

NOISE ORDINANCE

WHEREAS, the increased population of Montgomery, County has resulted in a higher density of population, with people living in closer proximity to each other; and

WHEREAS, the number of motor vehicles, televisions, radios, and other devices originating high volume of noise has increased to the extent that unreasonably loud, intense noise has become a nuisance, annoyance and health hazard to much of the population of Montgomery County; and

WHEREAS, the health and welfare of the people of this county require enactment of an ordinance to minimize and control the emission of such loud intense noises which disturb the tranquility of the community and jeopardize the health, safety or welfare of the people;

NOW, THEREFORE, pursuant to Sections 153A-121 and 153A-133 of the General Statutes of North Carolina, the Commissioners of Montgomery County do enact the following ordinance for the purposes of promoting, safeguarding and maintaining the health, safety, and welfare of the citizens and the peace and dignity of the county.

LOUD AND DISTURBING NOISE

Section 1.

(a) Subject to the provisions of this Section, the creation of any unreasonably loud and disturbing noise of such character, intensity and duration as to be detrimental to the health, safety or welfare of any individual is prohibited in Montgomery County_

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

(1) The use of any loud, boisterous or raucous language

or shouting so as to annoy or disturb the quiet, comfort or repose of any person in the vicinity.

(2) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for any unnecessary and unreasonable period of time.

(3) The playing of any radio, phonograph, tape player, television set, musical instrument or sound amplification device in such manner or with such volume, particularly during hours between 11:00 p.m. and 7:00 a.m. as to annoy or disturb the quiet, comfort or repose of any person in any dwelling, hotel or other type of residence.

(4) The keeping of any animal which, by causing frequent or long continued noise, shall disturb the comfort and repose of any person in the vicinity.

(5) The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud or unnecessary grating, grinding, rattling, or other noise.

Section 2.

The presence of the owner or tenant on the premises from which the noise emanates, shall be prima facie evidence that such owner or tenant is the originator of such noise.

Section 3.

If any person or persons shall violate this ordinance he or she shall be guilty of a misdemeanor and shall be punished by a fine of not more than Fifty (\$50.00) Dollars or imprisonment for not more than three (3) days or by both fine and imprisonment. Each separate violation shall

constitute a separate offense.

Section 4.

This ordinance shall apply to all areas in Montgomery County outside of the corporate limits of the municipalities located therein unless adopted by the municipality pursuant to North Carolina General Statutes 153A-122.

Section 5.

If any word, phrase, sentence, or paragraph of this ordinance shall be adjudged invalid and of no effect, it shall not affect the remaining portions therein and they shall remain effective and enforceable.

Section 6.

This ordinance shall become effective on July 9, 1991.

Upon motion of Commissioner Brady Dickson, seconded by Commissioner R. C. Bostic, the foregoing ordinance was passed by the following vote:

Ayes: Five (5)

Noes: None

I, Sally M. Morris, Clerk of the Montgomery County Board of Commissioners, do hereby certify that the foregoing ordinance was duly adopted by the governing body of Montgomery County at a regular meeting thereof, a quorum being present.

The 9th day of July, 1991.

Sally M. Morris
Clerk to the Board

This ordinance was introduced at the July 9, 1991, meeting of the Montgomery County Board of Commissioners.

