

State of North Carolina

County of Watauga

### **AN ORDINANCE TO REGULATE LOUD DISTURBING NOISE AND ACTIVITIES**

The Board of Commissioners for the county of Watauga, North Carolina, pursuant to G. S. 153A-133 hereby adopts this ordinance as follows:

1. Subject to the provisions of this section, it is prohibited to create, cause, or allow any unreasonably loud, disturbing noise that is plainly audible. To wit: any sound that is clearly and unambiguously communicated to a listener without the aid of any listening device, particularly, but not exclusively between the hours of 11 pm and 7 am. Noise of such character, intensity, and duration as to be detrimental to the health, safety, or welfare of any reasonable person in the vicinity is prohibited.
2. The following acts, among others, are declared to be loud disturbing noises in violation of this ordinance, but such enumeration shall not be deemed exclusive:
  - a. The use of any loud, boisterous or raucous language.
  - b. Noise emanating from a party or gathering in such volume and duration so as to disturb the quiet comfort or repose of any person in the vicinity.
  - c. The playing of any radio, television, audio device or amplification equipment at such a volume and duration so as to disturb the quiet comfort or repose of any person in the vicinity.
  - d. Intentional sounding of horns; the operation of any automobile, motorcycle, bus, or remote control device that creates loud or disturbing noise; or the operation of such vehicle or device without a muffler in good working order, so as to disturb the quiet comfort or repose of any person in the vicinity.
  - e. Operating or permitting the operation of any motor vehicle or motorcycle that engages in jackrabbit starts, spinning tires, racing engines, or other loud disturbing noises so as to disturb the quiet comfort or repose of any person in the vicinity.

- f. The repair, rebuilding or testing of any motor vehicle or motorcycle which creates loud disturbing noise so as to disturb the quiet comfort or repose of any person in the vicinity.
  - g. The creation of excessive noise on any street adjacent to any school, institution of learning, library or sanitarium or court, while same is in session, or adjacent to any hospital or church during services.
  - h. Owning, possessing, harboring, or allowing any dog, bird or other animal which by frequent or habitual howling, barking, yelping or creating other unreasonably loud disturbing noise continuously or incessantly so as to disturb the quiet comfort or repose of any person in the vicinity.
  - i. The operation of any airborne device, controlled remotely or otherwise, used in a manner and to such a degree as to disturb, annoy or harass any reasonable person, or to disturb the quiet comfort or repose of any person in the vicinity.
- 3. The Watauga County Sheriff's Office shall be responsible for the enforcement of this ordinance. Violations shall constitute a Class 3 misdemeanor and may be punishable in accordance with NCGS §14-4 including a fine of up to five hundred (\$500) dollars.
- 4. A civil action seeking penalties; along with orders of abatement and injunction may be directed toward persons found responsible for creating noise or disturbances as defined herein.
- 5. The following uses and activities, among others, shall be exempt from the provisions of this ordinance. However, such enumeration shall not be deemed exclusive:
  - a. Noise resulting from farming operations, including but not limited to, farm machinery, farm equipment, and livestock.
  - b. Noise associated with normal operations of any facility properly licensed by the North Carolina Department of Agriculture, Veterinary Division as a boarding kennel, pet shop, dealer, or from any officially established animal shelter.
  - c. Noise associated with any legal operations of any firearms club or association.
  - d. Noise caused by the discharge of firearms by law enforcement officers in the performance or their official duties or during official firearms training.

- e. Noise associated with any event held in recognition of a community celebration of national, state or county events or public festivals.
  - f. Non-amplified crowd noise.
  - g. Chimes or bells of businesses, schools, camps or religious institutions in the daylight hours that operate no longer than 10 minutes in any hour.
  - h. Emergency vehicles and signaling devices.
  - i. Noise associated with any fire alarm, security system, or any alarm designed to elicit a response from emergency services.
6. An Ordinance To Regulate Loud Disturbing Noise, As Amended, found in Watauga County Book of Ordinances #4, page 10, enacted July 22, 1986 is hereby repealed.
7. This ordinance shall be in effect on this the 20<sup>th</sup> day of July, 2015.