

MACON COUNTY NUISANCE ORDINANCE

Originally Adopted: *April 14, 2015* Effective: *April 14, 2015*

GENERAL PROVISIONS

§160.01 Title

This Ordinance shall be known and may be cited as the Nuisance Ordinance of the County of Macon, North Carolina.

§160.02 Purpose

The purpose of this Ordinance is to prohibit nuisances which result from- loud, unnecessary, and disturbing noise.

§160.03 Authority

This Nuisance Ordinance is enacted pursuant to the authority and provisions of N.C. Gen. Stat. § 153A-121 and the provisions of N.C. gen Stat. § 153A-133.

§160.04 Jurisdiction

The regulations contained herein, as provided in G.S. 153A, Article 18 shall govern in Macon County outside of the jurisdiction of any incorporated municipality within Macon County, North Carolina.

§160.05 Definitions

- A. **-Loud, Unnecessary and Disturbing Noise:** As used herein, the term "Loud, Unnecessary and Disturbing Noise" shall mean: any noise intentionally created which because of its volume level, duration and/or character annoys, disturbs, injures, or endangers the comfort, health, peace, or safety of reasonable persons of ordinary sensibilities in the County.

§160.06 Loud, Unnecessary and Disturbing Noise Shall Constitute a Nuisance:

- (a) It shall be unlawful and shall constitute a nuisance for any person or group of persons, regardless of number, to continue, or cause to be made or continue any "loud, unnecessary and disturbing noise": as defined herein.____
- (b) The following shall be unlawful and are declared to be nuisances in violation of this Ordinance, but such enumeration shall not be deemed to be exclusive:
1. The use of horns or signal devices in a manner such that "loud, unnecessary and disturbing noise", as defined herein, is produced from the same.
 2. The use of radios, stereos, sound-producing devices, electronic or mechanical devices, or sound amplification devices in a manner such that "loud, unnecessary, and disturbing noise" as defined herein is produced from the same.
 3. The use of loud, boisterous language, or shouting in a manner such that "loud, unnecessary, and disturbing noise" as defined herein is produced from the same.

§160.07 Exemptions: The following shall be exempt from the application of this Ordinance:

- a. Necessary noise from the normal and legal operations of any industrial operation, commercial business, nonprofit organization, or governmental facility or function.
- b. Noise resulting from the normal maintenance and operation(s) of residential and commercial property.
- c. Noise resulting from agricultural and horticultural operations.
- d. Noise resulting from any authorized emergency vehicle or public safety vehicle and associated activities conducted from the same.
- e. Noise resulting from any military, law enforcement activities, or educational institution of any federal, state, or local government to include military observances.
- f. Noise resulting from emergency work necessary to preserve and/or restore property to a safe condition following a fire, accident, natural disaster, etc. or to restore public utilities.
- g. Noise from any bell or chime from any building clock, school, or church.
- h. Noise from lawful fireworks and noise makers on holidays and at religious ceremonies.
- i. Noise created by any public recreational event or public entertainment activity.
- j. Noise from firearms while being used in a lawful and safe manner.

§160.08 Enforcement; Violation; and Penalties:

- a. Enforcement: The Sheriff of Macon County shall be responsible for enforcement of this Ordinance in the unincorporated areas of Macon County.
- b. Penalties: Any person who violates any provision of this Ordinance shall be guilty of a class 3 misdemeanor and fined not more than \$500.00.
- c. Violation: Each day of a continuing violation shall constitute a separate violation under this subsection.

§160.09 Injunctions:

The operation of any device in violation of any provision of this chapter which causes discomfort, or annoyance to a reasonable person of ordinary sensibilities or endangers the comfort, repose, health, or peace of residents of this county, shall be deemed, and is declared to be, a public nuisance, and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

§160.10 Severability:

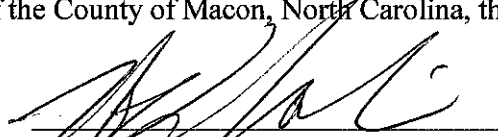
Should any section or provision of this Ordinance be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

§159.77 Effective Date:

This Ordinance shall take effect upon its adoption by the Macon County Commissioners the 14th day of APRIL 2015

§159.78 Adoption:

Duly adopted by the Board of Commissioners of the County of Macon, North Carolina, this the 14 day of APRIL 2015



Chairman, Board of Commissioners

ATTEST:



Derek Roland, County Manager

