

TOWN MANAGER
Ken Deal

TOWN CLERK
Pamela Mills

TOWN ATTORNEY
Tom Brooke



MAYOR
Lee Withers

TOWN COUNCIL
Arthur Heggins
Brandon Linn
Rodney Phillips
Charles Seaford
Steve Stroud

TOWN OF CHINA GROVE

ORDINANCE NO. 2018-06

AN ORDINANCE AMENDING CHAPTER 26 ENVIRONMENT ARTICLE III NOISE

BE IT ORDAINED by the Town Council of the Town of China Grove that the China Grove Code of Ordinance shall be amended with the addition as follows:

Sec. 26-82. - Prohibited noises enumerated.

The following activities, among others, are hereby declared to be unreasonably loud, disturbing sound levels, but such 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 between the hours of 11:00 p.m. and 7:00 a.m., such that a reasonably prudent person would recognize the sound 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 the sound 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 use of any electronic sound amplification equipment for advertising or solicitation, except with an appropriate permit.
- (5) To engage, use, operate or employ unmuffled engine compression brakes on any vehicle or any unit constituting a part thereof on any street within the corporate limits of the town for which one or more signs are posted stating that "Unmuffled Engine Braking Prohibited."
 - (a) The term "engine compression brakes" means a device used for the conversion of the v vehicle engine from an internal combustion engine to an air compressor for the purpose of slowing or stopping the vehicle without the use of wheel braking systems.
 - (b) It shall not be a violation of this subsection during any event deemed an emergency for the purpose of avoiding a collision with another object, person or vehicle.

(c) This subsection shall not apply to government-owned or operated vehicles.

(Code 1993, § 14-92; Ord. of 4-7-1992, § 2)

Sec. 26-83. - Permit authorized for regulated activities; application; appeal upon denial.

- (a) Persons wishing to engage in activities regulated by this article may do so when a specific permit is approved by the town council or the police chief or his 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 actual notice. A permit may be revoked if it is determined that the authorized activity has resulted in the generation of unreasonably loud, disturbing sound levels.
- (b) In case an application is denied, or 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 council, upon submission of a written request. Any person aggrieved by a matter regulated by this article may submit written comments to the police chief, including requests for appropriate relief.

(Code 1993, § 14-93; Ord. of 4-7-1992, § 3)

Sec. 26-84. - Violations; penalties.

~~The violation of the provisions of this article shall not be a misdemeanor nor shall the town be authorized to prosecute noncompliance with the article as a crime or infraction pursuant to G.S. 160A-175(b). The remedies for violation of this article shall be:~~

- ~~(1) Any person not in compliance with this article shall pay a civil penalty of \$10.00 for the first violation, \$25.00 for the second violation and \$100.00 for the third violation and each violation thereafter, together with the costs of court. The penalty shall be due and payable within 30 days of the receipt of the notice of violation, and unpaid penalties shall bear interest at the rate of ten percent per annum after the expiration of 30 days. Any resumption of the sound regulated by this article after a notice of violation has been issued shall be deemed a separate violation. Penalties shall be cumulative and shall be enforceable by civil action brought by the town in the general courts of justice as authorized by G.S. 160A-175(e).~~
- ~~(2) Such injunctive relief and abatement orders as shall be authorized by G.S. 160A-175(a). Injunctive relief may be authorized either in conjunction with a civil penalty or in lieu of a civil penalty, and this article may be enforced by any one, all or a combination of the remedies authorized in this section.~~

- (a) Any person violating or allowing violation of this article shall be guilty of a misdemeanor and upon conviction shall be fined [at] the discretion of the court not to exceed one hundred dollars (\$100.00) or thirty (30) days imprisonment.

(b) Each and every day that any person, firm or corporation shall continue such conduct in violation of this article shall be and constitute a distinct and separate offense.

(c) This article may be enforced by injunction or order of abatement.

(Code 1993, § 14-94; Ord. of 4-7-1992, § 4)

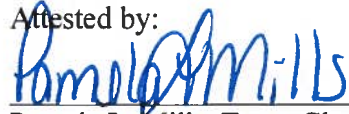
This ordinance shall be in full force and effect from and after the date of adoption.

Adopted this 7th day of August, 2018.



Lee Withers, Mayor

Attested by:



Pamela L. Mills, Town Clerk CMC