



TOWN OF YOUNGSVILLE – CODE OF ORDINANCES

8.210 AMPLIFIED SOUND.

(a) It shall be unlawful to:

(1) Operate or allow the operation of any sound amplification equipment so as to create sounds registering 60 db(A) or greater between the hours of 9:00 a.m. and 9:00 p.m., or 50 db(A) or greater between 9:00 p.m. and 9:00 a.m., as measured anywhere within the boundary line of the nearest residentially occupied property, except in accordance with a permit obtained from the town. To determine if this limit is being exceeded, sounds may be measured at or beyond any property line of the premises covered by the permit.

(2) As to multifamily structures including town homes, apartments, condominiums, or other residential structures or arrangements where property lines cannot readily be determined, it shall be unlawful to operate or allow the operation of any sound amplification equipment so as to create sounds registering 60 db(A) or greater between 9:00 a.m. and 9:00 p.m., or 50 db(A) or greater between the hours of 9:00 p.m. and 9:00 a.m., as measured from any point within the interior of another residential unit in the same complex or within the boundary line of the nearest residentially occupied property, except in accordance with a permit obtained from the town.

(3) As to places of public entertainment, including, but not limited to, restaurants, taverns and bars, coffeehouses and private clubs, to operate or allow the operation of any sound amplification equipment so as to create sounds registering more than 65 dB(A) between 9:00 a.m. and 9:00 p.m., or 50 dB(A) between 9:00 p.m. and 9:00 a.m., as measured anywhere within the boundary line of the nearest residentially occupied property, hotel, motel, hospital, or rest home, except in accordance with a permit obtained from the town.

(4) Operate or allow the operation of any sound amplification equipment for advertising purposes or otherwise to attract customers so as to cast sounds which are unreasonably loud and disturbing or which register more than 60 db(A) at or on the boundary of the nearest public right-of-way or park.

(5) Operate or allow the operation for personal use of any sound amplification equipment on the public right-of-way, including streets or sidewalks, or in the public parks so as to produce sounds registering more than 60 db(A) at any point 50 feet or more from any electromechanical speaker emitting sound between the hours of 9:00 a.m. and 9:00 p.m., or 50 db(A) 50 feet or more from any electromechanical speaker between the hours of 9:00 p.m. and 9:00 a.m. except in regards to section 14-71 (6).

(b) The foregoing limitations on the operation of sound amplification equipment shall not apply to the operation of horns, sirens, loudspeakers or other emergency warning devices actually being used in emergency circumstances.

Decibel Level Table to be used as reference for enforcement of the above section

Use	Days	Time	Max dB(A)
General	Monday—Sunday	9 a.m.—9 p.m.	60
		9 p.m.—9 a.m.	50
Public entertainment	Monday—Sunday	9 a.m.—9 p.m.	65
		9 p.m.—9 a.m.	50
Recreational activities	Monday—Sunday	7 a.m.—10:30 p.m.	No established limit
Garbage	Monday - Friday	7 a.m.—8 p.m.	No established limit
Commercial Construction	Monday—Friday	7 a.m.—8 p.m.	No established limit
	Saturday	8 a.m.—6 p.m.	
Lawnmowers	Monday—Sunday	7 a.m.— 9 p.m.	No established limit

Typical Decibel Levels

Type of Activity	dB(A)
Quiet residential area	40
Freeway traffic	70
Heavy traffic	85
Lawn mower	90
Car horn, leaf blower	110
Football game (stadium)	117
Chain saw	125
Fireworks (at 3 feet)	162

8.211 OUTDOOR AMPLIFIED PERMITS.

A. An application for a permit pursuant to this subsection shall: (i) be submitted to the Youngsville Police Department at least 24 hours but no more than seven days before the permit time requested; and (ii) specify the proposed location of the sound amplification equipment and the date and time that the sound amplification will begin and end. Permits shall be issued on the first come, first served basis. A permit shall not be issued for a location that is within 100 feet of another location for which a permit has been issued for the same time. Sound amplification produced in conjunction with a town festival or parade permit shall be exempt from the entire subsection.

B. The limitations on the operation of sound amplification equipment in subsection of this section shall not apply to the operation of horns, sirens, or other emergency warning devices actually being used in emergency circumstances.

C. Permits for additional amplification

Application. *The* application for a permit for additional amplification under section shall be submitted to the Youngsville Police Department at least 24 hours in advance of the planned use except in an emergency. The application shall designate an individual person who shall be in control of the sound amplification equipment and ensure that its use complies with the terms of the permit.

(1). Notice of tentative approval. Upon tentative approval, the applicant for a permit shall be responsible for mailing or otherwise delivering to the occupants of each property within a 1,000-foot radius of the facility for which the permit has been granted, as shown on the tax maps of the county, a notice stating the date and hours of the event. The notice shall be delivered at least 72 hours in advance of the event. The permit shall not be actually granted and issued until the applicant submits an affidavit to the Youngsville Police Department that such notices have actually been mailed or otherwise delivered.

Limits on hours. No permit shall be issued which shall have the effect of allowing more than 20 hours of excess amplification per year at any place of public entertainment. See Section 4 Sub section 3. Permits shall be tentatively approved and subsequently granted by the Youngsville Police Department in order of receipt unless permits for 20 or more hours have previously been issued for the same or other locations within a 1,000- foot radius of the facility in the same calendar year, in which event the applicant shall elect whether to limit his request so as to keep the year's accumulates hours of excess amplification in that location below 20 hours or select another location.

(2) Prohibited in residentially occupied boundaries. In no event shall a permit be granted which allows the creation of sounds registering more than 70db (A) anywhere within the 100 feet of the nearest residentially occupied property.

(3) Denial; issuance of exceptional permit. If an applicant has been denied a permit under this section and believes the denial is illegal by virtue of applicable state or federal law, he shall promptly submit a copy of the denied permit application together with a short statement of the reasons he believes he is entitled to a permit to the Mayor. The Mayor shall have the discretion to grant an exceptional permit waiving location, time, and/or db (A) requirements, upon his determination that the applicant shall promptly report to the town council.

8.212 MOTOR VEHICLES. It shall be unlawful to operate or allow the operation of any motor vehicle in the town:

A. By engaging in fast starts, spinning tires, racing engines or other operations which create unreasonably loud and disturbing noises.

B. Off the boundaries of a public street for racing or other operations which create unreasonably loud and disturbing noises.

C. To amplify sound produced by a radio, tape player, compact disc player or other sound-making device or instrument from within the motor vehicle so that the sound is plainly audible outside the vehicle. This subsection shall not apply to motor vehicles used for business or political purposes which, in the normal course of conducting business, use sound-making devices.

D. By using devices that increase the engine sounds of an automobile, truck, motorcycle or other motor vehicle or conveyance, or the absence of a working muffling device for such engine sounds.

8.213 EXCEPTIONS. The following acts and activities are exempt from the provisions of this article:

A. Sound emanating from scheduled outdoor sporting events.

B. Noise of safety signals, warning devices, emergency pressure relief valves and all church bells.

C. Noise resulting from any authorized emergency vehicle.

D. Noise resulting from parades, lawful picketing or other public demonstrations protected by the U.S. Constitution or federal law, or for which a local permit has been granted by the town, provided such activity is of a temporary duration lasting no longer than two hours during any 24-hour period. Regulation of noise emanating from activities under permit shall be according to the conditions and limits stated in this article and according to any additional conditions stated on the permit.

E. Unamplified and amplified sound at street fairs or other celebrations conducted, sponsored or sanctioned by the town.

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

G. Noise from noisemakers on holidays and fireworks on holidays or at times allowed under a pyrotechnics permit issued pursuant to appropriate ordinance.

H. All noises coming from the normal operations of properly equipped aircraft, but not including scale model aircraft.

I. Practice sessions or performances by marching bands associated with a local school or in preparation of a town sanctioned, sponsored or permitted event.

J. Noise from trains and associated railroad rolling stock when operated in proper repair and manner.

K. Emergency work performed for the purpose of preventing or alleviating physical trauma or property damage threatened or caused by an existing or imminent peril. This emergency exception includes maintenance, backup or upkeep ("maintenance") strictly necessary to keep emergency equipment, such as generators, in operating order as prescribed by the manufacturer, provided such maintenance is done only on weekdays between the hours of 9:00 a.m. and 4:00 p.m., sounds created do not exceed 80 db(A), the equipment is maintained as far from the property line as reasonably possible to serve its purpose, and the equipment has all the manufacturer's standard mufflers and noise-reducing equipment intact.

L. Noise created by the normal operations of the parks and recreation, police, public works and utilities departments of the town, including firearms training for police officers.

M. Unamplified sound originating from recreational activities at public or private recreational, civic or community clubs and churches and similar establishments, when such noise is created by patrons and/or guests during the legitimate operation of the establishment between the hours of 7:00 a.m. through 10:30 p.m.

8.214 ENFORCEMENT AND PENALTIES.

A. Public complaints regarding noise violation of Section 8.201 et. Seq. shall be made to either law enforcement or to the town manager. Complaints by members of the public to the town manager must be accompanied by a sworn statement specifically detailing the violation and detailing the activity complained about, its location and a specific statement of the ordinance violated. Said statement shall also detail where the complainant was when they measured said sound or perceived said violation. Upon review of the form and upon further investigation if so deemed necessary by the Town Manager, the town manager may then issue written notice upon finding of probable cause that violation occurred to the offender regarding the violation. Said notice shall include a civil penalty as follows:

(1). Civil penalty. Violation of this article (noise control ordinance) shall subject the offender(s) to a civil penalty in the amount of \$100.00. In the event there is more than one violation within any 30-day period, then the civil penalty shall be increased for each additional violation over one during such period, as follows. The date of the first violation shall establish the beginning date for the initial 30-day period. The next violation within that 30-day period shall be considered the second violation. Any violations that follow within that 30-day period shall be numbered sequentially. The penalty shall be:

(a) Second offense within same 30-day period: \$250.00.

(b) Third offense within same 30-day period: \$500.00.

(c) Fourth offense within same 30-day period: \$750.00.

(d) Fifth and any subsequent offense within same 30-day period: \$1,000.00.

(e) Once the 30-day period has expired for a violation, the next violation shall be considered to be a first violation for the purposes of establishing a new 30-day period. In the event there are more than six violations within any 12-month period, then each violation after sixth occurrence shall subject the violator(s) to a civil penalty of \$1,000.00.

(f) Violators shall be issued a written citation which must be paid within 72 hours of the issuance. The town attorney, or designee, is authorized to file suit on behalf of the town to collect any unpaid citations, and the police chief, or designee, is authorized to verify and sign complaints on behalf of the town in such suits.

(g) Remedies. This article may also be enforced through equitable remedies issued by a court of competent jurisdiction.

(h) A decision of the Town administrator may be appealed within 10 days of service of the original notice. Said appeal shall be made to the board. The board may overturn the decision of the Town Administrator if it finds by majority that the Town Administrator acted outside of his or her discretion or that the violation as described was not a violation of this ordinance.

B. Complaints made to law enforcement.

A police officer, animal control officer enforcing subject matter jurisdiction, or other employee duly authorized to enforce the noise control ordinances may issue a citation for violations of this article.

Criminal Penalty - In addition to, or in lieu of, such civil penalties or other remedies, violation of this article shall constitute a Class 3 Misdemeanor pursuant to N.C.G.S. 14.4(a) and shall be subject to Town Ordinance 12.101.

(a) Except as provided in subsection (b), if any person shall violate an ordinance of a county, city, town, or metropolitan sewerage district created under Article 5 of Chapter 162A, he shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00). No fine shall exceed fifty dollars (\$50.00) unless the ordinance expressly states that the maximum fine is greater than fifty dollars (\$50.00).