

CHAPTER 92: NOISE

Section

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§ 92.01 TITLE.

This subchapter shall be known and may be cited as the “Noise Pollution Ordinance of Wake County.” This ordinance applies to the control of all noise originating within the unincorporated limits of Wake County

(1984 Code, § 2-9-36) (Ord. passed 11-17-1986; Ord. passed 10-4-2004) (Ord. passed 11-20-2023)

§ 92.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CONSTRUCTION. On-site erection, fabrication, installation, alteration, demolition or removal of any structure, facility or addition thereto, including all related activities, including, but not restricted to, clearing of land, earth moving, blasting and landscaping.

DAYTIME HOURS. 7:00 a.m. to 11:00 p.m., local time.

EMERGENCY WORK. Work made necessary to restore property to a safe condition, work required to protect, provide or prevent persons or property from danger or potential danger; or work by private or public utilities when restoring utility service.

NIGHTTIME HOURS. 11:00 p.m. to 7:00 a.m., local time.

PLAINLY AUDIBLE: Any sound or vibration caused by sound that can be detected by a reasonable person of ordinary sensitivities using their unaided hearing faculties.

REASONABLE PERSON, A person of normal and ordinary sensitivities who is within the area of the audibility or perceptibility of the noise or vibration that transmits sounds which disrupt the reasonable conduct of basic human activities, such as conversation, sleep, work and other such activities.

SOUND-MAGNIFYING DEVICE. Any device or machine for the amplification of the human voice, music or any other sound. SOUND MAGNIFYING DEVICE shall not include factory-installed automobile radios when used and heard only by occupants of the vehicle in which the device was installed; warning devices on police, fire ambulance or other emergency vehicles emergency vehicles or vehicles used solely for traffic safety purposes; or horns or steam whistles which are used for purposes authorized by §§ 92.05(A) and (E) respectively.

UNREASONABLE NOISE. The making of, or knowingly and permitting to be made, any sound that a reasonable person finds unreasonably loud, boisterous, or unusual noise, disturbance, commotion, or vibration due to bass levels or other sources from any dwelling, building, other structure, or privately-owned outdoor property, or upon any public street, park or other place or building. Any sound that is ordinary and normal to the operation of these places when conducted in accordance with the usual standards of practice and in a manner that will not unreasonably interfere with the peace and comfort of neighbors or their guest, or operators or customers in places of business, or detrimentally or adversely affect such residences or places of business, shall not be enforced as an unreasonable noise.

(1984 Code, § 2-9-37) (Ord. passed 11-17-1986; Ord. passed 10-4-2004) (Ord. passed 11-20-2023)

§ 92.03 PROHIBITION OF NOISE POLLUTION.

(A) (1) It shall be unlawful for any person to cause or allow the emission of any unreasonable noise in the county. Specifically, it shall be unlawful to create or emit noise of the character, intensity or duration as to be detrimental to the health of any individual.

(2) It shall be unlawful to play any radio, music player, television, audio system or musical instrument in the manner or at the volume as to annoy or disturb the quiet, comfort or repose of neighboring inhabitants or at a volume which is plainly audible to persons other than those who are in the premises in which the device or instrument is played and who are voluntary listeners thereto.

(3) Except for organized events which have received any type of permit required in conjunction with the event, it shall be unlawful to play any radio, music player, television or audio system upon a public right-of-way or upon other public property in the manner or at the volume as to disturb the quiet, comfort or response of other persons.

(1984 Code, § 2-9-38)

(B) No person shall play any radio, music player or audio system in a motor vehicle at the volume as to disturb the quiet, comfort or repose of other persons or at a volume which is plainly audible to persons other than the occupants of the vehicle.

(1984 Code, § 2-9-38.1)

(C) (1) No sound magnifying device mounted on a vehicle shall be operated between the hours of 8:00 p.m. and 10:00 a.m. or at any time within 500 feet of any school, church or hospital in the manner or at a volume which is plainly audible to persons other than the occupants of the vehicle.

(2) The provisions of this section do not apply to sound magnifying devices and controlled by any governmental entity or to private ambulances which are engaged in responding to emergency calls.

(1984 Code, § 2-9-38.2)

(Ord. passed 11-17-1986; Ord. passed 4-4-1994; Ord. passed 10-4-2004) Penalty § 10.99
(Ord. passed 11-20-2023)

§ 92.04 EXCEPTIONS TO PROHIBITION OF NOISE POLLUTION.

(A) The following are exceptions to the prohibition of noise pollution:

- (1) Emergency warning devices or safety signals.
- (2) Lawn care equipment used during the daytime hours.
- (3) Equipment being used for construction during daytime hours, provided that all equipment, manufacturers mufflers and noise reducing equipment is operated with all standard equipment, manufacturers mufflers and noise reducing equipment in use and in proper operating condition.
- (4) Parades, fairs, circuses, other similar public entertainment, sporting events taking place during daytime hours in areas set aside for such activities, or any activities normally associated with any of the above, provided that in any sporting event utilizing motor vehicles the vehicles be equipped with properly operating mufflers and noise reducing equipment as would be required for operation of the motor on the public streets.
- (5) Chimes and similar devices which operate during daytime hours for a duration of no longer than five minutes in any given period.
- (6) Emergency work.
- (7) Repairs or excavations of bridges, streets or highways during nighttime hours when the public welfare and convenience renders it impractical to perform the work during daytime hours.
- (8) Stadiums, arenas, and outdoor sports or entertainment facilities as defined under the Unified Development Ordinance.
- (9) Sound associated with the delivery of public services.
- (10) Outdoor school and playground activities, reasonable activities conducted on public playgrounds and public or private school grounds, which are conducted in accordance with the manner in which such spaces are generally used, including, but not limited to, school athletic and school entertainment events during daytime hours.
- (11) Agricultural operations as defined in G.S. § 106-581.1 subsections (1) thru (5).

(12) Airport operations and any aircraft in conformity with, or pursuant to federal law, federal air regulations, and air traffic control instruction used pursuant to and within the duly adopted federal air regulations.

(1984 Code, § 2-9-40) (Ord. passed 11-17-1986; Ord. O-94-6, passed 4-4-1994; Ord. passed 10-4-2004) Penalty, see § 10.99 (Ord. passed 11-20-2023)

§ 92.05 PROHIBITED NOISES.

In addition to any other violation of this section, the following acts are specifically declared to be plainly audible unreasonable noise, the creation or emission of which shall be unlawful. The enumeration shall not be deemed to be exclusive:

(A) 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.

(B) The use of any automobile, motorcycle or other vehicle so out of repair, so loaded, so modified, or driven in such a manner as to be plainly audible upon any reasonable person so as to create unreasonably loud grating, grinding, rattling or other noise.

(C) The use of any gong or siren upon any vehicle other than police, fire, ambulance or other emergency vehicles.

(D) The playing of any sound magnifying device, radio, television, stereo, phonograph amplifier system, tape deck, tape recorder or other musical instrument in such a manner or with such volume, during nighttime hours, as to annoy or disturb the quiet, comfort or repose of any reasonable person in any dwelling, hotel or other type of residence.

(E) The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of danger.

(F) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorboat engine, except through a muffler or other device which will effectively prevent unreasonable noise therefrom.

(G) The use of any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and reduced.

(H) The creation or emission of plainly audible unreasonable noise associated with the erection, alteration, substantial repair, or demolition of any building, earth moving activities, street paving or utility construction, in a residential or business district during nighttime hours except in the following instances:

(1) Where the construction as stated above is 1,000 feet from the nearest dwelling, hotel, motel or other type of residence or business establishment.

(2) When the residents of all dwellings, hotels, motels or other types of residences or business establishments located less than 1,000 feet from the construction as stated above give their written permission for the construction to continue at all hours.

(3) Where the construction as stated above, because of the very nature of the construction, must be continuous at all hours or because of either federal or state law or regulation must be continuous at all hours.

(4) Emergency work or construction for the preservation of public health or safety is permitted at any time.

(I) The creation of plainly audible unreasonable noise in connection with loading or unloading any vehicles, or the opening, closing or destruction of bales, boxes, crates and containers.

(J) The creation of plainly audible unreasonable noise in connection with the shouting and crying of peddlers, barkers, hawkers or vendors which disturbs the quiet and peace of the neighborhood. This section is to be applied only to those situations where the disturbance is not a result of the content of the communication, but due to the volume, location, timing or other factors not based on content.

(K) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of plainly audible unreasonable noise to any performance, show or sale or display of merchandise. However, this section does not apply to noise created by devices, bands or musical instruments used in any public parade or public procession, nor to a public fair, public circus or public athletic event.

(L) The conducting, operating or maintaining of any garage or filling station in any residential district so as to cause plainly audible unreasonable noise to be emitted therefrom during nighttime hours.

(M) The firing or discharging of firearms in the streets or elsewhere for the purpose of making noise or disturbance.

(N) The conducting of contests of "turkey shoots" where firearms are discharged in trials of skill and the contestants shoot for turkeys or other prizes, except during daytime hours.

(O) The keeping of any bird, livestock or other animal which by causing frequent or long continued plainly audible unreasonable noise disturbs the comfort or repose of any reasonable person in the vicinity.

(1984 Code, § 2-9-41) (Ord. passed 11-17-1986; Ord. passed 10-4-2004) Penalty, see § 10.99 (Ord. passed 11-20-2023)

§ 92.06 BURDEN OF PERSUASION REGARDING EXCEPTIONS TO NOISE RESTRICTIONS.

In any proceeding pursuant to this section, if an exception may be applicable to limit an obligation to comply with the regulations herein, the person who would benefit from the application of the exception shall have the burden of persuasion that the exception applies and that the terms of the exception have been met.

(1984 Code, § 2-9-43) (Ord. passed 11-17-1986; Ord. passed 10-4-2004)

§ 92.07 ENFORCEMENT AND PENALTY.

(A) The Wake County Sheriff's Office shall be responsible for the enforcement of this chapter and determining violations.

(B) Upon determination that there is probable cause to believe that a violation of this chapter has occurred, the Wake County Sheriff's Office shall determine, if feasible, the source of the unreasonable noise and promptly notify the person responsible for the unreasonable noise of the fact that a violation has occurred.

(C) Failure on the part of the person or persons responsible to timely comply with the Wake County Sheriff's Office directive to eliminate the violation or to otherwise abate the violation, after notification, shall constitute a violation of this chapter.

(D) Any person, firm or corporation violating any of the provisions of this chapter of this code of ordinances shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$500 and each day that any of the provisions of this chapter of this code of ordinances are violated shall constitute a separate offense.

(1984 Code, § 2-9-44) (Ord. 0-93-13, passed 9-7-1993; Ord. passed 10-4-2004) (Ord. passed 11-20-2023)

§ 92.08 SEVERABILITY.

If any provision of this subchapter or the application thereof to any person or circumstance is for any reason held invalid, such invalidity shall not affect other provisions or applications of the subchapter which can be given effect without the invalid provision or application, and to this end the provisions of this subchapter are declared to be severable.

(1984 Code, § 2-9-44) (Ord. 0-93-13, passed 9-7-1993; Ord. passed 10-4-2004)