

# REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: 20.

Date of Request: July 31, 2008

Date Request Received: July 31, 2008

Board Meeting Date Requested: August 4, 2008

Board Meeting Date Assigned: August 4, 2008

**Short Title:** Discussion Of The Pender County Noise Ordinance.

**Request Status:**  
 Request is proceeding to Board of Commissioners  
 More information is needed – see attached  
 Request on hold – no further information needed  
 Other:

**Background:** Chairman Williams requested that the Noise Ordinance be put on the agenda for discussion.

**Specific Action Requested:** Discuss the Pender County Noise Ordinance.

*(Administrative Use Only)*

Requested by: David Williams  
Department:  
Title: Commissioner  
Contact Phone: 259-1200  
Contact Fax:

## CONTRACT TYPE

- Renewal
- For Service(s)
- Intergovernmental – County as Grantee
  - Federal Grantor
  - State Grantor
  - Grant or
- County as Grantor
  - County Funds
  - Other Funds:
- Revision
- For Equipment

**PURCHASING** Budgeted Item:  Yes  No  
Date Rec'd:  Reviewed and Approved  
 Comments on Reverse

Date Sent: Signed:

**ATTORNEY**  Reviewed and Approved  
Date Rec'd:  Legal Problem(s)  
 Comments on Reverse

Date Sent: Signed:

**FINANCE** Sufficient Funds  Available  Not Available  
Date Rec'd:  Budget Amendment Necessary  
 Budgeted Amendment is Attached  
 Comments on Reverse

Date Sent: Signed:

**CLERK** Signature(s) Required:  
 Board Chairman/County Manager  
 Other:

Date Rec'd Approved by Board:  Yes  No  
At meeting on

**ARTICLE III. NOISE****Sec. 9-46. Application and jurisdiction.**

(a) This article shall apply to all parts of the county including those within the municipal limits of any incorporated town or city if such town or city does not have a duly adopted noise ordinance, and in the event that such town or city should have a noise ordinance, then in that event such town or city ordinance shall prevail within the corporate limits of such city or town.

(b) This article shall not apply to noise created by dogs or other animals.  
(Ord. of 11-20-85, §§ VII, VIII)

**Sec. 9-47. General prohibition.**

The creation of any unreasonably loud, disturbing or unnecessary noise by any person in the county between the time period of 11:00 p.m. and one-half hour before sunrise, each day of the week, is prohibited, except as hereinafter otherwise provided.

(Ord. of 11-4-85, § I; Ord. of 5-15-95(1), § 1)

**Sec. 9-48. Determination of prohibited noise.**

Noise of such character, intensity or duration as to be detrimental to or to interfere with the life, or health, or comfort of any citizens of the county shall constitute unreasonably loud, disturbing or unnecessary noise.

(Ord. of 11-4-85, § II)

**Sec. 9-49. Special permits authorized.**

Notwithstanding any of the provisions of this article, the board of county commissioners shall in its sole discretion from time to time grant permission upon application to such persons who apply for the right to conduct activities of a business, cultural, educational or civic nature which entail the creation of noise.

(Ord. of 11-4-85, § III)

**Sec. 9-50. Exemption.**

Noise caused in the performance of emergency work for the immediate safety, health, or welfare of the community or individuals of the community or to restore property to a safe condition following a public calamity shall be exempt and not subject to the provisions of this article.

(Ord. of 11-4-85, § IV)

**Secs. 9-51—9-80. Reserved.**

**NOTICE OF PUBLIC HEARING**

On Monday, April 17, 2006 commencing at 7:00 p.m. or as soon thereafter as is possible, the Pender County Board of Commissioners will hold a public hearing to determine if the following change to the Pender County Code should be approved:

Section 1. Section 9-47 of the Pender County Code is amended to read as follows: (Proposed new language appears in *Italics*)

9-47 General Prohibition

(A) The creation of any unreasonably loud, disturbing or unnecessary noise by any person in the county between the time period of 11:00 p.m. and one-half hour before sunrise, each day of the week, is prohibited, except as otherwise provided.

(B) *It shall be unlawful to play amplified music, be it from a recorded, transmitted or broadcast source, at any time on any day of the week, in such a manner as to be detrimental to or interfere with the life, health or comfort of a reasonable person. This prohibition shall apply to both fixed and mobile sources, including motor vehicles. This prohibition shall not apply to the live playing of a musical instrument, or the amplification of a musical instrument which is being played live.*

Mr. Meadows made a motion to approve this amendment, Mr. Williams seconded the motion, and it was unanimously approved.