

**AN ORDINANCE TO AMEND SECTIONS 22-1 THROUGH 22-4  
AND 58-19 OF THE CODE OF ORDINANCES  
OF THE TOWN OF WEDDINGTON**

**O-2017-13**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON THAT SECTIONS 22-1 THROUGH 22-4 AND 58-19 OF THE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:**

**Sec. 22-1. - ~~Excessive noise prohibited; exemptions.~~—Unreasonably loud noise.**

(a) It is unlawful for any person to make, continue, or cause to be made any unreasonable and excessive noise which injures, endangers, or disturbs the comfort, repose, health, peace, or safety of others within the town limits.

(b) **In determining whether a *noise* is unreasonably loud, the following factors incident to such *noise* shall be considered:**

- (1)Time of day;
- (2)Proximity to residential structures;
- (3)Whether the *noise* is recurrent, intermittent or constant;
- (4)The volume and intensity;
- (5)Whether the *noise* has been enhanced in volume or range by any type of electronic or mechanical means;
- (6)The character and zoning of the area; and
- (7)Whether the *noise* is subject to being controlled without unreasonable effort or expense to the creator thereof.

**Sec. 22-2. Particular sounds prohibited.**

The following acts and activities, among others, are hereby declared to be unreasonably loud and disturbing sound levels in violation of section 22-1. This enumeration shall not be construed to be an exclusive list of activities or acts which violate section 22-1:

(a) **Operating a truck for refuse collection except on Monday through Saturday between the hours of 7:00 a.m. and 9:00 p.m. The violator is the operator of the truck, the employer of the operator, and/or the person whom owns the truck used by the operator.**

(b) **Construction operations, including any building and land disturbing activities except Monday through Friday between the hours of 7:00 a.m. and 9:00 p.m., Saturday between the hours of 8:00 a.m. and 9:00 p.m. and Sunday between the hours of 10:00 a.m. and 9:00 p.m.**

(c) **Operating electric and gas lawnmowers and other motor-driven domestic tools outdoors except Monday through Saturday between the hours of 7:00 a.m. and 9:00 p.m. and Sunday between the hours of 9:00 a.m. and 9:00 p.m.**

- (d) It shall be unlawful to operate or allow the operation of any motor vehicle in the town:**
- (1) By spinning tires, racing engines or other operations which create unreasonably loud and disturbing noises.**
  - (2) To amplify sound produced by a radio, tape player, compact disc player or other sound-making device or instrument from within the motor vehicle so that the sound is audible from a distance of 50 or more feet from the source of the sound.**

**Note: Animal Nuisances – see Appendix A.**

### **Sec. 22-3 Exemptions.**

- (a) The following uses and activities shall be exempt from this section:
- (1) Noises of safety signals, warning devices, and emergency pressure relief valves.**
  - (2) Noises resulting from any authorized emergency, fire or law enforcement vehicle.**
  - (3) Noise resulting from the activities of a temporary duration permitted by law for which a license or permit therefore has been granted by the town.**
  - (4) Any aircraft or railroad equipment operated in conformity with or pursuant to state or federal law. Any aircraft operating under technical difficulties, in any kind of distress, under emergency orders of air traffic control or being operated pursuant to the declaration of an emergency under federal air regulations shall also be exempt.**
  - (5) Noise resulting from agricultural and horticultural operations conducted in a reasonable manner on property classified as a bona fide farm for ad valorem tax purposes.**
  - (6) Noise resulting from 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 imminent danger.**
  - (7) Noise resulting from any military or law enforcement activities of the federal, state, or any local government, to include military observances.**
  - (8) Noise resulting from any event held in recognition of a community celebration, or national, state, or county events or public festivals or parades.**
  - (9) Noise from lawful fireworks and *noise* makers on holidays and at religious ceremonies.**
  - (10) Noise created by any public recreational activity.**
  - (11) Game-hunting activities on property where such activities are authorized and regulated by Chapter 34 Article II of the Weddington Code of Ordinances.**
- (b) This provision shall not be applied to a shooting range in existence prior to adoption of this code section, provided there has been no substantial change in use of the range.

### **Sec. 22-4. -Enforcement and penalties.**

**(a) Civil penalty. Violation of this section shall subject the offender(s) to a civil penalty in the amount of \$100.00. In the event there is more than one violation within any 30-day period, then the civil penalty shall be increased for each additional violation ~~over one~~ during such period, as follows. The date of the first violation shall establish the beginning date for the initial 30-day period.**

**The penalty shall be: Second offense within same 30-day period: \$250.00**

**Third offense within same 30-day period: \$500.00**

**Fourth offense within same 30-day period: \$750.00**

**Fifth and any subsequent offense within same 30-day period: \$1,000.00**

**(1) Once the 30-day period has expired from the "first violation," the next violation shall be considered to be a first violation for the purposes of establishing a new 30-day period. In the event there are more than six violations within any 12-month period, then each violation after six shall subject the violator(s) to a civil penalty of \$1,000.00 per event.**

**(2) Under circumstances where a citation is issued, the fine must be paid within 5 business days of the issue date and time. The town attorney, or designee, is authorized to file suit on behalf of the town to collect any unpaid citations, and the town administrator, or designee, is authorized to verify and sign complaints on behalf of the town in such suits. A sheriff's deputy, animal control officer enforcing subject matter jurisdiction, or other person duly authorized to enforce the noise control ordinances may issue a citation for violations of this article.**

**(b) Remedies. This article may also be enforced through equitable remedies issued by a court of competent jurisdiction pursuant to G.S. 154A-123.**

**(c) Criminal penalty. In addition to, or in lieu of, such civil penalties or other remedies, violation of this article shall constitute a misdemeanor pursuant to G.S. 14-4.**

**Sec. 58-19. - Noise.**

~~Every use of land must be operated in such a way that regularly recurring noises are not disturbing or unreasonably loud and do not cause injury, detriment or nuisance to any person of ordinary sensitivities.~~

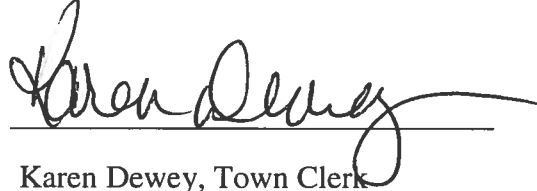
**See Section 22-1**

Adopted this 9th day of October, 2017.



Bill Deter, Mayor

Attest:

  
Karen Dewey, Town Clerk