



**BOARD OF COMMISSIONERS  
OF THE COUNTY OF HYDE,  
NORTH CAROLINA**

**CHAPTER 16**

**ARTICLE II  
NOISE**

**Sec. 16.19 PURPOSE OF NOISE REGULATIONS.**

1.(A) It is recognized that excessive and unnecessary noise endangers the physical and emotional health and welfare of the people, interferes with legitimate business and recreational activity, increases construction costs, depresses property values, offends the senses, creates public nuisances and in other respects reduces the quality of life.

(B) It is further recognized that a substantial body of science and technology exists by which excessive sound may be measured and substantially abated. Because the regulation of excessive and unnecessary noise that may jeopardize human health or welfare or substantially degrade the quality of life is well within the purview of law enforcement powers, it is declared to be the purpose of this subchapter to prevent, prohibit and provide for the regulation and abatement of excessive and unnecessary noise which may injure the physical and emotional health or welfare of its citizens or degrade the quality of life.

**Sec. 16.19.a - DEFINITIONS.**

(A) For the purpose of §§ 91.01 through 91.07 (which sections are referred to herein as "this subchapter"), the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**A WEIGHTED SOUND LEVEL.** 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).

**ACCOUSTIC MUSIC.** Music that is produced solely or primarily by instruments which produce sound through entirely acoustic means, as opposed to electric or electronic means.

**DECIBEL (dB).** A unit for describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micronewtons per square meter.

**EMERGENCY WORK.** Any work performed for the purposes of preventing or alleviating physical trauma or property damage threatened or caused by an existing or imminent peril.

**EVENT.** A gathering of people for the purpose of recreation, entertainment, worship, fundraising, or cultural activity outdoors on a lot or other property, where amplified sound is emitted from the property.

**NIGHTTIME.** As used in this subchapter **NIGHTTIME** shall mean the time period between the hours of 10:00 p.m. and the following 7:00 a.m.

**NOISE.** Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

**OUTDOOR AMPLIFIED SOUND.** Any sound using sound amplifying equipment where such equipment is located outside of a residential or commercial structure or within such structures where it is obvious that the sound emitted from the amplifying equipment is intended to be transmitted to the outside through open doors or windows or other openings in the structure.

**SOUND AMPLIFYING EQUIPMENT.** Any device for the amplification of the human voice, music, or any other sound, including televisions, electronic loud speakers, jukeboxes, stereos, compact disc players and radios.

**SOUND LEVEL METER.** An instrument which includes a microphone, amplifier, IRS detector, integrator or time averages, output meter and weighting network used to measure sound pressure levels.

**UNNECESSARY NOISE.** Any excessive or unusually loud sound which disturbs the peace and quiet of any neighborhood or which does annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of any reasonable person of ordinary sensibilities or causes damage to property.

(B) All terminology not defined in this section but used in this subchapter shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

#### **Sec. 16.21 PROHIBITED NOISES**

(a) No person shall make, continue or cause to be made or continued...**the emission of sound from any source or sources which, when measured pursuant to the procedure outlined by this subchapter, exceeds 70 decibels.**

#### **Sec. 16.22 NOISE MEASUREMENT STANDARDS AND DETERMINATIONS.**

(A) Sound level measurements shall be made with a sound level meter using the A-weighting scale set on low response.

(B) Sound level meters shall be at least Type II meeting the American National Standard Institute (ANSI) S1.4-1971 requirements and shall be operated according to the manufacturer's

standards. Person(s) using the sound level meters shall be trained in sound level measurement and the operation of sound level measurement equipment.

(C) The measurement shall be from any point which is at least 25 lineal feet from the nearest point from which the sound originates, using approved sound measuring equipment. The measurement shall not be made on the private property where the noise is being produced. At the discretion of the enforcing officer, the sound measurement may be taken on the property of the person complaining about the noise.

(D) Sound measurements shall be conducted at the time when the suspect noise or sound is being emitted.

#### **Sec. 16.20 PENALTY**

Any violation of this ordinance shall subject the offender to a civil penalty in the amount of \$250 for the first violation, and \$500 for the second violation. Permits will be revoked for the third violation, and the offender will lose the privilege to apply for a permit until the calendar year following the violations.

#### **Sec. 16.20 ENFORCEMENT**

The Hyde County Sheriff or designee shall have the authority to order those person(s) determined to be in violation of this subchapter to cease producing the sound in excess of that authorized. Such order shall not affect other enforcement methods available for violation of this subchapter.

#### ***Statutory reference:***

*Authority to regulate mass gatherings, see G.S. § 130A-258*

Passed and adopted by the Hyde County Board of Commissioners this 20<sup>th</sup> day of June, 2011.

---

Sharon P. Spencer, Chair  
Hyde County Board of Commissioners

ATTEST:

---

Mazie Smith, Clerk

---

Fred Holscher, Attorney