Smith
Clerk to the Board

