

Town of Badin Ordinance 01-1

AN ORDINANCE AMENDING AND RESTATING AN ORDINANCE (00-5) OF THE TOWN OF BADIN, NORTH CAROLINA OF THE TOWN CODE OF ORDINANCES REGULATING UNREASONABLY LOUD, DISTURBING SOUND LEVELS AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED by the Council of the Town of Badin, North Carolina as follows:

SECTION 1. Sound Levels Regulated.

A. It shall be unlawful for any person, firm or corporation to create or assist in creating any unreasonably loud, disturbing sound levels in the Town of Badin, taking into consideration volume, duration, frequency and other characteristics of sound.

B. The following activities, among others, are hereby declared to be unreasonably loud, disturbing sound levels, but said enumeration shall not be deemed to be exclusive.

1. The playing of any musical instrument or electronic sound amplification equipment in such manner or with such volume, particularly during hours between 11:00 pm and 7:00 am, such that a reasonably prudent person would recognize as likely to unreasonably disturb persons in the vicinity.

2. The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to create unreasonably loud, disturbing sounds.

3. The creation of unreasonably loud, disturbing sound levels adjacent to any school, educational facility, or church during normal operating hours, which a reasonably prudent person would recognize as likely to unreasonably interfere with the working of such institutions, provided conspicuous signs are displayed indicating that such area is a school, educational facility, or church.

4. The erection, including excavation, demolition, alteration or repair of any building in a residential or business district other than between the hours 7:00 am and 9:00 pm on any day, except in the case of urgent necessity in the interest of public safety, and then only under the direction of any appropriate City official.

5. The use of any electronic sound amplification equipment for advertising or soliciting purposes, except with an appropriate permit.

6. The use of any mechanical loudspeakers or amplifiers on trucks or other moving vehicles for advertising or other purposes, except with an appropriate permit.

7. The firing or discharging of a gun, squibs, fireworks, gunpowder, or other combustible substance in the streets or elsewhere for the purpose of making noise or disturbance, except with an appropriate permit.

8. The maintenance and operation of radios, amplifiers, phonographs, or other mechanical instruments or devices of any kind whereby the sound therefrom is cast directly upon the streets or other public places, such that a reasonably prudent person would recognize as likely to unreasonably disturb persons in the vicinity.

9. The keeping of any animal which causes frequent or long continued noise that disturbs the comfort and repose of any person in the vicinity.

C. Persons wishing to engage in activities regulated by this Section may do so when a specific permit is approved by the Town Manager or his designee. Applications shall be submitted on forms supplied by the Town. The permit shall not be unreasonably withheld, and may contain appropriate conditions, including maximum decibel levels, designed to minimize disruptive impact. Permits for such activities significantly for religious or political purposes shall be granted, subject only to reasonable time, place and manner restrictions. Permits issued under this subsection C may specify that the permission granted will continue for a stated period of days or until revoked after actual notice. Persons shall not be held in violation of this Section when acting in conformity with permit conditions, but any permit may be revoked if it is determined that the authorized activity has resulted in the generation of unreasonably loud, disturbing sound levels.

In case an application is denied, a permit is approved with conditions unacceptable to the applicant, or a permit is revoked, the applicant or permit holder shall be entitled to a prompt, informal hearing with the Town Manager or his designee, upon submission of a written request. Any person aggrieved by a matter regulated in this Section may submit to the Town Manager written comments, including requests for appropriate relief.

D. Any person, firm or corporation violating any provision of this ordinance shall be guilty of a misdemeanor and, upon conviction, may be punished by a fine not to exceed fifty dollars (\$50.00) or imprisoned not to exceed thirty (30) days. Each day such violation continues shall constitute a separate offense.

SECTION 2. This ordinance was duly passed by the Badin Town Council on the 13th day of February, 2001.