

ARTICLE III. NOISE¹

Sec. 16-71. Definitions.

All words used in this article not defined in this section shall be in conformance with applicable publications of the American Standards Institute (ANSI) or its successor body. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Ambient noise means the all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources near and far. Ambient noise levels are established by taking a series of observations on the adversely affected property. (See proof of source and ambient background level in section 16-74.)

A-weighted sound level means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A).

Decibel (dB) means a unit for describing the amplitude of sound equal to 20 times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micro newtons per square meter.

Electronic sound amplification system means any radio, tape player, compact disc player, loudspeaker or other electronic device used for the amplification of sound.

Emergency work means any work performed for the purpose of preventing or alleviating physical trauma or property damage threatened or caused by an existing or imminent peril.

Frequency means of a periodic phenomenon, such as sound wave, the number of times in one second (i.e., the number of cycles per second) that the phenomenon repeats itself. The unit of frequency is the Hertz (Hz), which corresponds to one cycle per second.

Hertz means the unit of frequency, formerly "cycles per second." (See *Frequency*.)

Holiday means the following days: St. Patrick's Day, Memorial Day, Independence Day, Labor Day, Halloween and December 31.

Level means the logarithm of the ratio of a given quantity to a reference quantity of the same kind. The kind of level is usually indicated by a compound term such as "sound pressure level."

Muffler or sound dissipating device means an apparatus consisting of a series of chambers or baffle plates designed for the purpose of transmitting gases while reducing sound emanating from such apparatus.

Noise means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

Noise control officer means any police officer or duly designated official of the town responsible for the enforcement of this article.

¹State law reference(s)—Authority of town to regulate noise, G.S. 160A-184.

Noise disturbance means any sound which endangers or injures the safety or health of humans or animals; annoys or disturbs a reasonable person of normal sensitivities; or endangers or injures personal or real property.

Noise sensitive zone means any area designated by the town for the purpose of ensuring exceptional quiet.

Octave means the interval of frequency between two sounds whose frequency ratio is two.

Octave band sound level means the sound pressure level in decibels for the sound being measured which is contained within a specified octave band of frequencies identified by the center frequency of that octave as defined by ANSI S1.6.

Outdoor amplified sound means any sound created by an electronic sound amplification system, the source for which is outside, or inside and the sound propagates to the outside through open doors or windows, other openings in the building, or through the walls, roof, or structure of the building.

Owner of real property means the owner, or listed owner, of real property as defined in G.S. 105-302.

Person means any individual, association, partnership, or corporation and includes any officer, employee, department, agency or instrumentality of the United States, the state or any political subdivision thereof.

Plainly audible means any sound produced which can be clearly heard at a distance of 75 feet or more. Measurement standards shall be the auditory senses, based upon the direct line of sight. Terms or phrases need not be discernible and bass reverberations are included.

Repetitive impulsive sound means any sound which is composed of individual sounds lasting less than a second (such as hammer blows, drum beats, or gunshots) which are repeated continuously at a rate such that a sound level meter set at "fast" response will show changes in sound level greater than ten dB, but that the same meter set on "slow" response will show changes of less than five dB between the individual sounds.

Slow response means a measure technique to obtain an average value when measuring a noise level that fluctuates over a range of four dB or more. By way of illustration only, a sound level meter set on "slow response" would record a sound level between two and six dB less than the reading for a steady signal of the same frequency and amplitude when a tone of 1,000 Hz and for a duration of 0.5 seconds is applied.

Sound means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression, and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity, and frequency.

Sound level means the weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as "A," "B," or "C" as specified in (ANSI S1.4). If the frequency weighting employed is not indicated, the "A" weighting shall apply.

Sound level meter means an instrument for measuring sound levels including a microphone, a means of displaying the sound level, a "slow" averaging rate, and the A-weighting network as specified in standards ANSI S1.4 and IEC 651. A sound level meter may or may not include a selectable "fast" averaging rate as defined in the aforementioned standards, and may or may not include or have attached any of the following: the necessary filters in conformance with ANSI S1.11 to measure octave band or one-third-octave-band sound levels, the capability to measure the average sound level over a period of time, or the capability to determine automatically the level exceeded by any given percentage of any given time period.

Sound pressure level means 20 times the logarithm to the base ten of the root mean squared (RMS) sound pressure to the reference pressure of 20 micro newtons per square meter.

Tenant means one who resides on or has the temporary use or occupancy of real property owned by another person. In the case of residential property, the term "tenant" shall be considered to mean any individual actually residing at the residential location, whether such person is listed on a lease or not.

Zoning districts means land classifications within the town that regulate the uses and the locations of structures. Zoning districts are established in article 6, Zoning Districts/Table of Uses and Activities of the Unified Development Ordinance.

(Code 1990, § 13-6.1; Ord. No. 19-08-009 , Pt. XXIII, 8-7-2019)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 16-72. Standards.

- (a) Standards, instrumentation, personnel, measurement procedures, and reporting procedures to be used in the measurement of sound shall be as specified in this section, and in administrative directives issued by the town manager.
- (b) Sound level measurement shall be made with a sound level meter using the A-weighting scale, set on "slow" response, or in octave bands specified in Table 2, section 16-73.
- (c) Sound level meters shall be at least Type II meeting American National Standards Institute (ANSI) S1.4 requirements. Persons using the sound level meters shall be trained in sound level measurement and the operation of sound level measurement equipment.

(Code 1990, § 13-6.2)

Sec. 16-73. Maximum permitted sound levels by zoning district.

- (a) Use of an electronic sound amplification system as defined in this article is limited to the conditions specified in this section.
- (b) Except as allowed in subsection (c) of this section, no person shall produce or cause to be produced by any source any noise as defined in section 16-71 in such a manner as to create a sound pressure level which at its peak exceeds the limits set forth for the zoning district categories in Table 1 when measured at or beyond the property line of the property from which the sound originates. For purposes of measurement, the back of the curb, the outside edges of driveways, fences, hedges, or other physical features commonly associated with property boundaries are presumed to be at a point which is at or beyond the property line. In all cases the maximum sound pressure level permitted by the zoning district shall be determined on the basis of the zoning district of the property from which the sound is measured. When a noise source can be identified and its noise measured in more than one zoning district, the limits of the most restrictive zoning district shall apply. Sound which originates from a dwelling unit in a duplex or a multifamily housing unit shall be measured from any point which is at least 25 linear feet, whether inside or outside a building, from the nearest point of the enclosed or habitable space of the dwelling unit from which the sound originates.

Table 1
Maximum Sound Pressure Levels
Maximum Permitted Sound Levels by Zoning District

Zoning District	Time (Local Time)	Maximum Sound Level Limit (dBA)
Residential (R-1, R-2, R-3, SPD-20, SED-80, SPD-C, CR, and C-4)	7:00 a.m.-11:00 p.m.	57
	11:00 p.m.-7:00 a.m.	52

Commercial (C-1, C-2, including the commercial outdoor recreational overlay district)	7:00 a.m.-11:00 p.m. 11:00 p.m.-7:00 a.m.	65 60
Commercial services (C-3)	7:00 a.m.-11:00 p.m. 11:00 p.m.-7:00 a.m.	65 60

Table 2
Octave Band Sound Levels in Decibels

Measurement Site Frequency/Time of day	Residential 11:00 p.m.— 7:00 a.m.	Residential 7:00 a.m.— 11:00 p.m.	Commercial and Commercial Services 11:00 p.m.— 7:00 a.m.	Commercial and Commercial Services 7:00 a.m.— 11:00 p.m.
31.5 Hz	67	72	82	87
63 Hz	66	71	81	86
125 Hz	60	65	75	80
250 Hz	52	57	67	72
500 Hz	46	51	61	66
1,000 Hz	40	45	55	60
2,000 Hz	35	40	50	55
4,000 Hz	33	38	48	53
8,000 Hz	32	37	47	52

- (c) Sound levels in excess of the limits established in Table 1 may be permitted by issuance of a "Permit to Exceed Maximum Sound Pressure Levels" in any commercial, commercial services, or residential zoning district as follows:

Table 3
Commercial, or Commercial Services Zoning District

	Without Permit (dB(A))	With Permit to Exceed Maximum Sound Pressure Levels (dB(A))
Friday evening (5:00 p.m.-12:00 midnight)	65	80
Saturday (12:00 noon-12:00 midnight)	65	80
Sundays (12:00 noon-11:00 p.m.)	65	80
Holidays - as defined in section 16-71 (12:00 noon-12:00 midnight)	65	80

Residential Zoning District

	Without Permit (dB(A))	With Permit to Exceed Maximum Sound

		Pressure Levels (dB(A))
Friday evening (5:00 p.m.-11:00 p.m.)	57	65
Saturday (12:00 noon-11:00 p.m.)	57	65
Sundays (12:00 noon-11:00 p.m.)	57	65
Holidays - as defined in section 16-71 (12:00 noon-11:00 p.m.)	57	65

- (d) No property owner shall allow a noise-related nuisance or health or safety hazard to be created or maintained by or on account of tenants of the property owner. For purposes of this subsection, a noise-related nuisance or health or safety hazard shall be deemed to exist when a tenant or group of tenants at a specific location receives a third citation for a noise ordinance violation pursuant to this section. The property owner may be liable for the costs of remedying the nuisance or health or safety hazard in accordance with the provisions of section 16-82. A property owner may be held liable for the costs of abating the nuisance or remedying the health or safety hazard only if the property owner has been notified in writing, via actual delivery or certified mail, of the first two noise ordinance violations. A property owner may be liable for the costs of abating the nuisance or remedying the health or safety hazard upon the third and any subsequent action by the same tenant at a specific location, provided that the third violation occurs at least 15 days from the date of the actual receipt of notice of the second violation. It shall be a complete defense to a citation under this subsection if the owner of the real property involved can prove that he or she is actively pursuing an eviction process according to law, and that the eviction process was begun prior to the date of the third or any subsequent violation by the same tenant at a specific location.

(Code 1990, § 13-6.3)

Sec. 16-74. Proof of source and ambient background level.

A source of sound shall not be held in violation of this article if, after the source is stopped, the sound level measured in the same manner as the measurement which produced the apparent violation is reduced by less than three decibels. For purposes of this article, all individual sources on a single parcel of real property shall be considered a single source. If the sound levels as measured exceed any appropriate level of Table 1 or Table 2 and the measuring officer can clearly identify the dominant offending sound source, the measuring officer shall contact the operator of the sound source and:

- (1) Inform that person of the results of the measurements and that the sound source in question is an apparent violation of the ordinance.
- (2) Inform that person that the ordinance provides the opportunity for him to demonstrate that the sound source in question is not the primary cause of the high sound levels and not in violation by ceasing operations to allow further measurements.
- (3) Inform that person that the owner/operator of the sound source will be considered in violation of the ordinance until operations are ceased or actions taken to reduce the sound level at the point of violation; and
- (4) Offer to make measurements with the sound source stopped if the operator desires.

If the owner/operator ceases operation of the sound source, the enforcing officer shall measure the ambient background sound in the same manner as the original sound and at the same location as the original

measurements. If the ambient background sound so measured is within three dB of the original measurements, no violation shall be proven, and the owner/operator shall be informed so that operations of the sound source may continue. In this case, the enforcing officer shall make it clear to the owner/operator that measurements at another time, another location, or (if appropriate) using a different criteria in the ordinance, could yield a different result.

(Code 1990, § 13-6.4)

Sec. 16-75. Measurement requirements.

Instrumentation used for enforcement of this article shall be designated by its manufacturer as meeting the precision requirements of ANSI S1.4 or IEC 651 for Type 1 or Type 2 sound level meters as defined in those standards. All measurements shall be made using "slow" meter response, except as necessary to identify a repetitive impulsive sound. A windscreen approved by the manufacturer of the instrument shall be used on the microphone when making measurements. The instrument calibration shall be checked (and adjusted if necessary) using an external calibration device within at least one hour before the measurement, and checked again within one hour after the measurement. All measurements shall be made at a height of at least four feet from the ground and at least ten feet from any building, tree trunks, vehicles, or other obstruction other than the person making the measurement. The data record shall contain a written description of the apparent source of the dominant noise measured and its apparent location, the location of the measurements, the approximate time of the measurements, sufficient information to identify the instruments used, and the recorded data. When readings are taken every ten seconds, the measuring officer shall take care to read the actual meter indication each ten seconds without regard to the meter indications between the reading times. When taking octave band readings, each octave shall be observed at least ten seconds. If the variation in level is six decibels or less during that period, the officer shall record the apparent average level, or the "peak hold" value. If the variation is seven to ten decibels, the recorded level shall be three decibels less than the prevalently recurring measurement level, or the "peak hold" value.

(Code 1990, § 13-6.5)

Sec. 16-76. Prohibited noise.

- (a) It shall be unlawful for any person:
- (1) To create or cause the creation of noise so as to disturb or disrupt the peace and quietude of any person in the town; or
 - (2) To create, cause or allow the emission of sound beyond the boundaries of his property or onto the property of another:
 - a. Which endangers or injures the safety or health of humans or animals;
 - b. Which annoys or disturbs a person of normal sensitivities;
 - c. Which endangers or injures personal or real property; or
 - d. Such that the sound level indicated in Table 1 would be exceeded when measured in accordance with section 16-73 for the zoning district on which the measurement is made and the indicated time of day, consistent with the requirements of this chapter:
 1. At any time, for any period of time;
 2. For more than 90 seconds continuously; or

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3. Such that any octave band sound level indicated in Table 2 would be exceeded when measured in accordance with the procedures discussed and referenced in section 16-74 for which the measurement is made and the indicated time of day, consistent with the requirements of this chapter, provided that the sound is present for a time of at least five minutes continuously, and its A-weighted sound level during that time does not vary by more than plus or minus five dB(A).
- (3) To operate or permit to be operated any noise source which generates a sound pressure level exceeding the limits as set forth in Table 1, "Maximum Sound Pressure Levels" when measured outside the real property boundary of the noise source or at any point within any other property affected by the noise; or
- (4) To engage in the following acts, among others, which are declared to be disturbing, unnecessary and excessive noise in violation of this section, but such enumeration shall not be deemed to be exclusive:
- a. The playing of any television set, musical instrument or other electronic sound amplification system in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of a person of normal sensitivities.
 - b. The keeping of any animal which, by causing frequent or long-continued noise, shall disturb the quiet, comfort or repose of the neighborhood to such an extent as to constitute a nuisance.
 - c. The creation of any noise on any street adjacent to any noise sensitive zone which interferes with the workings of or which disturbs or unduly annoys the citizens.
 - d. The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.
 - e. The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention, by creation of noise, to any performance, show or sale or display of merchandise.
 - f. The use of air horns, claxons or whistles inside any town facility.
 - g. The loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, dumpsters or similar objects between the hours of 11:00 p.m. and 7:00 a.m. the following day, in such a manner as to cause a noise disturbance across a residential real property boundary or within a noise sensitive zone, is prohibited, as set forth in Table 1, "Maximum Sound Pressure Levels."
 - h. The operation of any motor-driven vehicle, motorboat, personal watercraft (PWC), air boat, or hovercraft upon any property within the town or on its streets, or waterways, the acceleration of the engine of any vehicle, motorboat, personal watercraft (PWC), air boat, or hovercraft, the sounding, blowing or operation of the horn or other warning device of such vehicle, in such a manner as to disturb the peace, quiet and comfort of any neighborhood or of any person of normal sensitivities residing in such area.
 - i. The repairing, rebuilding, modifying or testing of any motor vehicle, motorcycle, motorboat, or personal watercraft in such a manner as to cause a noise disturbance across a residential real property boundary or within a noise sensitive zone is prohibited as set forth in Table 1, "Maximum Sound Pressure Levels."
- (5) Nothing in this section shall preclude any citizen, without the benefit of noise measuring equipment or contacting a sworn law enforcement officer, from appearing before a judicial officer to obtain a warrant based on this section.

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- (b) It shall be unlawful for any person or persons to play, use, or permit to be played any "electronic sound amplification system" which generates a sound pressure level exceeding the limits as set forth in Table 1, "Maximum Sound Pressure Levels" if it is located in any of the following:
- (1) Any public property, including any public street, highway, building, sidewalk, park or thoroughfare;
 - (2) Any motor vehicle on a public street, highway, public space, or commercial space; or
 - (3) Any commercial space or place of business, and if the sound generated is "plainly audible" at a distance of 75 feet from the device producing sound, unless authorized or exempted by any other section of this article.
- (c) Possession by a person of any machines or devices which may be classified as an "electronic sound amplification system" enumerated in subsection (a)(4)a of this section shall be prima facie evidence that person or those persons operated that machine or device.

(Code 1990, § 13-6.6)

Sec. 16-77. Exceptions.

The following are exempt from the provisions of Table 1 and Table 2 of section 16-73:

- (1) Sound emanating from scheduled outdoor athletic events conducted or sponsored by the town.
- (2) Construction operations from 7:00 a.m. to 9:00 p.m. on weekdays and 8:00 a.m. to 9:00 p.m. on weekends for which building permits have been issued or construction operations not requiring permits; providing all equipment is operated in accord with the manufacturer's specifications and with all standard equipment manufacturer's mufflers and noise-reducing equipment in use and in properly operating condition.
- (3) Noise of safety signals, warning devices, emergency pressure relief valves, and all church bells, For purpose of this subsection, the term "church bells" shall not include electronic devices or artificial sound reproduction systems intended to sound like church bells.
- (4) Noise resulting from any authorized emergency vehicle.
- (5) Unamplified and amplified sound at street fairs conducted or sponsored by the town.
- (6) All noises coming from the normal operations of properly equipped aircraft (not including scale model aircraft).
- (7) Noise from noisemakers and/or fireworks at times allowed under a pyrotechnics permit issued pursuant to G.S. 14-410 et seq.
- (8) Lawn mowers and other similar motorized landscaping equipment used between the daylight hours 7:00 a.m. and 9:00 p.m. on weekdays and 8:00 a.m. to 9:00 p.m. on weekends when operated with all the manufacturer's standard mufflers and noise-reducing equipment in use and in proper operating condition.
- (9) Unamplified and amplified sound at community concerts conducted or sponsored by the town.
- (10) Noise coming from the normal operation of governmental solid waste pickup and disposal vehicles.
- (11) Emergency work, as defined in section 16-71.

(Code 1990, § 13-6.7)

Sec. 16-78. Permits.

- (a) *Who may apply.* A person or group of persons may produce or cause to be produced sound in excess of the limits set in Table 1, "Maximum Sound Pressure Levels" only if a permit to exceed maximum sound pressure levels has been obtained. With a permit granted pursuant to this section, maximum sound levels shall be as set out in Table 2.
- (b) *Grant of permits for outdoor amplified sound.* Outdoor amplified sound, including a live musical group or individual using an electronic sound amplification system that exceeds the levels set forth in Table 1, "Maximum Sound Pressure Levels," may be produced only if an authorized agent of the sponsoring business, organization or group has been granted a permit to exceed maximum sound pressure levels. This permit must be signed by a representative of the business, organization or group holding or sponsoring the event at which the outdoor amplified sound will be produced.
- (c) *Application for permit.* Any person or group of persons desiring a permit to exceed maximum sound pressure levels shall apply as provided in this section, and shall provide all information required. All applications for a permit to exceed maximum sound pressure levels shall be submitted to the town manager or his designee at least 72 hours prior to the scheduled event; failure to comply with this requirement shall be grounds for denying the permit.
- (d) *Action by town manager.* The town manager or his designee shall act upon all requests for permits. In considering and acting on all requests for permits pursuant to this section, the town manager shall consider, but shall not be limited to, the following in issuing or denying such permit: The timeliness of the application; the nature of the requested activity; previous experience with the applicant; the time of the event; other activities in the vicinity of the location proposed; the frequency of the application; the cultural or social benefits of the proposed activity; the effect of the activity on any residential area of the town, and previous violations, if any, of the applicant. A permit issued under this section shall be valid only for a period of seven consecutive days, and may not be renewed or reissued prior to the passage of 25 days from the prior event. All outdoor performances and events shall be contained either within the applicant's property or within property upon which the applicant has written permission from the owner to use. In assessing "other activities in the vicinity" and the frequency of applications in the vicinity, the town manager shall issue no more than two permits in a 25-day period within a 1,000-foot radius of each other or issue permits for events on consecutive weekends (Friday and Saturday) within a 1,000-foot radius.
- (e) *Fee for permit.* Every application for a permit shall require a fee to be paid. Such fee shall be in accordance with the town consolidated fee schedule as may be amended.
- (f) *Conditions on permits.* Permits to exceed maximum sound pressure levels shall specify the duration for which noncompliance shall be permitted and shall prescribe the conditions or requirements necessary to minimize adverse effects upon the community or surrounding neighborhood. The town manager or his designee may require, but shall not be limited to, the following:
 - (1) No sound speakers may be set up more than ten feet off the ground.
 - (2) Permit holders shall change the arrangement of an electronic sound amplification system upon the request of any noise control officer so as to minimize the disturbance to others resulting from the position or orientation of the electronic sound amplification system or from atmospherically or geographically caused dispersal of sound beyond the property lines.
 - (3) The affected property owners, as determined by the town manager, located in the vicinity of the location proposed as the site of the permitted event shall be notified by the applicant at least 72 hours prior to the scheduled event, and also advised of the time by which cleanup of the area will be accomplished. Notice to the adjoining property owners shall include a statement indicating that comments or concerns regarding the issuance of a permit at the proposed location may be made to the

town manager prior to the event. These conditions are mandatory on all permit to exceed maximum sound pressure levels applicants.

- (4) No event for which a permit to exceed maximum sound pressure levels that has been issued may last for more than four hours in duration unless approved by the town.
 - (5) No event may extend beyond 12:00 midnight.
 - (6) The applicant may be required to employ one or more off-duty town police officers equipped with a noise meter to monitor compliance of the applicant with the conditions of the permit.
 - (7) The site of the event, and the area surrounding the site of the event, will be cleaned, by the applicant, of all the trash, litter and debris by 10:00 a.m. the following day, or by sunset of the day of the event if the event ends at least four hours before sunset.
- (g) *Cooperating with town officials.* Permit holders shall agree to cooperate with noise control officers of the town in enforcing the noise control ordinance by having the signers of the permit available at the site of the event during the entire time for which a permit has been issued and capable of assisting the noise control officers in enforcing the noise control ordinance. Failure of such signers of a permit to be present or to assist the noise control officers in complying with this section will be cause for revocation of such permit.
- (h) *Crowd gathering permit.* Any outdoor performance or event which is expected by the sponsors thereof to draw a crowd of more than 100 participants and spectators shall not be held, commenced or advertised until such time as a crowd gathering permit is applied for and issued in accordance with section 4-42.

(Code 1990, § 13-6.8)

Sec. 16-79. Motor vehicle noise.

- (a) It shall be unlawful for any person to drive, operate, move, or permit to be driven, operated or moved, a motor vehicle or combination of vehicles at any time in such a manner that the sound level of the vehicle exceeds the levels set forth for that category of vehicles as shown in Table 4.

Table 4
Maximum Motor Vehicle Sound Level in dB(A)

	Speed Limit 35 mph or Less	Speed Limit 35 mph or More	Vehicle Stationary
Motor vehicle with a gross vehicle weight rating (GVWR) of less than 10,000 pounds	81	85	83
Motorcycle	81	85	83
Motor vehicle with a GVWR of more than 10,000 pounds	89	94	91
Any other motor vehicle or any combination of vehicles towed by any motor vehicle	76	80	

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- (b) Sound levels are to be measured at a distance of 25 feet from the nearest lane being monitored and at a height of at least four feet above the immediate surrounding surface.
 - (c) This section shall apply to the total noise from a vehicle and shall not be construed as limiting or precluding the enforcement of any other provisions of this section relating to motor vehicle mufflers or noise control.
 - (d) Traffic, aircraft and other transportation noise sources and other background noises shall not be considered in taking measurements under this section.

(Code 1990, § 13-6.9)

Cross reference(s)—Abandoned, nuisance and junked motor vehicles, § 16-121 et seq.; traffic and motor vehicles, ch. 42.

Sec. 16-80. Mufflers.

- (a) It shall be unlawful for any person to operate or cause to be operated a motor vehicle unless the exhaust system is free from defects which affect sound reduction.
- (b) No person shall remove or render inoperative, or cause to be removed or rendered inoperative, other than for purposes of maintenance, repair or replacement, any muffler or sound dissipative device on a motor vehicle.
- (c) It shall be unlawful for any person to modify the exhaust system of a motor vehicle by the installation of a muffler cutout or bypass, and no person shall operate a motor vehicle which has been so modified.

(Code 1990, § 13-6.10)

Sec. 16-81. Off-road vehicles.

- (a) It shall be unlawful for any person to operate or cause to be operated a recreational or off-road motor vehicle individually, in a group, or in an organized racing event, on public or private property in such a manner that the sound level exceeds the maximum permissible levels set forth previously in section 16-79 for motorcycles, adjusted to a distance of 25 feet from the path of the vehicle when operated on public space, or at the boundary of private property when operated on private property.
- (b) This section shall apply to all recreational vehicles, whether or not duly licensed or registered including, but not limited to, commercial or noncommercial racing vehicles, motorcycles, go-carts, amphibious craft and dune buggies.
- (c) Use of such vehicles off-road except for emergency purposes and except to attain access from private property to public rights-of-way, shall be completely prohibited between the hours of 11:00 p.m. and 7:00 a.m.

(Code 1990, § 13-6.11)

Sec. 16-82. Enforcement.

- (a) This article shall be enforced in accordance with the provisions of section 1-6.
- (b) Any violation of these sections, for which a criminal citation is issued pursuant to G.S. 14-4, shall subject the offender to a fine of \$50.00 for each violation.

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- (c) In addition to the remedies provided in section 1-6, a property owner shall be liable for the cost of abating the nuisance or remedying the health or safety hazard created by a tenant for a third or subsequent violation of these sections, as specified in section 16-73. A property owner may be liable for the actual cost of abatement/remedy taking into account the cost of law enforcement personnel salaries, law enforcement equipment, administrative overhead, law enforcement record keeping, mailing and notification costs, and any other costs directly or indirectly attributable to the cost of abating the nuisance or remedying the health or safety hazard. In no case shall the cost assessed under this section be less than \$100.00 for the third violation by the tenant (initial assessment of property owner), or less than \$75.00 for any subsequent assessment for the same-tenant violation. If costs assessed pursuant to this subsection are not paid by the property owner within 30 days of receipt of a statement of costs from the town, the costs may be placed as a lien on the property where the hazard existed. However, any violation of a maximum sound level of 85 dB(A) under provisions of a permit to exceed maximum sound pressure levels shall subject the offender to immediate revocation of the permit and to a civil penalty in the amount of \$200.00. Upon revocation of a permit, maximum sound levels shall be reduced to those otherwise permitted under this article.

(Code 1990, § 13-6.12)

Secs. 16-83—16-120. Reserved.