

Wake County Noise Ordinance Amendments

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Purpose

Consider changes to Wake County Code of Ordinances Chapter 92: *Noise*, that will better define and regulate controllable noise.

Approach

- Staff committee comprised of Planning & Code Enforcement, Community Services, Sheriff's Office, and Attorney's Office.
- Engaged Animal Control and Fire Services.
- Reviewed peer jurisdictions and met with Raleigh on their proposed amendments.
- Conducted public engagement and solicited feedback.

Background

- The ordinance only applies to unincorporated areas of Wake County.
- Enforced by the Wake County Sheriff's Office.
- The current ordinance was established in 1986 and remains largely unchanged since that time.
- Minor amendments were made in 1993, 1994 and 2004.
- Over the past few years, staff have recognized the need to review and update the ordinance.

Overview of the Ordinance

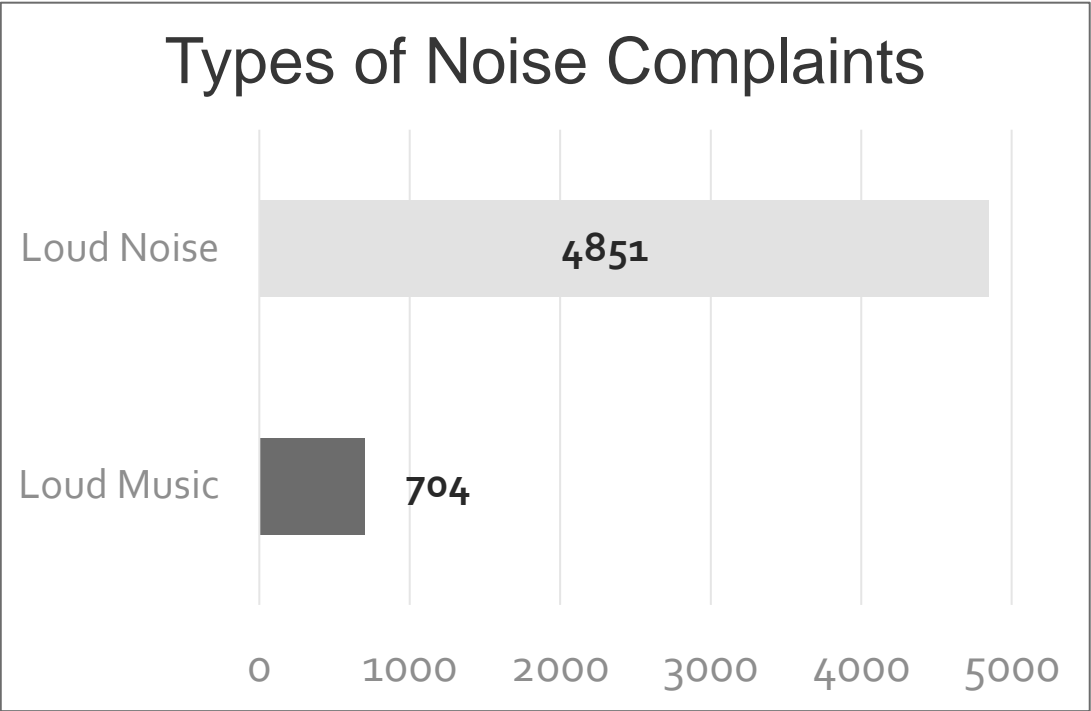
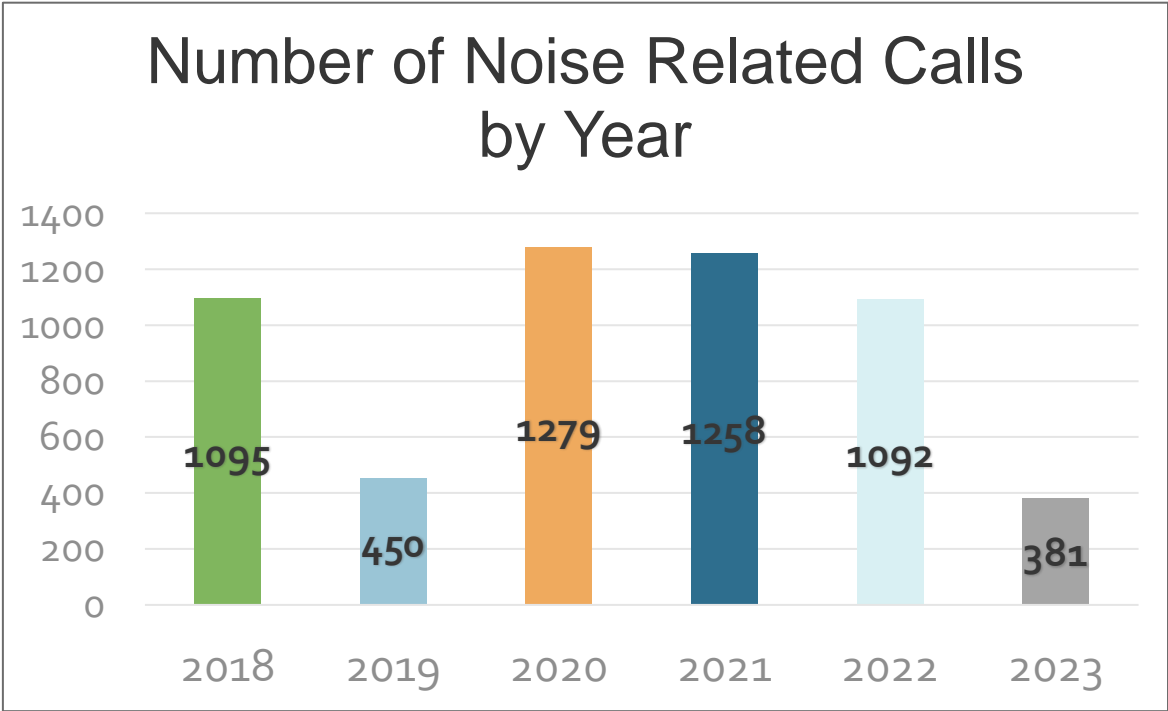
- Outlines noises that are prohibited (radios, sound magnifying devices, unauthorized events, etc.).
- Outlines noises that are exempt (emergency service vehicles, construction during daytime hours, etc.).
- Specifies maximum noise limitations based on decibel level.
- Describes the decibel measurement technique.
- Violation is a class 3 misdemeanor and subject to a fine up to \$50 or imprisonment up to 30 days.
- The noise ordinance not apply to commercial/business uses (instead, operational performance standards within the UDO apply)

Issues with Current Ordinance/Enforcement

- Difficult to enforce maximum noise limitations (decibel levels) as specified in the ordinance.
- The noise is usually gone by the time the deputy arrives at the scene.
- Not clear on enforcement and other options.
- Penalty for violation does not align with statutory limit for a class 3 misdemeanor and fine up to \$500.
- No guidance to residents on how to resolve noise issues either on their own or what happens when they call in a complaint.

Sheriff's Office Noise Call Data

5,555 Calls from January 2018 – June 2023



Sheriff's Office Noise Call Data

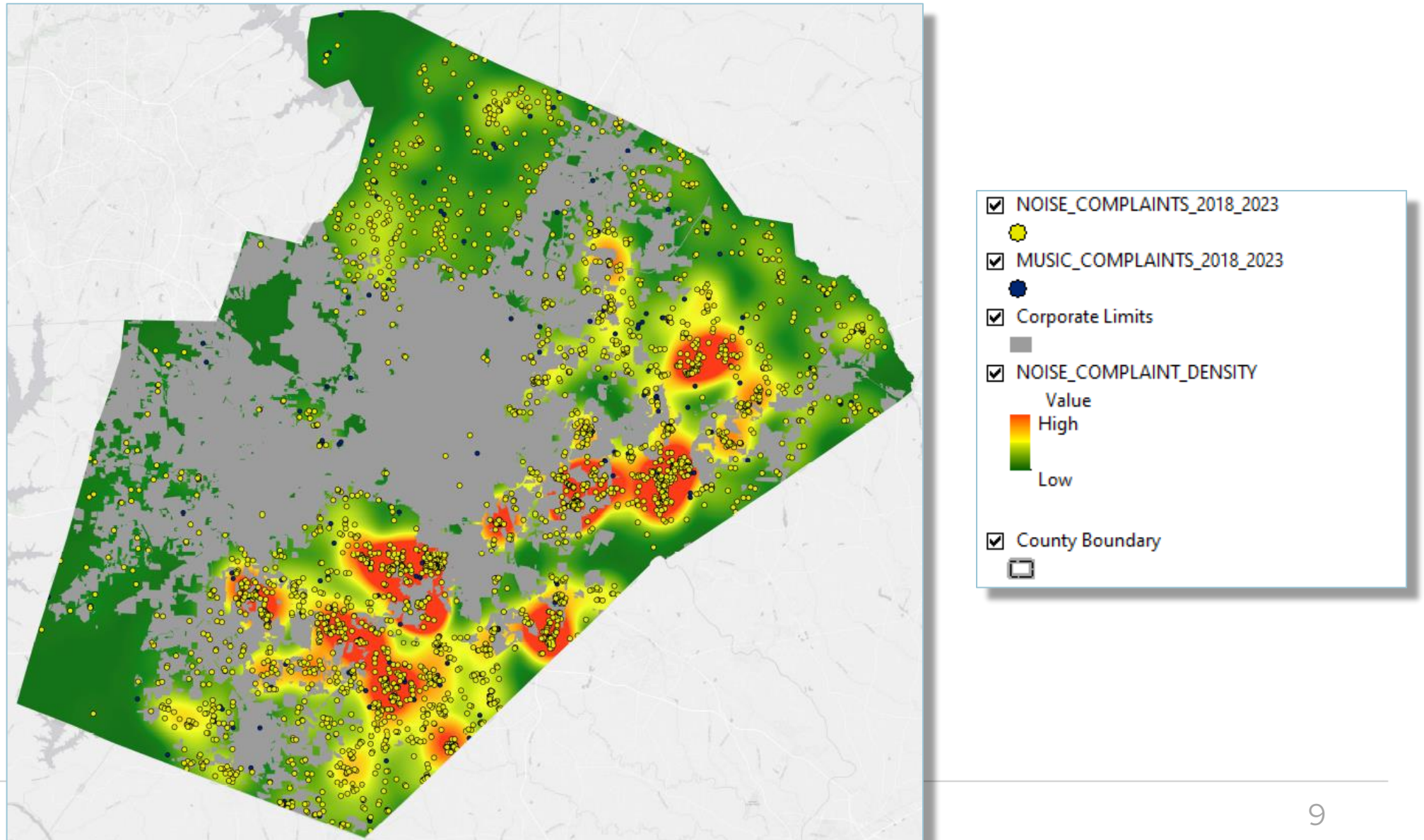
January 2018 – June 2023

Outcome	Number
Arrest	1
Citation Issued	7
Verbal warning	717
Completed/Responded	2870
Not located	1424
Unfounded	387
Referred to another enforcement agency	35
Cancelled	81
Other	33
Total	5555

65%
enforceable

35%
unenforceable

Noise Complaint Hotspots



Peer Review

- Wake County's current ordinance generally aligns with other jurisdictions:
 - Nighttime/Daytime hours
 - Decibel limitations and measurement standards with a sound meter
 - Enumerated noises that are prohibited
 - Enumerated noises that are exempt
 - Complaint procedure
 - Enforcement action
 - Penalty for violation

Analysis/Findings

1. The current ordinance is still relevant and useful and does not require a complete re-write; just updating and clarifications.
2. Enforcement is working, but not in alignment with the maximum noise limitation standards (decibel measurements) as prescribed in the current ordinance.
3. Information, education and guidance for residents is needed.

Draft Recommendations

1. Remove the maximum noise limitation standards (decibel measurements).
2. Incorporate the *reasonable person* and *unreasonable noise* standard.
3. Expand the exemption for agricultural operations/farming.
4. Add exemptions for public services, airport operations, and sporting events.
5. Clarify that authority for enforcement and determination of a violation lies with the Wake County Sheriff's Office.
6. Add language that describes the enforcement process.
7. Clarifies that the complainant may pursue criminal summons with the Wake County Magistrate.
8. Amend the ordinance to include a penalty for violation that aligns with the statutory limit for a class 3 misdemeanor and fine up to \$500.
9. Provide online information and guidance to residents on how to resolve noise issues either on their own or by issuing a complaint.

Specific Noises

1. Firearms
2. Farm Animals (including roosters)
3. Barking Dogs
4. Vehicle Noise
5. Fireworks

Example: Public Education Online

Guidelines for Good Neighbors

Solving Community Noise Problems:

Many noise problems can be resolved through the same methods used to solve other disputes. Tactful person-to-person communication is a good way to start.

Remember: self-monitoring and mutual cooperation are essential to stopping problems before they happen.

If that approach doesn't work, your tenant or community association may wish to adopt resolutions consistent with the County noise law, while taking steps to inform residents of the association's support for sanctions against noise.

What are "Quiet Hours"?

Weekdays: 9 pm to 7 am

Weekends and Holidays: 9 pm to 9 am

During "quiet hours" it is unlawful to create noises louder than 55 decibels at a residential receiving property line.

Common Types of Noise



Construction



HVAC Equipment



Music + PA Systems



Noisy Neighbors



Yard Maintenance + Leaf Blowers



Trash Collection

Each of us can play a part in reducing noise levels and being a good neighbor:

- Monitor the volume of televisions, radios, and other sound-producing equipment, especially during "quiet hours." Pay particular attention to bass controls.
- Avoid using power tools in your home, garage, or outdoors during "quiet hours."
- Check central and window air conditioning units periodically to ensure that they are operating as quietly as possible.
- Take good care of pets. Dogs left outside all day are likely to bark and disturb neighbors at home.
- Make sure your family and guests comply with "quiet hours."
- In multi-tenant settings, avoid performing noisy domestic activities, like operating appliances and exercise equipment or moving furniture during "quiet hours."

Businesses Can Be Good Neighbors, Too!

Businesses should try to limit the following to regular business hours:

- Construction and landscaping activities
- Loading and unloading goods and materials
- Use of electric sound and PA equipment
- Use of power equipment mounted on motor vehicles

Consider noise control when building, renovating, or buying/renting equipment.

If Disturbances Don't Stop

When noise disturbances continue despite attempts to resolve the problem, stronger actions may be warranted. This is especially true if the disturbances consistently occur during "quiet hours." (See box)



It's Illegal!

Among other provisions, the Noise Control Law makes it illegal to:

- Operate, or permit operation of, a radio, television, or other electronic sound-producing device on public or private property if the sound exceeds 55 decibels at the receiving property line in a residential noise zone.
- Create a noise disturbance.
- Allow an animal to create a noise disturbance.
- Load or unload material during "quiet hours" if the sound exceeds 55 decibels.
- Permit construction noise to exceed 75 decibels. (There are allowances for higher decibels levels under an approved Noise Suppression Plan.)
- Sell, buy, offer for sale, or use a leaf blower that has an average sound level exceeding 70 decibels at a distance of 50 feet.

Upon conviction, violators of the Noise Control Law are subject to a civil penalty of up to \$500. Repeat offenders are subject to a fine of \$750, or criminal sanctions. Construction operations may be subject to a "stop work" order.

Getting Compliance Help:

During business hours, Montgomery County specialists investigate complaints by using sound level meters to measure decibel levels at property lines.

After regular business hours, police respond to most noise complaints. While County specialists frequently use sound level meters, the law also allows police officers to issue citations for noise disturbance on their own judgment and with the testimony of witnesses, under the specific criteria stated in the law.

As many noise disturbances are not witnessed by an enforcement officer, the law allows residents to file a two-party noise complaint.

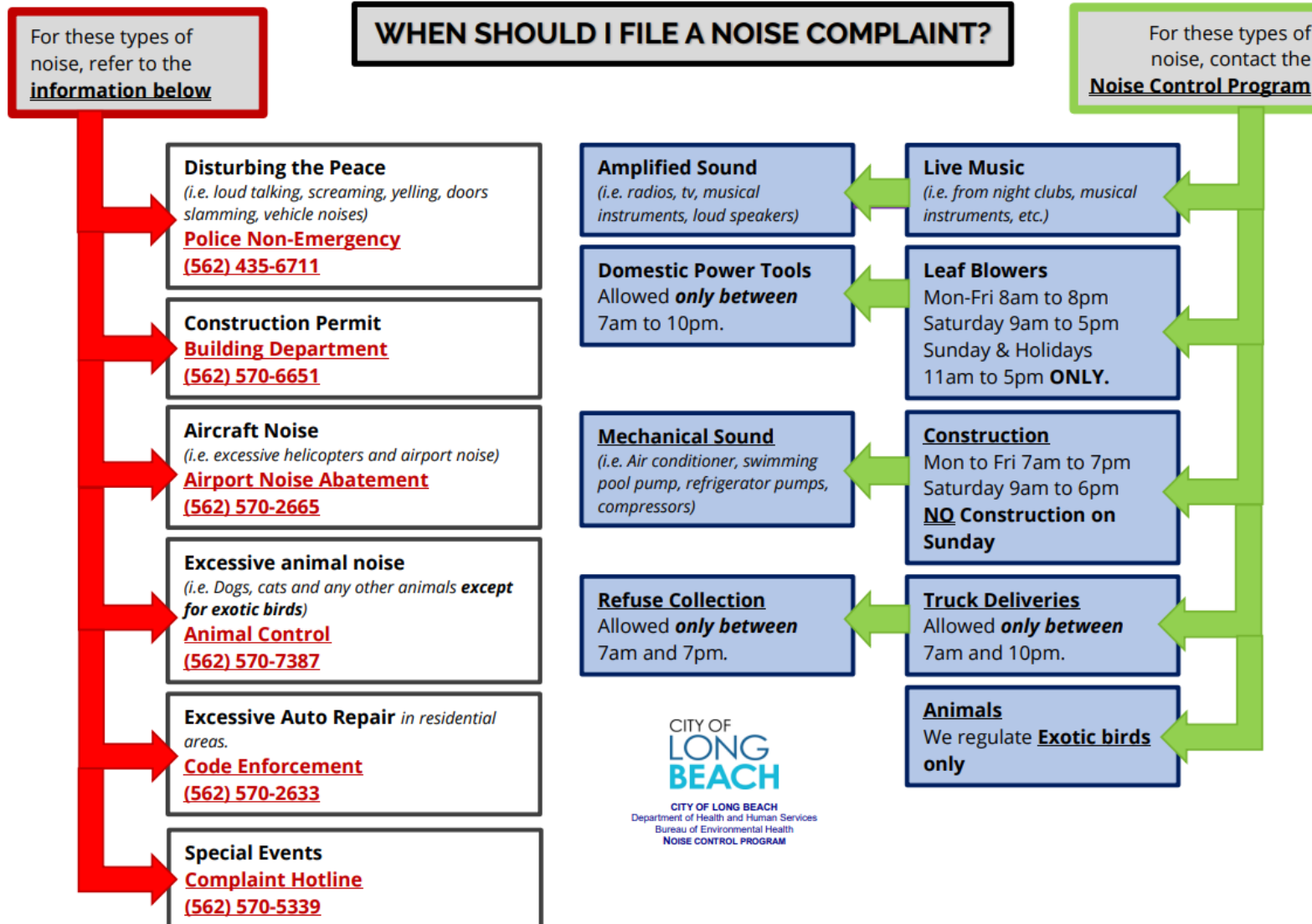
Two-Party Noise Complaints:

When signed by two or more adult witnesses to a noise disturbance, the Two-Party Noise Complaint allows an enforcement officer to initiate enforcement. The County has developed an affidavit, with instructions, that summarizes all of the facts necessary to initiate enforcement action.

To file a Two-Party Noise Complaint, visit: montgomerycountymd.gov/dep/noise

Montgomery County, Maryland

Example: Public Education Online



Long Beach,
California

Public Engagement

- On September 28, 2023, staff conducted a virtual public meeting to gather feedback on the proposed changes.
- Information about the meeting was sent out through social media and the County's website.
- The proposed amendments and feedback form were posted on the County's website at wake.gov/noise.

Wake County Noise Ordinance Public Meeting



About This Event

After a comprehensive review, Wake County's Noise Ordinance Review Committee is proposing several changes to Wake County Code of Ordinances [Chapter 92: Noise](#).

You can read more about the proposed revisions [here](#) and provide feedback via an online form.

You can also join us at this virtual public meeting to hear directly staff. Register below to receive a Zoom link.

📅 September 28, 2023

🕒 12:30 pm to 1:30 pm

💰 FREE

[Register here](#)

Public Feedback

Themes

- Do not eliminate the decibel measurement standards.
- More restrictive nighttime hours (currently 11 PM to 7 AM).
- Noise from vehicles, lawn equipment and loud music are a concern.

Review the Proposed Changes

Read the [proposed noise ordinance](#) .

These proposed changes will serve to better define and regulate controllable noise that is deemed detrimental to the health and well-being of residents.

Feedback

Wake County is seeking public feedback regarding these potential changes. After reading the proposed ordinance, please share your feedback with County staff by using form below.

[Feedback Form](#) ▶

Staff will use submitted comments and questions to create a feedback summary for the Board of Commissioners and a guide to develop website resources.

Next Steps

State law requires two board meetings to consider adoption of changes.

1. November 6, 2023 - Public Hearing
2. November 20, 2023 - Consideration of Adoption

Discussion/Questions



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Supplemental Slides



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New Definitions

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.

New Definitions

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.

New Definitions

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.

Specific Noises

Firearms

- Current language in the Noise Ordinance prohibits *“The firing or discharging of firearms in the streets or elsewhere for the purpose of making noise or disturbance.”*
- There are no peer jurisdictions that regulate noise from firearms any different from our current approach/language.

Roosters/Farm Animals

- Current language in the Noise Ordinance prohibits *“The keeping of any bird, livestock or other animal which by causing frequent or long continued noise disturbs the comfort or repose of individuals in the vicinity.”*
- The county does not regulate the keeping of farm animals (including roosters).

Specific Noises

Barking Dogs

- Current language in Noise Ordinance prohibits *“The keeping of any bird, livestock or other animal which by causing frequent or long continued noise disturbs the comfort or repose of individuals in the vicinity.”*
- Animal Control investigates barking dog complaints as a welfare check on the dog/animal. They do not have jurisdiction over noise violations.

Specific Noises

Vehicle Mufflers

- Current language in the Noise Ordinance prohibits *“The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in the manner as to create loud or unnecessary grating, grinding, rattling or other noise.”*
- NC General Statute 20-128 regulates excessive noise from vehicle exhaust systems.

Fireworks

- There is no language in the Noise Ordinance regulating fireworks.
- NC General Statutes - Chapter 14 Article 54 regulates pyrotechnics.

Animal Control Complaints

January 2019 – June 2023

Year	Dogs	Roosters	Other	Total
2019	39	3	2	44
2020	41	2	0	43
2021	65	14	7	86
2022	57	8	1	66
2023	28	8	1	37
Total	230	35	11	276