

CHAPTER 91: NOISE CONTROL

Section

- 91.01 Unreasonably loud or disturbing sound levels prohibited
- 91.02 Permit required to engage in regulated activities

- 91.99 Penalty

• 91.01 UNREASONABLY LOUD OR DISTURBING SOUND LEVELS PROHIBITED.

(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, taking into consideration volume, duration, frequency, and other characteristics of the 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 p.m. and 7:00 a.m., such that a reasonably prudent person would recognize as likely to unreasonably disturb persons in the vicinity.
- (2) The keeping of any animal or bird which makes frequent or long continued sounds such that a reasonably prudent person would recognize as likely to unreasonably disturb persons in the vicinity.
- (3) 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.
- (4) The operating of any garage or service station in any residential area so as to cause unreasonably loud, disturbing sounds to be emitted between the hours of 9:00 p.m. and 7:00 a.m. on any day.
- (5) The creation of unreasonably loud, disturbing sound levels adjacent to any school, educational facility, church, or court during normal operating hours, or within 150 feet of any hospital, 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, church, court, or hospital area.
- (6) The erection (including excavation), demolition, alteration, or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 7:00 p.m. on any day, except in the case of urgent necessity in the interest of public safety, and then only under the direction of an appropriate town official.

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(7) The use of any electronic sound amplification equipment for advertising or solicitation purposes, except with an appropriate permit.

• 91.02 PERMIT REQUIRED TO ENGAGE IN REGULATED ACTIVITIES.

(A) Persons wishing to engage in activities regulated by this chapter may do so when a specific permit is approved by the town administrator or his or her 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 the 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 section may specify that the permission granted will continue for a stated period or until revoked after acting in conformity with permit conditions, but any permit may be revoked if it is determined that the authorized activity has resulted in generation of unreasonably loud, disturbing sound levels.

(B) 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 administrator or his or her designee, upon submission of a written request. Any person aggrieved by a matter regulated by this chapter may submit to the town administrator written comments, including requests for appropriate relief.

• 91.99 PENALTY.

(A) (1) Any violation of any provision of this chapter shall subject the violator to a civil penalty in the sum of \$50 per day.

- (a) A citation of said civil penalty shall be issued by the Code Enforcement Officer.
- (b) Each citation for a civil penalty must be paid within 48 hours of issuance.

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