

ORDINANCE NO. 95

PERQUIMANS COUNTY NOISE ORDINANCE

(A) It shall be unlawful to create or assist in creating any unreasonably loud, disturbing and unnecessary noise in the County. Noise of a character, intensity and duration as to be detrimental to the public health, welfare and peace is hereby prohibited.

(B) The following acts, among others, are hereby declared to be unreasonably loud, disturbing and unnecessary noises in violation of this section, but the enumeration shall not be deemed to be exclusive:

(1) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle, except as a danger signal, so as to create any unreasonably loud or harsh sound, or the sounding of the device for an unnecessary and unreasonable period of time, or the use of any gong or siren upon any vehicle, other than police, fire or other emergency vehicle;

(2) The use of any electronic devices, stereos, speakers, musical instrument, loudspeaker or other device which project sound that is clearly audible at a distance of not less than 50 feet.

(3) The use of any bicycle, skateboard or similar vehicle which creates an unreasonably loud, disturbing or unnecessary noises. The use of any motor vehicle, motorcycle or other vehicle (a) equipped with special or custom muffler, exhaust or other noise control equipment/system; or (b) not equipped with normal, factory issue muffler, exhaust or other noise control equipment/system in good repair; or (c) in jackrabbit starts, spinning tires, racing engines, or other operations so as to create unreasonably loud, disturbing and unnecessary noises. The provisions of this subsection shall not apply to any legally operating race track in existence at the time of the enactment of this ordinance.

(4) The erection of any excessive noise on any street adjacent to any school or institution of learning while the same is in session which unreasonably and unnecessarily interferes with the working of the institution, provided conspicuous signs are displayed in the streets indicating that the area is in a school area;

(5) The erection of any excessive noise on Sundays on any street adjacent to any church, provided conspicuous signs are displayed in the streets adjacent to churches indicating that the same is a church street;

(6) Shouting, fighting or creating noise through loud or boisterous speech or singing so as to be audible off the premises upon which the activities and noise occur if so loud as to disturb the peace and tranquility of persons occupying residences, motel, hotels, rest homes, nursing homes or hospitals in the vicinity.

(C) This section shall not apply during any period directly after the announcement of any potential, impending disaster.

(D) If any person shall violate this ordinance, he or she shall be guilty of a Class 3 misdemeanor and shall be fined in an amount as set by the presiding judge or imprisoned for not more than 30 days.

(E) In addition, in the county's discretion, a violation of any provision of this ordinance shall subject the offender to a civil penalty of up to \$100. If the offender fails to pay this penalty within ten days after being cited for a violation, the county may seek to recover the penalty by filing a civil action in the nature of a debt. If the violator of this ordinance is a person under the age of 18, the parents or legal guardians of the minor shall be subject to the civil penalties referenced herein as if they are the offender.

(F) The county may seek to enforce this section through any appropriate equitable action.

(G) Each day that a violation continues after the offender has been notified of the violation shall constitute a separate violation and each violation shall be subject to an additional civil penalty.

(H) The county may seek to enforce this section by using any one or a combination of the foregoing remedies.

(I) A juvenile who violates any provision of this ordinance is subject to being adjudicated delinquent. The court may, in its discretion, impose any dispositional alternative(s) that are provided in the State Juvenile Code for any juvenile who is delinquent.

Adopted this the 3rd day of April, 2017.

PERQUIMANS COUNTY BOARD OF
COMMISSIONERS

T. Kyle Jones
T. Kyle Jones, Chairman

ATTEST:

Mary P. Hunnicutt
Mary P. Hunnicutt, Clerk
Perquimans County Board of Commissioners

Approved as to form:

W. Hackney High, Jr.
W. Hackney High, Jr.
County Attorney

Statutory reference:

Authority of county to regulate noise, see G.S. § 153A-133