

Frequently Asked Questions From Residents About Wake County's Proposed Noise Ordinance

1. What parts of Wake County are regulated by this ordinance?

Only residents living in unincorporated Wake County are subject to these standards. This does not include residents living in municipal (town or city) boundaries. For example, those living within Raleigh city limits are subject to the City of Raleigh's noise ordinance, not Wake County's.

2. What prompted Wake County to revisit these ordinances after 37 years?

The Wake County Sheriff's Office approaches noise complaints in a way that differs from what is currently specified in the ordinance. The proposed amendments correct this while updating other elements that have evolved since the ordinance was first adopted.

3. Why replace the objective noise measurement system (decibels) with something subjective (reasonable person/unreasonable noise)?

Wake County and other jurisdictions have found that the decibel measurement system just isn't practical. The investigating law enforcement officer must be trained to use a sound meter, the meter must be readily available, strict guidelines for use must be followed (height, distance, etc.) and the noise needs to be occurring by the time the meter is retrieved and set up. Applying a reasonable person/unreasonable noise standard, in lieu of measuring decibels, is how the County currently approaches noise complaints. The proposed amendment aligns the ordinance with the current practice and allows deputies to use their best judgment to enforce the ordinance, just like they are called on to do in a variety of other situations. This approach has been successful in other jurisdictions, and North Carolina courts have found it to be constitutional.

4. Who determines the "Reasonable Person" and "Unreasonable Noise" standard?

The Wake County Sheriff's Office patrol deputies responding to the noise complaint will apply the "reasonable person" and "unreasonable noise" standard. This approach is consistent with how noise complaints are currently handled by the Sheriff's Office.

5. Who is going to enforce this ordinance?

Wake County Sheriff's Office patrol deputies are primarily responsible for enforcing this ordinance. Deputies will be tasked with issuing citations in situations where the deputy has witnessed a violation. The issuance of a citation will occur *after* giving the violator an opportunity to comply with the ordinance. In those situations where a violation is not actively occurring, Wake County Sheriff's Office deputies will encourage the complainant to participate in the enforcement process by appearing before a magistrate to seek a criminal summons based on the complainant's personal observations.

6. Are all noise complaint calls responded to?

Each call taken by Wake County Sheriff's Office receives a response. Calls are prioritized based on several factors, including potential loss of life, active crime scenes, available personnel, etc. However, regardless of the nature of the call, deputies will always respond as efficiently as possible.

7. What proof is required by the magistrate for a fine to be issued?

It is up to the person alleging a noise ordinance violation what evidence he or she takes to the magistrate. Some effective types of evidence may include bringing neighbors who can also testify to the magistrate about the noise ordinance violation; audio and/or video recordings of the noise ordinance violation taken on multiple dates; and calendar entries made over a period of weeks or months indicating each date and time the noise ordinance violation occurred. Fines are assessed by the Court, not the Sheriff's Office.

8. What is the right channel to report noise issues in city limits?

Each municipality (town or city) has an ordinance that regulates noise and is specific to its jurisdiction. In most cases, the local regulations can be found by visiting the municipal website. To report a noise violation, call your town or city's non-emergency phone number and you will be directed to the proper enforcement authority.

9. Does the noise ordinance apply all day long or just between the hours of 11 p.m. and 7 a.m.?

The noise ordinance applies throughout the day and night. However, the ordinance does specify circumstances in which certain noises may be allowed/prohibited during specified times of the day.

10. Will you consider changing the "quiet hours"?

The proposed ordinance does not change the defined daytime hours (7 a.m. to 11 p.m.) or nighttime hours (11 p.m. to 7 p.m.). The Wake County Board of Commissioners may choose to make a change through this process.

11. Can you change the ordinance, so it is only applied when there are regular or multiple violations?

While it is possible for a first-time offender to receive a citation, typically a warning is the first step in resolving a noise complaint. Every situation is unique, and deputies will have the authority to determine when enforcement action is appropriate.

12. Would it be possible to have the noise ordinance address the situation where one resident is harassing another resident by deliberately making loud noise?

The act of harassment is regulated under state laws and would not be addressed in the noise ordinance.

13. Can you phase out gas-powered lawn equipment and start to mandate electric equipment? Could we also put in time restrictions (e.g. 9 a.m. until 6 p.m.) for using them commercially?

Regulating the use of gas-powered landscaping equipment would require a new policy separate from the noise ordinance currently being considered. Further restrictions on the time-of-day gas-powered landscaping equipment can be used are possible. Noise from landscaping equipment is currently allowed between 7 a.m. to 11 p.m.

14. How are vehicle nuisances/violations enforced?

Vehicle noise is addressed in the proposed ordinance under 92.05 (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." This language is slightly modified from the current ordinance. Vehicle noise is also regulated by NC General Statute 20-128. Given the resources available, Wake County Sheriff's Office focuses enforcement efforts towards gaining compliance in neighborhoods and other residential areas where there may exist a demonstrable impact to the quality of life, as opposed to proactive enforcement.

15. Is there any ordinance against go-cart noise next to my property?

Any noise that is not listed as an exception to the ordinance, and is determined to be unreasonably loud, may be enforced.

16. How is noise from low-flying airplanes being addressed?

The Federal Aviation Administration regulates the maximum noise level that an individual civil aircraft can emit by requiring aircraft to meet certain noise certification standards.

17. Will fireworks in neighborhoods be added?

Firework noise will not be added to the proposed ordinance. Fireworks are regulated by NC General Statutes 14-410 through 14-415.

18. Is this the right place to address hunting noise?

Wake County Code of Ordinances, [Chapter 130: Firearms](#), regulates the use of firearms.

19. The ordinance mentions chimes — are you talking about wind chimes that people may have on their property?

The ordinance does not regulate wind chimes but rather chimes that are amplified by a sound system.

20. A neighbor has very loud chickens in a subdivision, and we are thinking they are running a business out of their home. What can we do? Who do we call?

Wake County Planning does not regulate the keeping of farm animals in the unincorporated area of the county, even if it's within a subdivision. However, if the property in question is not zoned for business use and is not a bona fide farm, you can report that violation to the local planning jurisdiction. Additionally, animal noise is addressed in two ordinances.

1) In the proposed ordinance under 92.05 (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." A violation of this ordinance can be called into the non-emergency Sheriff's Department number at 919-856-6900. 2) In the Wake County Code of Ordinances, [Chapter 91: Animals 91.08](#) (A) and (B). If you are concerned about the welfare of the animals, you can call Animal Control at 919-212-7387.

You may also want to consult with your subdivision's restrictive covenants if you have any, as many of these covenants restrict the keeping of livestock and poultry.

21. How is the noise from dogs continually barking being addressed?

Incessant dog barking is addressed in the proposed ordinance under 92.05 (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." This language has not been changed from the current ordinance. Dog barking is also addressed in the Wake County Code of Ordinances, [Chapter 91: Animals 91.08](#) (A) and (B), as it relates to animal welfare.

22. Will homeowners still be able to use their power tools?

Yes. Power tools may still be used.

23. Can the airport exemption apply to other uses on airport land such as a quarry?

No, this exemption only applies airport/aircraft operations, not other uses on the site. Any noise disturbances related to non-airport/aircraft operations (e.g. quarry) are subject to the ordinance.

24. Does the construction activity/equipment exemption apply to mining and excavation activities?

No, that exemption does not apply to mining and excavation activities. Pursuant to the Unified Development Ordinance (UDO), commercial uses such as these are subject to performance standards, including noise limitations. Therefore, it is not necessary to address mining and excavation uses within the noise ordinance as they are already regulated by the UDO.