

**CITY OF HAVELOCK
GENERAL REGULATIONS – CHAPTER 93
NOISES
ORDINANCE AMENDMENT
No. 17-O-03**

BE IT HEREBY ORDAINED by the Board of Commissioners of the City of Havelock, North Carolina that the following revisions be made to “**Title IX: General Regulations, Chapter 93 Noises**” of the City of Havelock Code of Ordinances as follows:

**Please Note: “Blue and underline indicates text to be added”
“Red and Strikethrough indicated text to be removed”**

CHAPTER 93: NOISES

- 93.01 Noise control
- 93.02 Terminology
- 93.03 Methodology
- 93.04 Noises prohibited; nuisances
- 93.05 Exemptions
- 93.06 Maximum permitted sound level; structure noise
- ~~93.07 Motor vehicle noise~~
- ~~93.08~~ 93.07 Permits to exceed limits
- 93.99 Penalty

§ 93.01 NOISE CONTROL.

It shall be unlawful for any person to create or assist in creating any unreasonably loud and disturbing noise in the City.

(1989 Code, § 11-4.1) (Ord. 02-01, passed 4-8-2002) Penalty, see § 93.99

§ 93.02 TERMINOLOGY.

All terminology used in this section not defined below shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

A-WEIGHTED SOUND LEVEL. The sound pressure level in decibels as measured on a sound level meter using the A-frequency-weighted network and slow meter response setting. The level so read is designated dB.

DECIBEL (dB). A unit for describing the amplitude of sound, equal to twenty (20) times the base of the logarithm to the base of the ratio for the pressure of the sound measured to the reference pressure, which is twenty (20) micronewtons per square meter.

EMERGENCY WORK. Any work performed for the purposes of maintaining public safety, preventing or alleviating physical trauma or property damage threatened or caused by an existing or imminent peril.

OUTDOOR AMPLIFIED SOUND. Any sound using amplifying equipment whose sound is outside or whose source is inside and the sound propagates to outside through the structure.

PLAINLY AUDIBLE. Able to be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The officer need not determine the title, specific words, or the artist performing the song.

SOUND-AMPLIFYING EQUIPMENT. Any device for the amplification of the human voice, music, or any other sound, including, but not limited to, jukeboxes, stereos, and radios.

SOUND LEVEL. The weighted sound pressure level obtained by the use of a sound level meter and frequency weighted network, such as A, B, or C as specified ANSI S1.4-1971. If the frequency weighting employed is not indicated, the A-weighting shall apply.

SOUND LEVEL METER. Device used to measure sound pressure levels with a standardized frequency weighting and indicated exponential time weighting for measurements of sound level, or without time weighting for measurement of time-average sound pressure level or sound exposure level. The sound level meter must be of standard design and quality having characteristics established by ANSI.

SOUND PRESSURE LEVEL. Twenty times the logarithm to the base 10 of the ratio of the RMS sound of twenty (20) micronewtons per square meter.

(1989 Code, § 11-4.2) (Ord. 02-01, passed 4-8-2002)

§ 93.03 METHODOLOGY.

Standards, instrumentation, personnel, measurement procedures, and reporting procedures to be used in the measurement of sound as provided for in this section shall be those as specified herein.

(A) Sound level measurement shall be made with a sound level meter using the A-weighting scale, set on slow response.

(B) Sound level meters shall meet ANSI S1.4-1971 requirements for type 3 meters. The entire sound measurement system shall be serviced, calibrated and operated as recommended by the manufacturer. Persons using the sound level meters shall be trained in sound level measurement.

(C) The Police Chief or his or her designee may adopt standards for sound level measurement and enforcement consistent with this chapter.

(1989 Code, § 11-4.3) (Ord. 02-01, passed 4-8-2002)

§ 93.04 NOISES PROHIBITED; NUISANCES.

(A) *General prohibitions.* It shall be unlawful to create, cause, or allow the continuance of any unreasonably loud, disturbing, or frightening noise, ~~particularly during nighttime~~, which substantially interferes with neighboring businesses and/or residents' reasonable use and enjoyment of their properties.

(B) *Specific prohibitions.* The following acts are prohibited when producing unreasonably loud, disturbing, or frightening noise which substantially interferes with neighboring businesses and/or residents' reasonable use and enjoyment of their properties and shall be considered nuisance acts when exceeding the maximum decibel level as set forth in this section:

(1) *Horns and signaling devices.* The intentional sounding of any horn or signaling device of a motor vehicle on any street or public place continuously or intermittently, except as a danger or emergency warning;

(2) *Motor vehicles.* Operating or permitting the operation of any motor vehicle, including, but not limited to, motorcycles, trucks, and automobiles, not equipped with a muffler or other device in good working order so as to effectively prevent loud or explosive noises therefrom;

(3) *Exterior loudspeakers.* Operating or permitting the operation of any mechanical device or loudspeaker, without a permit to do so, in a fixed or moveable position on the exterior of any building or on the ~~on~~ ground, ~~or mounted on any aircraft or motor vehicle~~ in such a manner that the sound therefrom is in excess of the maximum decibel level as described in section; 93.06

(4) *Power equipment.* Operating or permitting the operation of any power saw, sander, drill, grinder, leaf blower, lawn mower, or other garden equipment, or tools of a similar nature, outdoors during nighttime;

(5) *Explosives.* The use or firing of explosives, firearms, fireworks, or similar devices which create an explosive sound;

(6) *Security alarms.* The sounding of a security alarm for more than twenty (20) minutes after being notified by law enforcement personnel of the alarm's activation; and

(7) *Motor vehicle speakers or other speakers located in or on a motor vehicle.* Operating or permitting the operation of any speaker or sound in or on a motor vehicle in such a manner ~~that the sound therefrom is in excess of the maximum decibel level described in this section when registered on a sound level meter twenty-five (25) or more feet from the motor vehicle.~~ as to be plainly audible outside of the vehicle.

(1989 Code, § 11-4.4) (Ord. 02-01, passed 4-8-2002) Penalty, see § 93.99

Statutory reference:

Authority of City to regulate, restrict, or prohibit loud noises, see G.S. § 160A-184

§ 93.05 EXEMPTIONS.

(A) *Generally.* The following are exempt from the provisions of this chapter.

(B) *Specifically.*

(1) Sound emanating from regularly scheduled outdoor athletic events on the campuses of local schools;

(2) Construction operations from 7:00 a.m. to 9:00 p.m. on weekdays and 8:00 a.m. to 9:00 p.m. on weekends for which building permits have been issued or for construction operations not requiring permits; provided that all equipment is operated with mufflers or other noise-reducing equipment ~~is in use~~ as recommended by the equipment manufacturer's instructions;

(3) Noises of safety signals, warning devices, emergency pressure relief valves, and all church bells;

(4) Noises resulting from any authorized emergency vehicle when responding to any emergency call or acting in time of emergency;

(5) Any other noise resulting from activities of temporary duration permitted by law, and for which a license or permit has been granted by the City in accordance with this section. Regulations of noises emitting from operations under permit shall be according to the conditions and limits stated on the permit and consistent with this section;

(6) Unamplified and amplified sound at street fairs and parades possessing an official permit issued pursuant to this section;

(7) All noises coming from the normal operations of properly equipped aircraft (but not scale model aircraft or other types of model flying craft);

(8) All noises coming from normal operation of motor vehicles properly equipped with the mufflers according to the motor vehicle manufacturer's specifications and in good working order;

(9) Noise from lawful fireworks and noisemakers on legal holidays and at religious ceremonies;

(10) Lawn mowers, agricultural equipment, and landscape maintenance equipment used between the hours of 7:00 a.m. and 9:00 p.m. when operated with mufflers or other noise-reducing equipment as recommended by the equipment manufacturer's instructions;

(11) Musical accompaniment or firearm discharge related to military ceremonies;

(12) Sound amplification equipment used in conjunction with telecommunications systems on business properties to notify employees of that business of incoming phone calls, provided that this system be used only between the hours of 7:00 a.m. and 9:00 p.m. and that any speakers attached to the system be oriented toward the interior of the property;

(13) Emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster, or to restore public utilities, or to protect persons or property from an imminent danger;

(14) Noises resulting from the provision of government services, military operations or operations of Naval Aviation Depot; and

(15) Noises resulting from the provision of sanitation services.

(1989 Code, § 11-4.5) (Ord. 02-01, passed 4-8-2002)

§ 93.06 MAXIMUM PERMITTED SOUND LEVEL; STRUCTURE NOISE

~~(A) In addition to the requirements of § 93.04, and except as otherwise provided herein or in conjunction with special events permits, no person or group of persons shall operate or cause to be operated any source of sound level which at its peak exceeds the limits set forth below, when measured beyond the property line from which the sound originates. For purposes of measurement, the back of the curb, the outside edges of driveways, fences, hedges, or other physical features commonly associated with property boundaries are presumed to be at a point which is at or beyond the property line. In all cases, the maximum sound level permitted by use occupancy shall be determined on the basis of the use occupancy of the property from which the sound originates and not by the use occupancy of any surrounding property. Sound which originates from a dwelling unit in a duplex or other multi-family housing unit shall be measured from any point which is at least twenty-five (25) lineal feet, whether inside or outside a building, from the nearest point of the enclosed or habitable space of the dwelling unit from which the sound originates. It shall be unlawful to:~~

~~(B) The following are established as maximum sound levels.~~

~~(1) Nighttime sound levels (between 11:00 p.m. and 7:00 a.m.) may not exceed 60 dB except as allowed below. Operate or allow the operation of any sound amplification equipment in a residential area to create sounds which are unreasonably loud and disturbing or which register 65 dB between 9:00 a.m. and 9:00 p.m. or 55 dB between 9:00 p.m. and 9:00 a.m., as measured anywhere within the boundary line of the nearest residentially occupied property, except in accordance with a permit obtained from the City Police Department.~~

~~(2) Daytime/evening sound levels (between 7:00 a.m. and 11:00 p.m.) may not exceed 70 dB except as noted in division (B)(3) below. As to multifamily structures including apartments, condominiums, or other residential arrangements where boundary lines cannot readily be determined, operate or allow the operation of any sound amplification equipment so as to create sounds which are unreasonably loud and disturbing or which register 55 dB(A) between 9:00 a.m. and 9:00 p.m. or 50 dB(A) between 9:00 p.m. and 9:00 am., as measured from any point within the interior of another residential unit in the same complex or within the boundary line of the nearest residentially occupied property, except in accordance with a permit obtained from the City Police Department. When conducting indoor sound level measurements, the measurements shall be taken at least three (3) feet from any wall, floor or ceiling and all exterior doors and windows shall be closed prior to conducting measurements. When measuring total sound level~~

all sound sources within the dwelling unit must be shut off (e.g., television, stereo). Measurements shall not be taken in areas which receive only casual use such as hallways, closets and bathrooms.

(3) Operate or allow the operation of any sound amplification equipment in any area zoned business, office, commercial, shopping center, or industrial to cast amplified sounds which are unreasonably loud and disturbing or which register more than 70 dB(A) at or on the boundary of the nearest public place or adjacent property.

(4) In cases where the structure or property borders any type of residential property it must comply with the residential area guidelines set forth in subsections (1) and (2) hereof.

~~(3)~~ (5) Daytime/evening sound levels up to 85 dB may be authorized by means of a permit to exceed, pursuant to ~~this section~~ Section 93.07.

~~(4)~~ (6) Except for special events authorized pursuant to ~~this section~~ Section 93.07, a permit to exceed sound levels may only be issued for Fridays from 5:00 p.m. until 12:00 a.m., and Saturdays from 10:00 a.m. to 12:00 a.m.

(1989 Code, § 11-4.6) (Ord. 02-01, passed 4-8-2002) Penalty, see § 93.99

~~§ 93.07 MOTOR VEHICLE NOISE.~~

~~—(A) It shall be unlawful for any person to drive, operate, move, or permit to be driven, operated, or moved, a motor vehicle or combination of vehicles at any time in such a manner that the sound level of the vehicle or combination of vehicles exceeds seventy five (75) dB measured at a distance of twenty five (25) feet from the nearest lane(s) being monitored and at a height of at least four feet above the immediate surrounding surface.~~

~~—(B) This section shall apply to the total noise from a vehicle and shall not be construed as limiting or precluding the enforcement of any other provisions of this chapter.~~

~~—(C) Traffic, aircraft, and other transportation noise sources and other background noises shall not be considered in taking measurements under this section so long as an accurate measurement may be made of the sound emitted from the motor vehicle.~~

~~(1989 Code, § 11-4.7) (Ord. 02-01, passed 4-8-2002) Penalty, see § 93.99~~

~~§ 93.0807~~ PERMITS TO EXCEED LIMITS.

(A) A person or group of persons may produce or cause to be produced sound in excess of levels authorized in this chapter, only if a permit to exceed the limit for the time and place of the activity has been obtained and the person or group of persons is not exempt from ~~this section~~ Section 93.99.

(B) Any person or group of persons desiring a permit shall apply as provided herein, and shall provide all information required. All applications shall be submitted to the Police Chief or his or her designee at least forty-eight (48) hours prior to the scheduled event. Failure to comply with this requirement shall be grounds for denying the permit.

(C) The Police Chief or his or her designee shall have the authority to take final action on all applications for permits specified in this section. In considering and acting on the applications, the Police Chief or his or her designee shall consider, but shall not be limited to, the following in issuing or denying the permit: the timeliness of the application; the nature of the requested activity; previous experience with the applicant; other activities in the vicinity of the proposed location; the frequency of the application; the cultural or social benefit of the proposed activity; the effect of the activity on the residential areas of the City.

(D) Permits to exceed limits shall specify the duration for which noncompliance shall be permitted and may prescribe the conditions or requirements necessary to minimize adverse effects upon the community or surrounding neighborhood. The Police Chief or his or her designee may require, but shall not be limited to, the following:

(1) That no sound speakers shall be set up more than ten feet above the ground; and

(2) That the permit holders change the arrangement of the loud speakers or the sound instruments so as to minimize the disturbance to others resulting from the position or orientation of the speakers or from atmospherically or geographically caused dispersal of sound beyond the property lines.

(E) Permit holders shall agree to cooperate with the Police Department in enforcing this chapter by having ~~signers of the permit~~ the individual(s) who signed the permit application on behalf of the applicant available at the site of the event during the entire time for which a permit has been issued. The permit holders must be capable of assisting the police in enforcing the noise control ordinance. Failure of the permit holders or designees to be present or to assist the police in compliance with this chapter may result in the immediate revocation of the permit.

(1989 Code, § 11-4.8) (Ord. 02-01, passed 4-8-2002) Penalty, see § 93.99

§ 93.99 PENALTY.

Any person who violates any portion of this chapter shall be subject to a fine of not less than \$50 nor more than \$500 plus court costs. Each failure to obey an order to cease or abate shall constitute a separate violation of this chapter. Violation of this chapter is cause for immediate revocation of a permit to exceed limits.

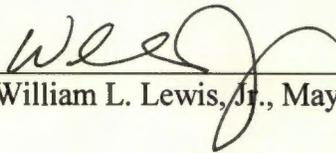
(1989 Code, § 11-4.9) (Ord. 02-01, passed 4-8-2002)

This ordinance shall take effect at 12:01 a.m. on November 28, 2017.

Adopted this the 27th day of November, 2017.

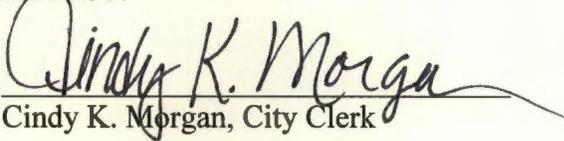


CITY OF HAVELOCK



William L. Lewis, Jr., Mayor

ATTEST:



Cindy K. Morgan, City Clerk