PUBLIC INFORMATION

ITEM NO. 24.

DATE OF MEETING: February 21, 2012

REQUESTED BY: Vice Chairman Jimmy T. Tate

SHORT TITLE: Discussion Regarding County's Noise Ordinance

BACKGROUND: Due to numerous complaints, Mr. Tate has asked that this item be put on the agenda for discussion. A copy of the original Noise Ordinance of November, 1985 and the amendment of April, 2006 are attached.

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.