

**NORTH CAROLINA
ROCKINGHAM COUNTY**

**AN ORDINANCE AMENDING CHAPTER 16 OF THE CODE OF ORDINANCES
OF ROCKINGHAM COUNTY, NORTH CAROLINA, REGULATING
OFFENSES AGAINST PUBLIC PEACE AND ORDER**

BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF ROCKINGHAM COUNTY:

That an Ordinance Amending Chapter 16 of the Code of Ordinances of Rockingham County, North Carolina, Regulating Offenses Against Public Peace and Order, which carries forward the majority of the provisions contained in an ordinance adopted by the Board of Commissioners on January 3, 1994, amended December 3, 2007, be adopted as amended.

This Ordinance, as amended and adopted, reads as follows:

Sec. 16-1. Offenses Against Public Peace and Order.

(a) Subject to the provisions of this section, it shall be unlawful for any person or persons to make, permit, continue or cause to be made or to create any unreasonably loud noise in the County. For purposes of this section, the following definition shall apply:

Unreasonably loud: Noise which is substantially incompatible with the time and location where created to the extent that it creates an actual or imminent interference with peace or good order;

In determining whether a noise is unreasonably loud, the following factors incident to such noise are to be considered: Time of day; proximity to residential structures; whether the noise is recurrent, intermittent or constant; the volume and intensity; whether the noise has been enhanced in volume or range by any type of electronic or mechanical means; the character and zoning of the area; whether the noise is related to the normal operation of a business or other labor activity; whether the noise is subject to being controlled without unreasonable effort or expense to the creator thereof.

(b) The following acts, among others, are declared to be unreasonably loud noises in violation of this section but this enumeration shall not be deemed to be exclusive:

(1) Blowing horns: The sounding of any horn, whistle or signal device on any automobile, motorcycle, bus or other vehicle or railroad train, except as a danger signal or as required by law, so as to create any unreasonable, loud or harsh sound or the sounding of such device for an unreasonable period of time;

(2) Radios, record players, etc: The playing of any radio, television set, record player, stereo or other sound reproduction system, musical instrument or sound-producing or sound-amplifying device in such manner or with such volume, particularly but not limited to the hours between ten o'clock p.m. and seven o'clock a.m., so as to annoy or disturb the quiet, comfort or repose of any person of normal sensibilities in any dwelling, motel, hotel or other type of residence;

(3) Pets: The keeping of any animal or bird, which, by causing frequent or long continued noise, shall disturb the comfort and repose of any person of normal sensibilities in the vicinity;

(4) Use of vehicles: The use of any automobile, motorcycle, dirt bike, go-cart, recreational vehicle or any other vehicle so out of repair, so loaded or operated in such manner as to create loud, grating, grinding, rattling, screeching of tires or other noise;

- (5) **Blowing whistles:** The blowing of any steam whistle attached to any stationary boiler except as a warning of danger;
- (6) **Exhaust discharge:** The discharge into the open of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;
- (7) **Compressed air devices:** The use of any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and reduced;
- (8) **Building operations:** The erection (including excavation), demolition, alteration or repair of any building in a residential district between the hours of 8:00 p.m. and 6:00 a.m. of any day or in any district other than a residential district between the hours of 10:00 p.m. and 6:00 a.m. of any day, except in the case of urgent necessity in the interest of public safety and then only with a permit from the County Manager or his designee, which permit may be renewed for a period of three (3) days or less while the emergency continues;
- (9) **Noises near schools, etc:** The creation of any excessive noise on any street adjacent to any school, institution of learning, library, or court while the same is in session, or adjacent to any hospital, or any church during services, which unreasonably interferes with the operation or activities of such institution, except that this prohibition shall not apply to the Rockingham County Sheriffs firing range located near the Rockingham County Senior High School in Wentworth during state required firearms qualifications and special training of law enforcement officers;
- (10) **Loading and unloading operations:** The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening or destruction of bales, boxes, crates and containers;
- (11) **Bells and gongs:** The sounding of any bell or gong which disturbs the quiet or repose of any person of normal sensibilities in the vicinity thereof;
- (12) **Noises to attract attention:** The use of any drum, loudspeaker or other instrument for the purpose of attracting attention by creation of noise to any performance, show, sale, display or advertisement of merchandise;
- (13) **Blowers, engines:** The operation of any noise-creating blower, power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise emitting therefrom is sufficiently muffled and the engine is equipped with a muffler device sufficient to deaden such noise, so that the same shall not cause annoyance to the public nor unreasonably disturb the rest and quiet of any person of normal sensibilities on adjacent premises or within the vicinity thereof;
- (14) **Appliances and other mechanical devices:** The operation of any noise-producing appliance or other mechanical device which, due to operational deficiencies, malfunction or other type of disrepair, causes loud and excessive noises in such a manner as to unreasonably disturb the rest and quiet of any person of normal sensibilities on adjacent premises or within the vicinity thereof;
- (15) **Loudspeakers or amplifiers:**
 - a. The use of mechanical loudspeakers or amplifiers on trucks, airplanes or other vehicles or by any other means for advertising or other commercial purposes is prohibited.
 - b. In the exercise of non-commercial free speech, loudspeakers or amplifiers may be used, subject to the following conditions:

1. It shall be unlawful for any person to speak into a loudspeaker or amplifier within the jurisdictional limits of the County, when such loudspeaker or amplifier is so adjusted that the voice of the speaker is amplified to the extent that it is audible at a distance in excess of one hundred and fifty feet (150') from the person speaking, except that this prohibition shall not apply in circumstances surrounding the special operations of law enforcement and emergency service personnel in the performance of their duties to protect the public;

(16) Explosives, firearms, and similar devices: The use or firing of explosives, firearms, or similar devices to cause unreasonably loud and excessive noises or with unreasonable repetition, particularly but not limited to the hours between ten o'clock p.m. and seven o'clock a.m., so as to disturb the quiet, comfort or repose of any person of normal sensibilities in any dwelling, motel, hotel or other type of residence;

(c) Enforcement and repeated violations:

Where there is a violation of any provision of this chapter, the County at its discretion, may take either or both of the following enforcement actions:

(1) *Civil Remedy.* A sheriff, deputy sheriff, or other law enforcement officer of the County may issue a citation subjecting the violator to a \$100.00 civil penalty for a first offense, \$250.00 for a second offense occurring within 12 months of the first offense, and \$400.00 for a third or subsequent offense occurring within 12 months of the last preceding offense. Civil penalties not paid within thirty (30) days of issuance shall accrue an additional \$50.00 delinquency charge for non-payment. Penalties may be recovered by the County in a civil action in the nature of a debt, together with any charges and costs of the action to be taxed in court. Separate offenses shall be deemed committed upon the recurrence or continuation of a violation after citation, regardless of whether such recurrence or continuation occurs on the same day as the preceding citation.

(2) *Criminal Remedy.* A sheriff, deputy sheriff, or other law enforcement officer of the County may issue a misdemeanor warrant for violation of this ordinance. Pursuant to G.S. § 14-4(a), violation of this ordinance is a Class 3 misdemeanor and may also include a fine of not more than \$500.00.

(d) Each separate day of a continued violation shall be a separate and distinct offense and shall give rise to a separate and distinct penalty.
(Ord. of 12-3-2007, § 2; Ord. of 12-4-2007, § 1)

This Ordinance shall become effective upon adoption.

At the February 20, 2017 regular session of the Rockingham County Board of Commissioners, upon motion of Commissioner W. Keith Mabe, seconded by Commissioner T. Craig Travis, the foregoing Ordinance passed by the following vote:

Ayes: Commissioners Richardson, Berger, Mabe, Travis, Pyrtle

Noes: None

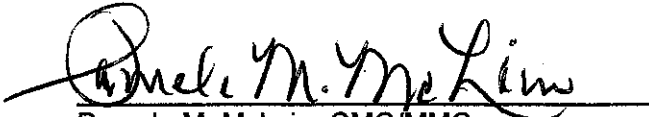
This the 20th day of February, 2017.

Rockingham County Board of Commissioners



Mark F. Richardson, Chairman

Attest:

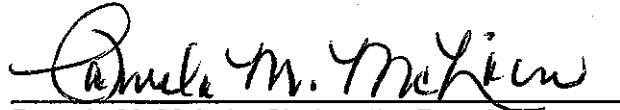


Pamela M. McLain, CMC/MMC
Clerk to the Board



I, Pamela M. McLain, Clerk of the Rockingham County Board of Commissioners, do hereby certify that the foregoing ordinance was duly adopted by the governing body of Rockingham County after lawful public notice and at a regular meeting thereof, a quorum being present.

This the 20th day of February, 2017.



Pamela M. McLain, Clerk to the Board

This Ordinance was introduced at the February 20, 2017 meeting of the Rockingham County Board of Commissioners.