

NOISE CONTROL ORDINANCE

Section 1. Noise Generally.

It shall be unlawful for any person to willfully make, continue, or cause to be made or continued any loud and/or raucous noise, which shall mean any sound which, because of its volume level, duration, and/or character, annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable persons within the town limits.

Section 2. Particular Noises.

The following acts and activities, among others, are hereby declared to create or cause to be created excessive or unreasonably loud sound levels and are considered to be in violation of Section 1. This enumeration shall not be construed to be an exhaustive list of acts and activities which violate Section 1.

(a) The blowing of a horn on any motor vehicle except when the horn is used as a warning device.

(b) The operation of a motor vehicle or motorcycle so as to create unnecessary and unusual noise through the screeching of tires or racing of engines or one which has had its muffler exhaust system and/or other noise control equipment removed, altered, or maintained in such disrepair as to create such unnecessary and unusual noise.

(c) The playing or operation of any radio, television, tape recorder, phonograph, compact disc player, or similar electronic device or any musical instrument so as to disturb the comfort, quiet or repose of persons in any place of residence or so as to interfere substantially with the operations of any church, school, theater, library, or other similar place of assembly.

(d) The use of any drum, loudspeaker or other amplification instrument or device for the purpose of attracting attention by the creation of noise to any performance, show, sale, display, advertisement of merchandise or other commercial venture.

(e) The use of any gong or siren upon any vehicle, other than police, fire or other emergency vehicle.

(f) The owning, keeping, or harboring 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.

(g) 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 a warning of a danger.

(h) The playing or operation of any radio, tape recorder, compact disc player, or similar electronic device installed or located in or on any vehicle when the speaker volume is elevated to such an extent that the sound is clearly audible more than fifty (50) feet from the vehicle. The provisions of this section shall apply regardless of whether the vehicle is traveling upon the streets, parked on public or private property, or stopped in traffic.

(i) The erection (including excavation), demolition, alteration or repair of any building other than between the hours 7:00 a.m. and 7:00 p.m., except in the case of urgent necessity in the interest of public health and safety and then only by permit from the Mayor.

Section 3. Exceptions

The following acts or activities are exempt from the provisions of this ordinance.

(a) The use of a permanently installed loudspeaker or public address system at athletic facilities used to announce athletic contests.

(b) The sounding of bells or musical chimes emanating from a public or religious institution or facility.

(c) Sounds emanating from any authorized emergency vehicle responding to an emergency or acting in the time of an emergency.

(d) Noise emanating from any burglar or fire alarm or security device on any building, dwelling, or vehicle, provided that such noise terminates within thirty (30) minutes of activation.

(e) Unamplified and amplified sound at community concerts conducted, sponsored, or sanctioned by the town.

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(g) Lawn mowers and agricultural equipment used between daylight hours 7:00 a.m. and 9:00 p.m. when operated with all the manufacturer's standard mufflers and noise reducing equipment in use and in proper operating condition.

(h) Any activity to the extent regulation thereof has been preempted by state and/or federal law.

Section 3. Penalty

3A. (1) Any violation of any provision of this ordinance shall subject the violator to civil penalty in the sum of \$100 per day.

(a) A citation for the civil penalty shall be issued by the appropriate town official.

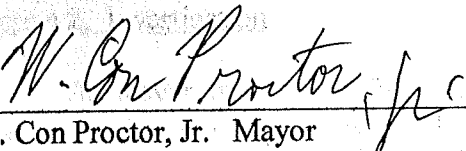
(b) Each citation for a civil penalty must be paid within the designated hours of issuance.

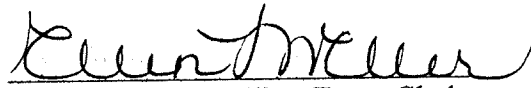
(2) Each and every day the violator continues in violation shall be a separate distinct offense.

3B. The municipality may also, and in addition, seek any and all appropriate equitable remedies, injunctions, and/or abatement orders from the court of competent jurisdiction.

This ordinance shall be in full force and effect upon its adoption.

Adopted this 6th day of November 2000.


W. Con Proctor, Jr. Mayor


Attest: Ellen M. Eller, Town Clerk

November 6, 2000

MINUTES

The Halifax Town Board of Commissioners held its regular monthly meeting November 6, 2000, in the Town Hall.

Microfilmed by:
NC Dept of Cultural Resources
Division of Historical Resources
Archives and Records Section

Members present: Keith Hamm, Sam Lee, Jack Pittman, Ben Shepard, Doris Wilson, and W. Con Proctor, Jr. Mayor, presiding.

Filed by: LD Date: 4/24/09

Mayor Proctor called the meeting to order. He informed the commissioners of several items:

- Halifax County Solid Waste is planning a tour of Charles City County Landfill on November 13, 2000.
- APNEP, want money to conserve estuary system and associated watersheds. It was decided to get more information to see if the town wants to be a contributor.
- Halifax Development Commission sent information about businesses in the county and their expansion, etc.

Sam Lee shared information about a municipality that had received a grant to operate a mulch yard which also helped them obtain the necessary equipment to run it.

A Noise Ordinance was presented to the commissioners. After some discussion Sam Lee made a motion to adopt the Noise Ordinance as presented with the following correction on page 2, part (I) that should read as follows: "The erection (including excavation), demolition, alteration or repair of any building other than between the hours 7:00 a.m. and 7:00 p.m., except in the case of urgent necessity in the interest of public health and safety and then only by permit from the Mayor." Motion carried.

NOISE ORDINANCE ATTACHED TO THESE MINUTES

A Nuisance Ordinance was presented to the commissioners also. Sam Lee made a motion to adopt the Nuisance Ordinance as presented with the following correction on page 1, Section 1, part (a) "The uncontrolled growth of noxious weeds or grasses to a height in excess of twelve (12) inches, causing or threatening to cause a hazard detrimental to the public health or safety." Motion carried.

NUISANCE ORDINANCE ATTACHED TO THESE MINUTES

The town clerk reported that a letter had been sent to all delinquent tax payers requesting payment by November 30, 2000, or garnishment procedures would be started.

Discussion was held on street signs at the post office and the parking problems there. Sam Lee suggested that we should put the signs up,

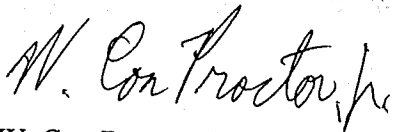
but also request the Sheriff's department to issue warning tickets so that people would realize that parking on the wrong side of the street would not be permitted.

The clerk informed the commissioners that the copier in the town office was old and not working well anymore and something needed to be done. It was decided that the clerk would look into leasing a copier and get prices on an inkjet printer for the office and report the information at the next meeting.

Mayor Proctor also informed the commissioners that CSX Railroad had spoken with him in regard to paving Wiley Jones Road. The railroad has agreed to pay half of the cost of repair if the town will pay the other half. Ben Shepard made motion to accept the railroad's offer of paying for half of the repair to Wiley Jones Road. Motion carried.

Sam Lee moved to adjourn. Motion carried.

Respectfully submitted,



W. Con Proctor, Jr., Mayor



Ellen M. Eller, Town Clerk