

CHAPTER 7 NOISE ORDINANCE

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ORDINANCE TO REGULATE LOUD, DISTURBING AND EXCESSIVE PRODUCTION OR EMISSION OF NOISE WITHIN THE VILLAGE OF SUGAR MOUNTAIN

By authority contained in NCGS 160A-184, the Village of Sugar Mountain Village Council does hereby ordain as follows:

SECTION 701.

Subject to the provisions of this section, the production or emission of noises or amplified speech, music, or any other sounds that tend to annoy, disturb or frighten any one or more individuals is hereby prohibited.

SECTION 702.

The following acts, among others, are declared to be loud, disturbing and excessive noises in violation of this section, but such enumeration shall not be deemed exclusive:

- (a) The use of any loud boisterous or raucous language or shouting so as to annoy or disturb the quiet, comfort or repose of any person in the vicinity.
- (b) The sounding of any horn or signal device or any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another 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 an unnecessary and unreasonable period of time.
- (c) The playing of any radio, phonograph, or any musical instrument in such manner or with such volume, particularly during hours between 11:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of any person in any dwelling, hotel, or other type of residence.
- (d) The keeping of any animal which, by causing frequent or long, continued noise, shall disturb the comfort and repose of any person in the vicinity.
- (e) The use of any automobile, motorcycle, or other vehicle so out of repair, so loaded or in such manner as to create loud or unnecessary grating, grinding, rattling or other noise.

SECTION 703.

MUFFLERS

- (a) It shall be unlawful for any person to operate or cause to be operated a motor vehicle unless the exhaust system is free from defects which affect sound reduction.

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- (b) No person shall remove or render inoperative, or cause to be removed or rendered inoperative, other than for purposes of maintenance, repair or replacement, any muffler or sound dissipative device on a motor vehicle.
- (c) It shall be unlawful for any person to modify the exhaust system of a motor vehicle by the installation of a muffler cut-out or bypass, and no person shall operate a motor vehicle which has been so modified.

SECTION 704.

OFF ROAD VEHICLES

- (a) It shall be unlawful for any person to operate or cause to be operated a recreational or off-road motor vehicle individually, in a group, or in an organized racing event, on public or private property in such a manner that the sound level exceeds the maximum permissible levels set forth previously in Section 3 for motorcycles, adjusted to a distance of twenty-five (25') feet from the path of the vehicle when operated on public space, or at the boundary of private property when operated on private property.
- (b) This subsection shall apply to all recreational vehicles, whether or not duly licensed or registered including, but not limited to, commercial or non-commercial racing vehicles, motorcycles, go-carts, amphibious craft and dune buggies.
- (c) Use of such vehicles off-road except for emergency purposes and except to attain access from private property to public right-of-way, shall be completely prohibited between the hours of 10 p.m. and 7 a.m.

SECTION 705.

DISCHARGE OF FIREARMS

(Amended 01-22-2019)

- (a) No person may discharge any firearm within the Village.
- (b) Subsection (a) shall not apply to private acting in justifiable defense of self, others, or domestic pets, pursuant to the lawful directions of a police officer nor to police officers acting in a lawful performance of their duties.

SECTION 706.

(RESERVED FOR FUTURE PURPOSES)

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SECTION 707.

EXEMPTIONS

- (a) Any sirens, horns, whistles, or other devices used by emergency personnel such as fire, rescue, police or other agency, while engaged in emergency operations to assist the public, shall be exempted from the provisions of this ordinance.
- (b) Construction operations from 6:00 a.m. to 9:00 p.m. for which building permits have been issued or construction operations not requiring permits; providing all equipment is operated in accord with the manufacturer's mufflers and noise-reducing equipment in use and in proper operating condition.
- (c) Noise of safety signals, warning devices, emergency pressure relief valves, and all church bells, church chimes, either actual or electronic or artificial sound reproduction systems intended to sound like church bells or chimes.
- (d) Noise resulting from parades, lawful picketing or other public demonstrations protected by the U.S. Constitution or federal law, or for which a local permit has been granted by the Village, provided such activity is of a temporary duration lasting no longer than two hours during any twenty-four (24) hour period. Regulation of noise emanating from activities under permit shall be according to the conditions and limits stated in this Article and according to any additional conditions stated on the permit.
- (e) Unamplified and amplified sound at street fairs conducted, sponsored or sanctioned by the Village of Sugar Mountain.
- (f) All noises coming from the normal operations of properly equipped aircraft (not including scale model aircraft).
- (g) Noise from noisemakers on holidays and fireworks on holidays or at times allowed under a pyrotechnics permit issued pursuant to Article 54, Chapter 14 of the General Statutes of North Carolina.
- (h) Lawn mowers and agricultural equipment used between daylight hours 7:00 a.m. and 9:00 p.m. when operated with all the manufacturer's standard mufflers and noise-reducing equipment in use and in proper operating condition.
- (i) Practice sessions or performances by marching bands.
- (j) "Emergency Work": Any work performed for the purpose of prevention or alleviating physical trauma or property damage threatened or caused by an existing or imminent peril.
- (k) Sound emanating from equipment used for the purpose of manufacturing and maintaining of artificial snow.
- (l) Sound emanating from equipment used for the purpose of operating a ski resort.

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SECTION 708.

ENFORCEMENT AND PENALTIES

Where there is a violation of any provisions of this article, the city, at its discretion, may take one (1) or more of the following enforcement actions.

- (a) A police officer, noise control officer, or animal control officer may issue a citation as provided in Chapter 7 subjecting the violator to a one hundred dollars (\$100.00) civil penalty, which penalty may provide for a twenty-five dollar (\$25.00) delinquency charge that may be recovered by the Village in a civil action. (Amended 3-6-1990)
- (b) A misdemeanor warrant may be issued either immediately or upon the issuance of a citation and the violator's failure to pay the same. Misdemeanors shall be punishable by a fine of up to fifty dollars (\$50.00) and/or imprisonment for up to thirty (30) days. Upon the issuance of a criminal citation, the violator shall be taken before a magistrate to set an appearance bond. (Amended 3-6-1990)

SECTION 709.

VALIDITY

Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions, if otherwise valid, shall continue to be in full force and effect.

SECTION 710.

EFFECTIVE DATE

This ordinance is effective upon adoption.

Adopted this 7th day of January, 1986.

Mayor: _____
Marjory C. Unrath

Attest: _____
Village Clerk

Approved as to form: _____
Gerald R. McKinney
Village Attorney