

Homeowner Tip – Noise Ordinance

Be a Good Neighbor.....per the Apex Ordinance shown below, ***loud noise is not permitted at any time.....and the threshold is reduced for the hours between 10 PM and 7 AM.*** If loud noises are present, a report should be made to the Apex Police Department tel. (919) 362-8661 (do not call 911). The persons identity per Apex Police regulations is confidential to protect the caller reporting the violation.

Ord. No. 05-0215-07, enacted Feb. 15, 2005 (Supplement No. 1)

Chapter 14 OFFENSES AND MISCELLANEOUS PROVISIONS*

Sec. 14-29. Noise; definitions.

In addition to the common meanings of words, the following definitions shall be used in interpreting sections 14-29 through 14-38 of this Code:

"A" weighting scale means the sound pressure level, in decibels, as measured with the sound level meter using the "A" weighted network (scale). The standard unit notation is dB(A).

Ambient base noise level means the average sound pressure level in dB(A) during a reasonable period of time, as determined by employing a sound level meter as described in section 14-30 and excluding impulsive sounds.

ANSI means the American National Standards Institute or its successor bodies.

Construction means on-site erection, fabrication, installation, alteration, demolition or removal of any structure, facility or addition thereto, including all related activities including, but not restricted to, clearing of land, earth moving, blasting and landscaping.

Daytime hours means from 7:00 a.m. until 10:00 p.m., local time.

dB(A) means the sound level in decibels, determined by the "A" weighting scale of a standard sound level meter having characteristics defined by the American National Standards Institute, Publication ANSI, § 1.4-1983, for a Type 2 instrument.

Decibel (dB) means a unit of measure, on a logarithmic scale, of the ratio of the magnitude of a particular sound pressure to a standard reference pressure, which for purposes of sections 14-29 through 14-38 shall be 0.0002 microbars.

Emergency work means work made necessary to restore property to a safe condition, work required to protect, provide or prevent persons or property from danger or potential danger; or work by private or public utilities when restoring utility service.

Nighttime hours means after 10:00 p.m. and until before 7:00 a.m., local time.

Person means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof or any legal successor, representative, agent or agency of the foregoing.

Sound level means, in decibels, a weighted sound pressure level determined by the use of a sound level meter whose characteristics and frequency weightings are specified in ANSI standards.

Sound level meter means any instrument which meets the requirements for an ANSI Type I or Type II sound level meter.

Sound-magnifying device means any device or machine for the magnification of a human voice, music or any other sound. "Sound-magnifying device" shall not include emergency warning devices on police, fire, ambulance or other emergency vehicles, nor shall it include horns or steam whistles which are used for purposes authorized by section 14-34.

Sound pressure level means, in decibels, 20 times the logarithm to the base 10 of the ratio of the magnitude of a particular sound pressure to the standard reference pressure. The standard reference pressure is 0.0002 microbars.

(Ord. of 5-4-93, § 1)

Editor's note: Section 1 of an ordinance adopted May 4, 1993 amended §§ 14-29--14-31 to read as herein set out. Prior to inclusion of said ordinance, §§ 14-29--14-31 pertained to similar subject matter and derived from §§ 12-1 and 12-2 of the Code of 1973.

Cross references: Definitions and rules of construction generally, § 1-3; noise in game rooms, § 13-37; creation of noise constitutes disorderly conduct, § 14-6(a)(18); railroads blowing whistles, § 20-194; quiet zones, § 20-129.

State law references: Authority to regulate, restrict or prohibit noises, G.S. 160A-184.

Sec. 14-33. Other prohibited noises.

The following acts are specifically declared to be unreasonably loud, annoying, frightening, loud or disturbing noise, the emission of which shall be unlawful:

- (1) 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, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.
- (2) The use of any gong or siren upon any vehicle other than police, fire, ambulance or other emergency vehicles.
- (3) The playing of any radio, phonograph, amplifier, television, tape deck, tape recorder, or musical instrument in such a manner or with such volume during the nighttime hours as to annoy or disturb the quiet, comfort or repose of any person or persons in any dwelling, hotel, motel or other type of residence.

- (4) 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.
- (5) The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as warning of danger.
- (6) The discharge into the open air of the exhaust of any stationary internal combustion or steam engine or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (7) The erection (including excavating), demolition, alteration or repair of any building or other structure in a residential or business district other than between the hours of 7:00 a.m. and 8:30 p.m., except by permit from the building inspector when, in his opinion, such work will not create objectionable noise. The building inspector may permit emergency work in the preservation of public health or safety at any time.
- (8) The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court, while the same are in session, or within 150 feet of any hospital, which unreasonably interferes with the work of such institution or which disturbs or unduly annoys patients in the hospital.
- (9) The creation of loud and excessive noise in connection with loading or unloading any vehicles or the opening and destruction of bales, boxes, crates and containers.
- (10) The outdoor use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale or display of merchandise, except by permit from the board of commissioners.
- (11) The conducting, operating or maintaining of any garage or filling station, or the repair, rebuilding or testing of any motor vehicle in any residential district, so as to cause loud or offensive noises to be emitted therefrom during the nighttime hours.
- (12) The firing or discharging of firearms, fireworks, gun powder or other combustible substance in the streets or elsewhere for the purpose of making noise or disturbance, except by permit from the board of commissioners.
- (13) The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort and repose of any person in the vicinity.
- (14) The use of any mechanical device operated by compressed air unless the noise created is effectively muffled and reduced.

(Ord. of 5-4-93, § 1)

Sec. 14-37. Penalties for violation of noise restrictions.

(a) *Civil penalties.*

(1) Any person violating any of the provisions of sections 14-29 through 14-38 shall be subject to a civil penalty of not more than \$100.00 for the first through fifth day of a violation, and shall be subject to a civil penalty of not more than \$500.00 per day for the sixth and any subsequent days. No penalty shall be assessed until the person alleged to be in violation has been notified of the violation. Each day of a continuing violation shall constitute a separate violation under this subsection.

(2) The town board of commissioners shall determine the amount of the civil penalty to be assessed under this subsection, shall make written demand for payment upon the person responsible for the violation, and shall set forth in detail the violation for which the penalty has been invoked. If payment is not received within 60 days after demand for payment is made, the matter shall be referred to the town attorney for institution of a civil action in the name of the town in the appropriate division of the General Court of Justice of Wake County for recovery of the penalty.

(3) As an additional remedy, whenever the board of commissioners has reasonable cause to believe that any person causes or allows the operation or maintenance of any noise source, in violation of any provisions of sections 14-29 through 14-38 or which causes any unreasonably loud, annoying, frightening, loud and disturbing noise, it may, either before or after the institution of any other action or proceeding authorized by this subsection, institute injunctive relief to restrain the violation. The action shall be brought in the appropriate division of the General Court of Justice of Wake County. The institution of an action for injunctive relief shall not relieve any party to such proceeding from any civil or criminal penalty prescribed for violations of this chapter.

(b) *Criminal penalties.* Any person who violates any provision of this chapter shall be deemed guilty of a misdemeanor punishable by imprisonment not to exceed 30 days or by fine not to exceed \$50.00. Each day of a continuing violation shall constitute a separate violation under this subsection.