

**Columbus County North Carolina - Code of Ordinances  
CHAPTER 8 – PART 1 NOISE**

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**Section 1. Prohibited.**

Subject to the provisions of this ordinance, the creation of any unreasonably loud and disturbing noise in Columbus County and outside the corporate limits of any town is hereby prohibited and unlawful. Noise of such character, intensity, and duration as to be detrimental to the life or health of any individual is hereby prohibited. It shall be unlawful for any person to make, continue, or cause to be made or continued any loud or unusual noise or any noise which annoys, disrupts, injures, or endangers the health, safety, comfort, and welfare of other citizens within the County of Columbus and outside of any corporate limits.

**Section 2. Definitions.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**“A” WEIGHTING SCALE.** The sound pressure level, in decibels, as measured with the sound level meter using the “A” weighted network scale. (Denoted dB(A).)

**AMPLIFIED SOUND.** Any sound created by a sound magnifying device, whose source is outside or whose source is inside and where the sound propagates to the outside or to other dwellings or interior locations under separate ownership or occupancy.

**ANIMALS.** The keeping of any animal or bird, which by causing frequent or long continued noise that is unreasonable, shall disturb the comfort and repose of any person in the vicinity.

**ANSI.** American National Standards Institute or its successor bodies.

**CHURCH BELL(S).** The ringing of or sounding of any church bell(s) or chime(s) located upon, in or about any church or place of worship in the county; to include an amplified speaker system simulating the sound of same.

**CONSTRUCTION.** On-site erection, fabrication, installation, alteration, demolition or removal of any structure, facility or addition thereto, including all related activities, including, but not limited to, the clearing, moving, blasting or landscaping of land (earth).

**DAYTIME HOURS.** 7:00 a.m. to 10:00 p.m.

**dB(A).** Sound level in decibels, as determined by the “A” weighting scale of a sound meter having characteristics defined by the American National Standards Institute and conforming to the requirements of ANSI/NCSL 2540-1 IOS.

**DECIBEL (DB).** A unit of measure, on a logarithmic scale, of the ration of the magnitude of a particular sound pressure to a standard reference pressure, which for the purposes of Chapter 8, Part 1, Section 7 shall be 0.0002 microbars.

**EMERGENCY SERVICE VEHICLES.** Publicly- owned or operated vehicles used for the purposes of responding to public emergencies, to include police, fire and medical rescue vehicles, or vehicles of public utility companies or contracted private companies conducting emergency repairs to the protection of public safety.

**EXCEPTIONAL PERMIT.** An amplified-sound permit authorized by the County Manager upon a finding of legal entitlement of an applicant’s request for a permit which is denied by the Noise Control Officer.

**MOTOR VEHICLE or VEHICLE.** As used herein shall mean any vehicle propelled on land by a motor, such as, but not limited to, automobiles, trucks, truck-trailers, semi-trailers, campers, go-carts, motorcycles, mopeds or buses. It shall exclude trains and emergency service vehicles.

**NIGHTTIME HOURS.** 10:00 p.m. to 7:00 a.m.

**NOISE.** As used herein, any unreasonably loud, disturbing sound levels taking into consideration the volume, duration, frequency and other characteristics of the sound.

**NOISE CONTROL OFFICER.** Any officer so designated by the Sheriff who is trained in the operation and calibration of the noise measurement equipment. The NOISE CONTROL OFFICER may only operate within his or her territorial jurisdiction and must be authorized to issue a civil summons as required in this chapter.

**PERSON.** Any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of the state, any other state or political subdivision or agency thereof or any legal successor, representative, agent or agency of the forgoing.

**PLAINLY AUDIBLE.** Any sound that can be detected by a person using his or her unaided faculties.

**SOUND.** An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that cause compression and refraction of that medium. The description of SOUND may include any characteristic of such sound, including duration, intensity and frequency.

**SOUND LEVEL.** In decibels, a weighted sound pressure level determined by the use of a sound meter whose characteristics and frequency weighting are specified in ANSI standards.

**SOUND LEVEL METER.** Any instrument certified to meet or exceed ANSI standards which include an omni-directional microphone, an amplifier and output meter and frequency weighting network(s) for the measurement of sound level.

**VIOLATOR.** As described herein, means any person that is in possession of or has control of any noise generating device.

### **Section 3. Certain Sounds Prohibited**

The following acts are declared to be loud and/or disruptive noises in violation of this ordinance, but such enumeration shall not be deemed to be exclusive, and the acts herein enumerated are found to be annoying to the public and contrary to the health, safety, comfort, and welfare of the people and each is declared to be a nuisance:

(A) *Sounds impacting residential areas.* It shall be unlawful to carry on the following activities in any residentially-zoned area of the city, or within 300 feet of any residentially-occupied structure in any zone of the county:

- (1) The sounding of any horn, car alarm, siren or other signal device upon any automobile, except when used as a signal of warning or danger, so as to create any unreasonable noise;
- (2) The playing of any sound-magnifying device, radio, television or musical equipment, within or outside of any structure, in a manner or at a volume so as to annoy or disturb the quiet, comfort or repose of any person in any adjoining dwelling, apartment unit or hotel/motel room;
- (3) The operation a front-end loader for refuse collection during nighttime hours;
- (4) The operation of construction machinery or performing any construction activities during nighttime hours;
- (5) The operation of automotive repairs equipment or garage machinery out-of-doors during nighttime hours;
- (6) The operation of lawn mowers or other domestic power tools, out-of-doors during nighttime hours;

(7) The creation of any mechanical noise which registers more than 60 dB(A) during nighttime hours at the property line of the source of the noise; and

(8) The keeping of any animal or bird, which by causing frequent or long continued noise that is unreasonable, shall disturb the comfort and repose of any person in the vicinity.

(B) *Sounds impacting all areas.* It shall be unlawful to carry on the following activities in any area of the county:

(1) To operate or allow the operation of any sound amplification equipment so as to create sounds registering 55 dB(A) during daytime hours or 50 dB(A) during nighttime hours, as measured at the property line from where the sound is being amplified, except in accordance to a permit obtained from the Planning Office;

(2) To amplify sound produced by a radio, compact disc or any other electronic device, or sounds produced by any person or musical instrument from within a motor vehicle, so as to create an unreasonable noise such that the sound is plainly audible at a distance of more than 100 feet away from the vehicle. This division (B)(2) shall not apply to vehicles used for business or political purposes which, in the normal course of operation, are not within 500 feet of any school, child care center, house of worship, personal care facility or hospital. This division (B)(2) does not apply to vehicles operating such equipment during public parades when a valid parade permit, with the sound conditions identified, has been issued;

(3) To discharge into the open air the exhaust of any internal combustion engine when the muffler system is missing or configured in such condition so as to result in the creation of unreasonable noise; and

(4) The operation of any motor vehicle outside of any structure on private or public property in such a manner as to create unreasonable noises, by actions including, but not limited to racing engines, spinning tires, jackrabbit starts and off-road operation.

(C) *Exemptions.* This section shall not apply to:

(1) Emergency operations designed to protect the public health or safety;

(2) Work performed by state, county, city or government-contracted crews in a right-of-way or utility easement when the department responsible for the work determines that it is necessary to perform the work during nighttime hours, under the following considerations:

(a) To avoid unreasonably impacting the flow of traffic; or

(b) To avoid unreasonably disrupting the provision of utility service.

(3) Church bells.

(4) Official School Functions

(5) Warning signals required by law for vehicles on highways.

(6) Planting and/or preparation for and harvesting of any product and/or the preparation and marketing of any product that is controlled, in the whole or in part, by the United States Department of Agriculture or the North Carolina Department of Agriculture or any agency or sub agency thereof.

**Section 4. Amplified Sound.**

(A) It shall be unlawful to operate or allow the operation of any sound amplification equipment so as to create sounds registering 55 dB(A) or greater during daytime hours, or 50 dB(A) during nighttime hours, unless otherwise authorized in this chapter. The maximum of 70 dB(A) where permitted in residential occupied buildings/areas.

(B) The following tables shall serve as the sound emission limits of volume and measurement standards for the listed source of amplified sound except in accordance with a permit obtained from the Noise Control Officer:

<b>Table 1 - Single-Family Residential (Refer to Section 5(E))</b>		
<b>Daytime Hours</b>	<b>Nighttime Hours</b>	<b>Measurement</b>
55 dB(A)	50dB(A)	Property line of nearest occupied residential structure

<b>Table 2 - Multi-Family/Tenant Structures</b>		
<b>Daytime Hours</b>	<b>Nighttime</b>	<b>Measurement</b>
55 dB(A)	50 dB(A)	From a point within the nearest adjoining unit to the source of the sound, or from the closest common area to the source of the sound

<b>Table 3 - Residential/Institutional and Places of Public Gathering Having a Capacity of 500 Greater</b>		
<b>Daytime Hours</b>	<b>Nighttime Hours</b>	<b>Measurement</b>
65 dB(A)	50 dB(A)	As measured anywhere at property line of nearest residential property

<b>Table 4 - Business, Commercial or Industrial, Utilizing Sound to Advertise and/or Attract Customers:</b>		
<b>Daytime Hours</b>	<b>Nighttime Hours</b>	<b>Measurement</b>
60 dB(A)	Not permitted	As measured at nearest public right-of-way

<b>Table 5 - Business, Commercial or Industrial, Other Amplified Sounds (see also Section 6)</b>		
<b>Daytime Hours</b>	<b>Nighttime Hours</b>	<b>Measurement</b>
60 dB(A)	Not Permitted	As measured at nearest public right-of-way

<b>Table 6 - Street, Sidewalk, Public Right-of-Way, Public Parking Structure or Park</b>		
<b>Daytime Hours</b>	<b>Nighttime Hours</b>	<b>Measurement</b>
60 dB(A)	50 dB(A)	As measured 50 feet from source of amplified sound
70 dB(A)	60 dB(A)	As measured 10 feet from source of amplified sound

<b>Table 7 - Street, Sidewalk, Public Right-of-Way, Public Parking Structure or Park - Portable Amplification System (i.e., "PA System")</b>		
<b>Daytime Hours</b>	<b>Nighttime Hours</b>	<b>Measurement</b>
60 dB(A)	Not Allowed	As measured 50 feet from source of amplified sound
70 dB(A)	Not Allowed	As measured 10 feet from source of amplified sound

## **Section 5. Permits for Amplified Sound**

(A) *Application.* An application for a permit pursuant to this section must be submitted to the county's Planning Department 60, but no less than 15, business days before the permit time requested. The application shall specify the responsible person(s) for the sound amplification equipment. The application fee for additional amplification shall be established in the county's Schedule of Fees and shall be reviewed annually by the Board of Commissioners.

(B) *Notice of tentative approval.* Upon initial review of the applicant and requested use, if found within the conditions of this section, a notice of tentative approval shall be issued. For the permit to be considered valid and in effect, the applicant must cause for a notice to be delivered/disseminated to all occupied properties located within 1,000 feet of the proposed location of sound amplification. This must be completed within 72 hours of the proposed event. The confirmation of that delivery of notice shall be returned to the Noise Control Officer prior to the event/use of amplified sound.

(C) *Limits on hours.* No permit shall be issued which will have the effect of allowing more than 20 of excess amplification per year at any place of public entertainment having a capacity of 500 or more persons or ten hours of excess amplification at any other location.

(D) *Limit on permits.* Permits shall be tentatively approved and subsequently granted by the city's Emergency Management Office in the order of receipt. Subsequent permits shall not be issued for a location within a 1,000-foot radius of the location of an issued permit.

(E) *Not permitted in residentially-zoned areas.* Pursuant to the issuance of a permit, the creation of sounds registering more than 70 dB(A) anywhere within the boundary line of the nearest residentially-occupied property shall be prohibited.

(F) *Sound check(s).* The applicant shall notify the City Police Department when the amplification equipment is ready for a sound check by the Noise Control Officer. Using a sound-level meter, the Noise Control Officer may take readings to confirm that the levels have been set at the permitted level.

(G) *Permit revocation.* If sound checks taken by the Noise Control Officer during the event of amplified sound determines the levels to be in excess of the permit, or should it be determined that any other conditions of this section have not been completed as required or other conditions of the permit not met, the Noise Control Officer may revoke the issued permit and require an immediate cessation of the amplified sound.

(H) *Permit denial.* If the applicant has been denied the issuance of a permit by the Noise Control Officer, and believes the denial to be illegal under applicable local, state or federal law, the applicant may appeal the denial to the County Manager. The appeal shall be delivered in writing, and shall include a copy of the permit and a statement as to the applicant's beliefs to the legal basis for the appeal. The County Manager shall have the discretion to grant an exceptional permit, waiving the exceptions for location, time of day and/or decibel restrictions, upon his or her determination that the applicant has made a substantial showing of legal entitlement. Any such exceptional permits shall be promptly reported to the Board of Commissioners.

## **Section 6. Outdoor Amplification and Music at Commercial Establishments**

(A) Except in accordance to a permit issued pursuant to Section 5, it shall be unlawful for any commercial establishment, including, but not limited to, restaurants,

bars or nightclubs, to operate or allow the operation of sound amplification equipment out of doors or directed out of doors or to allow live acoustic music out of doors or directed out of doors other than during the times listed below or so as to create sounds registering in excess of:

<b>Table 1 - Sunday through Thursday</b>	
8:00 a.m.—9:00 p.m.	9:00 p.m.—2:00 a.m.
85 dB(A)	60dB(A)

<b>Table 2 - Friday through Saturday</b>	
8:00 a.m.—11:00 p.m.	11:00 p.m.—2:00 a.m.
85 dB(A)	60 dB(A)

(B) The decibel limits prescribed in this section shall be measured at the property line of the commercial property from where the sound is being generated.

(C) The amplified sound may only be produced during the operational hours of the commercial establishment.

(D) An establishment that has been determined to be non-cooperative pursuant to Section 8(D) shall be subject to enhanced civil penalties and, after two violations of this section within one year of having been deemed non-cooperative, shall not operate or allow the operation of sound amplification or live acoustic music out of doors or directed out of doors for a period of 18 months after the second violation. The prohibition shall apply to the establishment and the property on which the establishment is located.

### **Section 7. Sound Measurement Procedures**

(A) For the purpose of determining decibels (dB(A)) as referenced in this chapter, the noise shall be measured on the “A-weighting scale slow response” on a sound level meter of standard design and quality having characteristics established by the American National Standards Institute.

(B) When the Noise Control Officer determines that insufficient prima facie evidence exists for establishing a noise violation case, the investigating officer will use a sound-level meter to measure the sound level. Sound measurements shall be conducted at that time, day or night, when the suspect noise source is emitting sound.

(C) The following procedures shall be utilized in the sound measurement process.

(1) The sound measurement equipment shall have been calibrated.

(2) Prior to obtaining the sound sample, the sound level meter shall be set to the “A” weighted network at slow response.

(3) The omni-directional microphone shall be set in an approximate 70-degree position, approximately four feet from the ground or floor, facing the noise source while recording the meter’s instantaneous response (reading) observed at consecutive ten-second intervals, taking ten to 15 sample readings.

(4) No individual other than the operator of the sound meter shall be within ten feet of the sound level meter during the measurement process.

## **Section 8. Chronic Noise Producers**

(A) The purpose of this section is to establish a collaborative process through which the county and the owner/manager/occupant of a property that has been identified as a chronic source of objectionable noise will develop and implement a noise mitigation plan intended to bring the noise to acceptable levels. A chronic noise producer is a location that, because of the sound generated by or at the location, is an annoyance to adjacent or nearby residences, lodgings, schools, businesses or other places where people may congregate with a reasonable expectation of undisturbed activity. An establishment may be a chronic noise producer without having violated other provisions of this chapter.

(B) The Sheriff (or designee) may designate the owner/manager/occupant of the location as a chronic noise producer. In making such a determination, among other factors, the following shall be taken into consideration:

- (1) The number and frequency of valid noise complaints;
- (2) The proximity and physical relationship between the location and the complaining location(s);
- (3) The severity of the sound events, both observed or measured;
- (4) The times and days of the week of sound events;
- (5) The location’s history of cooperation and efforts to alleviate the problem; and
- (6) The history and context of the location, including whether the sound producing activity predates the occupation of the complaining locations and/or whether the sound producing location is located in what is generally recognized as an entertainment area.

(C) Upon designation as a chronic noise producer, the Sheriff shall inform the location owner/manager/occupant of the location and that it has been referred to the the Chronic Noise Mitigation Committee.

(1) The County Manager shall designate the Chronic Noise Mitigation Committee (“Committee”) for the purposes of this section. The Committee may request and consider the input of city staff and/or external experts with expertise in the type of location and/or noise under review.

(2) The Committee shall schedule a meeting with representatives of the location to review the information that formed the basis for the designation and any additional information concerning the noise produced at the location.

(3) Following the meeting, the Committee shall determine whether a mitigation plan is warranted. If determined warranted, the Committee and the representatives of the location shall together develop and endorse a noise mitigation plan. The plan may include, among other things:

- (a) Restrictions on days of week or hours of noise producing activities;
- (b) Placement, orientation and/or operation of sound-producing activity and/or equipment;
- (c) Structural changes including, but not limited to, sound attenuation and baffling;
- (d) Self-monitoring and reporting requirements;
- (e) A schedule of plan Implementation; and
- (f) A schedule for review for possible revisions and or termination of the plan.

(D) In the event that a location designated a chronic noise producer:

(1) Fails or refuses to participate in good faith in the development of a noise mitigation plan;

(2) Refuses to agree to the developed noise mitigation plan; or

(3) Fails to implement or comply with an endorsed noise mitigation plan, the business or entity shall be deemed as non-cooperative and shall not be entitled to the benefits of this section until that designation has been removed. The designation shall only be removed when the reason for such designation has been resolved to the acceptance of the Committee and the city.

(E) In the event that noise enforcement action is taken against a location previously designated as a chronic noise producer, evidence of the location owner/manager/occupant's participation in the development and implementation of and compliance with the noise mitigation plan shall be relevant to any prosecution or administrative or judicial review.

## **Section 9. Penalty**

(A) *Enforcement remedies.* When there is a violation of any section of this chapter, the city, at its discretion, may take one or more of the following enforcement remedies.

(1) *Civil penalty.* The Noise Control Officer or any officer may issue a notice of violation as provided subjecting the violator to a civil penalty of \$100, which penalty may provide for a delinquency charge of \$10 per day upon non-payment, in which penalty

and delinquency charge may be recovered by the city in a civil action. The civil penalty must be paid within 72 hours of the date and hour of issuance, with the delinquency penalty beginning at the seventy-second hour.

(2) *Repeated offenses.* In the event of more than one violation within any 30-day period, the civil penalty shall be increased for each additional violation as follows:

- (a) Two hundred fifty dollars second offense;
- (b) Five hundred dollars third offense;
- (c) Seven hundred fifty dollars fourth offense; and
- (d) One thousand dollars fifth and subsequent offense.

(3) The county may seek an injunction and order of abatement directed toward any person or entity creating or allowing the creation of any unlawful noise, including the owner or person otherwise having legal or actual control of the premises from which it emanates.

Adopted this the 20<sup>th</sup> day of September, 2021, effective sixty (60) days from date of adoption.