

# **MACON COUNTY NUISANCE ORDINANCE**

Originally Adopted:

Effective:

## **GENERAL PROVISIONS**

### **§160.01 Title**

This Ordinance shall be known and may be cited as the Nuisance Ordinance of the County of Macon, North Carolina.

### **§160.02 Purpose**

The purpose of this Ordinance is to prohibit nuisances which result from loud, unnecessary, and disturbing noise.

### **§160.03 Authority**

This Nuisance Ordinance is enacted pursuant to the authority and provisions of N.C. Gen. Stat. § 153A-121 and the provisions of N.C. gen Stat. § 153A-133.

### **§160.04 Jurisdiction**

The regulations contained herein, as provided in G.S. 153A, Article 18 shall govern in Macon County outside of the jurisdiction of any incorporated municipality within Macon County, North Carolina.

### **§160.05 Definitions**

- A. -Loud, Unnecessary and Disturbing Noise:** As used herein, the term “Loud, Unnecessary and Disturbing Noise” shall mean: any noise intentionally created which because of its volume level, duration and/or character annoys, disturbs, injures, or endangers the comfort, health, peace, or safety of reasonable persons of ordinary sensibilities in the County.

### **§160.06 Loud, Unnecessary and Disturbing Noise Shall Constitute a Nuisance:**

- (a) It shall be unlawful and shall constitute a nuisance for any person or group of persons, regardless of number, to continue, or cause to be made or continue any “loud, unnecessary and disturbing noise”: as defined herein.
- (b) The following shall be unlawful and are declared to be nuisances in violation of this Ordinance, but such enumeration shall not be deemed to be exclusive:
1. The use of horns or signal devices in a manner such that “loud, unnecessary and disturbing noise”, as defined herein, is produced from the same.
  2. The use of radios, stereos, sound-producing devices, electronic or mechanical devices, or sound amplification devices in a manner such that “loud, unnecessary, and disturbing noise” as defined herein is produced from the same.
  3. The use of loud, boisterous language, or shouting in a manner such that “loud, unnecessary, and disturbing noise” as defined herein is produced from the same.

**§160.07 Exemptions:** The following shall be exempt from the application of this Ordinance:

- a. Necessary noise from the normal and legal operations of any industrial operation, commercial business, nonprofit organization, or governmental facility or function.
- b. Noise resulting from the normal maintenance and operation(s) of residential and commercial property.
- c. Noise resulting from agricultural and horticultural operations.
- d. Noise resulting from any authorized emergency vehicle or public safety vehicle and associated activities conducted from the same.
- e. Noise resulting from any military, law enforcement activities, or educational institution of any federal, state, or local government to include military observances.
- f. Noise resulting from emergency work necessary to preserve and/or restore property to a safe condition following a fire, accident, natural disaster, etc. or to restore public utilities.
- g. Noise from any bell or chime from any building clock, school, or church.
- h. Noise from lawful fireworks and noise makers on holidays and at religious ceremonies.
- i. Noise created by any public recreational event or public entertainment activity.
- j. Noise from firearms while being used in a lawful and safe manner.

**§160.08 Enforcement; Violation; and Penalties:**

- a. Enforcement: The Sheriff of Macon County shall be responsible for enforcement of this Ordinance in the unincorporated areas of Macon County.
- b. Penalties: Any person who violates any provision of this Ordinance shall be guilty of a class 3 misdemeanor and fined not more than \$500.00.
- c. Violation: Each day of a continuing violation shall constitute a separate violation under this subsection.

**§160.09 Injunctions:**

The operation of any device in violation of any provision of this chapter which causes discomfort, or annoyance to a reasonable person of ordinary sensibilities or endangers the comfort, repose, health, or peace of residents of this county, shall be deemed, and is declared to be, a public nuisance, and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

**§160.10 Severability:**

Should any section or provision of this Ordinance be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**§159.77 Effective Date:**

This Ordinance shall take effect upon its adoption by the Macon County Commissioners the \_\_\_ day of \_\_\_, 2015

**§159.78 Adoption:**

Duly adopted by the Board of Commissioners of the County of Macon, North Carolina, this the \_\_\_ day of \_\_\_, 2015

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Chairman, Board of Commissioners

ATTEST:

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Derek Roland, County Manager