

Preliminaries

**CODE OF ORDINANCES
TOWN OF
DAVIDSON, NORTH CAROLINA**

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**OFFICIALS
of the
TOWN OF
DAVIDSON, NORTH CAROLINA
AT THE TIME OF THIS CODIFICATION**

Randall R. Kincaid
Mayor

Garfield Carr
Bruce McMillen
David W. Martin
Margo Williams
John M. Woods
Commissioners

Leamon B. Brice
Town Manager

Richard J. Kline
Town Attorney

Peggy W. Smith
Town Clerk

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ARTICLE III. NOISE*

*State law references: Authority to regulate noise, G.S. 160A-184.

Sec. 30-71. Purpose.

It is recognized that people have a right to, and should, be ensured an environment free from excessive sound and vibration that may jeopardize their health or safety or welfare or degrade the quality of their life. This article is enacted to protect, preserve and promote the health, safety, welfare and quality of life of the citizens of the town through the reduction, control and prevention of noise.

(Ord. No. 95-1212, § II, 12-12-1995)

Sec. 30-72. Standards of measurement.

Standards, instrumentation, personnel, measurement procedures, and recording procedures to be used in the measurement of sound as provided for in this article shall be as follows:

(1) Sound level measurement shall be made with a sound level meter using the "A" weighting scale.

(2) Sound level meters shall be at least type two meeting American National Standard Institute Incorporated (ANSI) S1.4-1971 requirements.

(Ord. No. 95-1212, § III, 12-12-1995)

Sec. 30-73. Prohibited acts.

(a) It shall be unlawful for any person to emit or cause to be emitted any noise across a property line or to a public street, sidewalk or public vehicular area or into another dwelling unit of a multifamily structure in excess of the noise levels established below:

TABLE INSET:

	Time	Sound Level Limit
<i>Daytime hours:</i>	(Sunday--Thursday, 8:00 a.m. to 11:00 p.m.; Friday and Saturday, 8:00 a.m. to 1:00 a.m. of the next day)	70 dBA
<i>Nighttime hours:</i>	(Sunday--Thursday, 11:00 p.m. to 8:00 a.m.; Friday and Saturday, 1:00 a.m. to 8:00 a.m.)	55 dBA

(b) It shall be unlawful for any person to make, continue, or cause to be made or continued any unreasonably loud and disturbing noise in the town. The following acts, among others, are declared to be loud and disturbing in violation of this section; but this enumeration shall not be deemed to be exclusive:

(1) No person during the nighttime hours shall sound any horn or other audible signal device of a motor vehicle unless it is necessary as a warning to prevent or avoid a traffic accident.

(2) No person shall operate an engine or standing motor vehicle with a weight in excess of 10,000 pounds manufacturer's gross weight (MGW) or any auxiliary equipment attached to such

vehicle for a period in excess of ten minutes when such vehicle is parked, for reasons other than traffic congestion, in an area zoned residential.

(3) No person shall discharge into the ambient air the blow-down of any steam vent of the exhaust of any stationary internal combustion engine or air compressor equipment unless such discharge is through a muffler.

(4) No sound amplifying devices on or within motor vehicles shall emit noise in excess of 80 dBA measured at a distance of 50 feet or greater from the motor vehicle.

(5) No person shall possess or harbor any animal or bird which, frequently or for continued duration, howls, barks, meows, squawks or makes other sounds which creates a noise disturbance across a residential property line which exceeds the levels established in section 30-74.

(6) No person shall use or fire any explosives, firearms or similar devices which create impulsive sound so as to cause a noise disturbance across a residential property line or on a public right-of-way without first obtaining a special variance issued pursuant to section 30-76.

(Ord. No. 95-1212, § IV, 12-12-1995)

Sec. 30-74. Exceptions.

The provisions of this article shall not apply to:

(1) Any bell or chime from any clock, school or church.

(2) Any siren, whistle or bell lawfully used by emergency vehicles or any other alarm systems used in an emergency situation; however, burglar alarms not terminating within 30 minutes after the responsible person has been notified shall be unlawful.

(3) Warning devices required by OSHA or other local, county, state or federal safety regulations.

(4) Noise generated by construction equipment during daytime hours.

(5) Noise created as a result of or relating to an emergency.

(6) Noise from domestic power equipment such as but not limited to power saws, sanders, grinders, lawn and garden tools or other similar devices operated during daytime hours; provided that for the purpose of this subsection (6) only dealing with noise generated by domestic power equipment, daytime hours shall begin at 7:00 a.m. instead of 8:00 a.m.

(7) Noise from demolition work conducted during daytime hours.

(8) Noise created by any aircraft flight operations which are specifically preempted by the Federal Aviation Administration.

(9) All noises coming from motor vehicles properly equipped with the manufacturer's standard mufflers and noise-reducing equipment, being operated in accordance with the manufacturer's recommendations, and safe driving practices.

(10) Noise created by sporting events and publicly sponsored recreational activities such as Town Day and parades.

(Ord. No. 95-1212, § V, 12-12-1995)

Sec. 30-75. Enforcement.

(a) *Enforcement officers.* The police department shall be responsible for the enforcement of this article throughout the town. The Davidson College security force shall be empowered to enforce this article within the boundaries of the Davidson College campus.

(b) *Abatement orders.*

(1) In lieu of issuing a citation as provided in section 30-76, the enforcement officer may issue an order requiring abatement of any source of noise alleged to be in violation of this article within a reasonable time period and according to guidelines which the enforcement officer prescribes.

(2) The failure to comply with an abatement order, upon proof that a violation of this article was occurring when the abatement order was issued, shall constitute a separate offense and shall be punishable by a fine of not more than \$100.00.

(c) *Citations.* Except where a person is acting in good faith to comply with an abatement order issued pursuant to this section, violation of any provision of this article shall be cause for a citation to be issued by the enforcement officer. No citation shall be issued for any violation of section 30-72(1) until the enforcement officer has given verbal notice to the emitter that he is in violation of this article, and the emitter has not thereafter come into compliance with this article.

(d) *Penalties.* Any person who violates any provision of this article shall be deemed to have committed an infraction and shall be fined for each offense a sum not to exceed \$100.00. (Ord. No. 95-1212, § VI, 12-12-1995)

Sec. 30-76. Special variances.

(a) The board of commissioners shall have the authority, consistent with this section, to grant special variances.

(b) Any person seeking a special variance pursuant to this section shall file an application with the board of commissioners. The application shall contain information which demonstrates that bringing the source of sound or activity for which the special variance is sought into compliance with this article would constitute an unreasonable hardship on the applicant, or on the town, or on other persons. Any individual who claims to be adversely affected by allowance of the special variance may file a statement with the board of commissioners containing any information to support his claim. If the board of commissioners finds that a sufficient controversy exists regarding an application, a public hearing shall be held.

(c) In determining whether to grant or deny the application, the board of commissioners shall balance the hardship to the applicant, the town, and other persons affected; the adverse impact on property affected; and any other adverse impacts of granting the special variance. Applicants for special variances and persons contesting special variances may be required to submit any information the board of commissioners may reasonably require. In granting or denying an application, the board of commissioners shall place on public file a copy of the decision and the reasons for denying or granting the special variance.

(d) Special variances shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The special variance shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of the special variance shall terminate it and subject the person holding it to those provisions of this article regulating the source of sound or activity for which the special variance was granted.

(e) Application for extension of time limits specified in special variances or for modification of other substantial conditions shall be treated like applications for initial special variances under subsection (b) of this section.

(f) The board of commissioners may issue guidelines defining the procedures to be followed in applying for a special variance and the criteria to be considered in deciding whether to grant a special variance.

(Ord. No. 95-1212, § VII, 12-12-1995)

Secs. 30-77--30-110. Reserved.