

Item Title: Public Hearing on Proposed Amendments to the Wake County Code of Ordinances Chapter 92 Noise (First Reading)

Specific Action Requested:

That the Board of Commissioners holds a public hearing on proposed amendments to the Wake County Code of Ordinances Chapter 92 Noise, approves the amendments, and places this item on the November 20, 2023, Board of Commissioners agenda for a second reading.

Item Summary:

Purpose: The Board of Commissioners must consider the adoption of amendments to the County's Code of Ordinances.

Background: The current Wake County noise ordinance was adopted in 1987, with minor amendments in 1993, 1994, and 2004. The ordinance only applies to unincorporated areas of the County and is enforced by the Wake County Sheriff's Office. In 2022, The Board of Commissioners instructed staff to review the ordinance and recommend updates.

A staff committee, including the Sheriff's Office and Attorney's Office, assisted with the proposed amendments. The amendments and recommendations accomplish several things, including: 1) aligning the ordinance with the County's current practice of enforcing noise complaints; 2) providing updates and clarifications that mirror those within our peer jurisdictions; and 3) providing information and resources on the County's website that help guide residents when they encounter disturbances that persist.

Pursuant to state law, this item requires two readings before the Board of Commissioners. If approved today, the item will be placed on the November 20, 2023, Board of Commissioners meeting agenda for a second reading and consideration of adoption.

Board Goal: This action supports Public Safety Goal 3: Provide sustainable, high-quality public safety services to meet the community's current and future needs.

Fiscal Impact: This item has no fiscal impact on the County.

Additional Information:

At the October 9th Board Work Session, staff presented proposed amendments to the Wake County Noise Ordinance. The amendments were prepared by a committee of key County staff from various departments. The committee conducted an extensive review of

ordinances from peer jurisdictions, consulted with the City of Raleigh who is also in the process of updating its noise ordinance, solicited feedback from residents (see attached FAQs from residents), and reviewed North Carolina case law for consistency with state law.

On September 28, 2023, staff conducted a virtual public meeting on the proposed amendments. This item was also presented to the Board at their work session on October 9, 2023.

The amendments for consideration to the Wake County Code of Ordinances Chapter 92 Noise are summarized as follows:

1. Remove the maximum noise limitation standards (decibel measurements) and the use of a sound meter.
2. Incorporate the *reasonable person* and *unreasonable noise* standard which are newly defined in the proposed amendments.
3. Expand the exemption for agricultural operations/farming to include nighttime hours. The act of farming is tied to the definition pursuant to state law.
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 by the Sheriff's Office.
7. Amend the ordinance to include a penalty for violation that aligns with the statutory limit for a class 3 misdemeanor and a fine of up to \$500.
8. Provide online information and guidance to residents on how to resolve noise issues either on their own or by issuing a complaint.

As a reminder, the noise ordinance does not apply to commercial, or business uses. Instead, the County imposes operational performance standards, specific to noise, within our Unified Development Ordinance that apply when permits for those uses are issued. Additionally, the proposed amendments are consistent with North Carolina General Statutes and comparable to other counties in North Carolina.

Attachments:

1. Presentation
2. Board Work Session Presentation
3. Text Amendment - County Code of Ordinances Chapter 92 Noise
4. Summary Table of Proposed Amendments
5. Frequently Asked Questions from Residents