

**ORDINANCE AMENDING CHAPTER 91 OF THE
TOWN OF BOILING SPRINGS CODE OF ORDINANCES
ORDINANCE NO. 130625.01**

BE IT ORDAINED by the Board of Commissioners of the Town of Boiling Springs, North Carolina assembled in Special Session this 25th day of June, 2013,

Part 1 That Chapter 91 "Noise Control" is hereby amended to read as follows:

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, as to annoy or disturb the quiet, normal comfort or repose of any person in any dwelling particularly between the hours of 9:00 p.m. and 7:00 a.m. Sunday night through Friday morning and 10:00 p.m. and 8:00 a.m. Friday night through Sunday morning 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 or disturbing, but said enumeration shall not be deemed to be exclusive:

- (1) The loud playing of any musical instrument or electronic sound amplification equipment.
- (2) The keeping of any animal or bird which makes frequent or long continued sounds.
- (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 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.

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

(C) The restrictions of this Chapter shall not apply to the following:

(1) Emergency warning devices and signals

(2) Lawn care and agricultural equipment except when emitting noise between the hours specified in Section A.

(3) Construction, demolition, renovation, and similar activities except when conducted between the hours specified in Section A.

(3) Properly maintained vehicle's operating on public roadways not to include any sound amplification equipment.

(4) Emergency work conducted by utility crews or to repair conditions threatening public health and safety.

(6) Sporting events, festivals, and other similar public entertainment events.

' 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. 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 Manager 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 Manager written comments, including requests for appropriate relief.

' 91.99 PENALTY.

(A) Any person firm or corporation violating or allowing the violation of this Chapter, upon being notified of said violation, and failing to immediately cease the violation, shall be subject to any of the following penalties administered by the Town.

(1) Civil penalty in the sum of \$50 for the first violation and \$100 for a subsequent violation within 30 days.

(2) Misdemeanor criminal penalty not to exceed a \$50 fine or 30 days imprisonment.

(3) The Town may also remedy violations by seeking an injunction from the appropriate Court in Cleveland County.

Part 2 This Ordinance shall become effective upon its adoption by the Board of Commissioners of the Town of Boiling Springs, North Carolina.

ADOPTED this the 25th day of June, 2013.