



## Briefing Sheet

**Lead Department:** Public Safety Advisory Committee; Fire Dept.      **Action Officer:** Gerard Wroblewski, Chairperson  
Todd Wright, Fire Chief

**Subject:** Noise Ordinance Amendment

**Action Requested:** Adopt Noise Ordinance Amendment 2008-106, which would rescind Ordinance 91-36, Chapter 18, Article II of the town code.

**Briefing:** 10/14/08      **Public Hearing:** 10/28/08      **Action:** 11/25/08

Item Schedule	Select One
Schedule 1: Brief twice – vote once (six weeks)	<input checked="" type="checkbox"/>
Schedule 2: Brief once – vote once (two weeks)	<input type="checkbox"/>
Schedule 3: No briefing required (one week)	<input type="checkbox"/>

**Town Board Discussion and Action:**

*To be inserted by Town Clerk after minutes are approved by the Council.*

**Executive Summary:** For the last year, the Public Safety Advisory Committee (PSAC) has been researching ways to improve the current Noise Ordinance. The proposed Noise Ordinance Amendment is a complete revision and would therefore be rescinding the current Ordinance 91-39 which was adopted on August 26<sup>th</sup>, 1991. If adopted, 2008-106 Ordinance would replace Chapter 18, Article II of the town code in its entirety.

**Background:** The PSAC received a noise complaint over a year ago. In trying to bring resolution to the complaint the committee recognized the current ordinance was outdated and that a complete revision of the current Noise Ordinance was needed.

**Staff Recommendation:** Public Safety Advisory Committee and Staff recommend rescinding Ordinance 91-39, which would cause the text from Ordinance 2008-106 to replace the current text of the Town Code Chapter 18, Article II. Due the time it will take to procure sound level meters and train staff it is recommended the new Ordinance be effective on January 1, 2009.

**Staff Recognition of Goals and Initiatives (G & I) adopted by the Council:** Select by checking the box for all Initiatives that are met by this briefing sheet’s proposal. Area for additional comments under table.

Goals	Initiatives
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<p>1. Achieve a mix of land uses that is environmentally sensitive and sustains livability in a changing community</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>1.1 Growth Management Plan                  1.2 Revise Land Use Plan                  1.3 Implementation of Town Center Plan                  1.4 Parks, greenways, and open space                  1.5 Storm Water utility and fee                  1.6 Environmentally friendly and energy efficient community</p>
<p>2. Achieve a strong and stable financial position that fully utilizes all resources in a responsible, efficient and effective manner</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>2.1. Create a strategic financial plan                  2.2. Enhancement of internal controls                  2.3. Funding opportunities                  2.4. Roadway evaluation program</p>
<p>3. Continuously improve service delivery, information and processes</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>3.1. Performance measurement process                  3.2. Review internal processes                  3.3. Professional development plan                  3.4. Implementation plan for information technology</p>
<p>4. Ensure that transportation and other critical public infrastructure is developed and maintained to meet current and future needs</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>4.1. Transportation plan                  4.2. Storm Water Management plan                  4.3. Identify critical areas of traffic congestion                  4.4. Capital funding strategy for infrastructure needs                  4.5. Evaluate in-house vs. contract engineering services</p>
<p>5. Achieve a town image with a strong, positive identity valued by residents, businesses, and visitors</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>5.1. Identity of the Town                  5.2. Public Involvement                  5.3. Availability of information</p>
<p>6. Foster a collaborative environment to grow and develop new resources and opportunities</p>	<input type="checkbox"/>	<p>6.1. Liaisons with agencies, jurisdictions, and stakeholders</p>
<p>7. Provide community services that sustain and enhance the quality of life</p>	<input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	<p>7.1. Safer community                  7.2. Evaluate existing emergency response capabilities                  7.3. Develop and implement a healthy community program                  7.4. Community usage of parks, recreation &amp; cultural resources &amp; facilities</p>

**G & I Additional Comment:**

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**Board/Committee Review:** Public Safety Advisory Committee

**Meeting Date:**

**Public Comment:**

**Action:**

**Minutes:**

**Recommendation:**

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**History of Briefing:** *This section should only address past briefings, hearings, actions, etc.*

Date:

Discussion/Board Direction:

2008-106 Noise Ordinance Amendment

- List Attachments:**
- 2008-106 Code of Ordinance-Noise
  - 91-36 Ordinance

**Resource Impact:** time/funds/equipment

Staff time required if item is approved: Low

Funding Source: None

Resources Utilized: PSAC, Code Book, Staff

**Staff Coordination:** Check the box for those required to comment on left. To comment-click in the box and select. (2<sup>nd</sup> Briefing is used when information has significantly changed from the first briefing.)

Required	Staff Member	1 <sup>st</sup> Briefing	2 <sup>nd</sup> Briefing
<input checked="" type="checkbox"/>	Town Manager	Agree	
<input checked="" type="checkbox"/>	Town Clerk	Reviewed	
<input checked="" type="checkbox"/>	Senior Director Business Management	Reviewed	
<input type="checkbox"/>	Budget and Analysis Manager		
<input type="checkbox"/>	Finance Officer		
<input type="checkbox"/>	Information Technology Director		
<input type="checkbox"/>	Contracting and Purchasing Manager		
<input checked="" type="checkbox"/>	Senior Director Development Services	Reviewed	
<input type="checkbox"/>	Planning Director		
<input type="checkbox"/>	Town Engineer		
<input type="checkbox"/>	Building Codes Administrator		
<input type="checkbox"/>	Economic Development		
<input checked="" type="checkbox"/>	Senior Director Community Services	Agree	
<input checked="" type="checkbox"/>	Risk Manager/Safety Officer	Agree	
<input checked="" type="checkbox"/>	Police Chief	Agree	
<input checked="" type="checkbox"/>	Fire Chief	Originator	
<input type="checkbox"/>	Parks & Recreation Director		
<input type="checkbox"/>	Public Works Director		
<input checked="" type="checkbox"/>	Public Information Officer	Reviewed	
<input type="checkbox"/>	Town Attorney		
<input type="checkbox"/>	Human Resources Manager		

If disagreeing, explain:

**Public Information Plan:** Answer the following questions and notate the level of PI Plan needed

Question	Select
Does the item's subject matter affect the majority of our population?	Yes
(Note: specify the target audience within the Executive Summary section above.)	
Would action have a direct effect, positive or negative, on community services?	Yes
Does the item propose an internal policy change?	Yes
Does the item propose an external policy change that would result in an amendment to our town codes, ordinances, Land Use Plan, or Zoning Map?	Yes
Does the item require an appropriation of funds equal to or over \$90,000?	No
Will/does the item relate to a Capital Improvements Project?	No
Are there any ordinance or general statute requirements for public notification?	No

2008-106 Noise Ordinance Amendment

(Note: If so, cite the ordinance or general statute language within the Executive Summary section above.)	
Does the item require a Public Hearing?	Yes
Will there be a public forum session held on the subject to gather input?	No
<b>Public Information Plan</b>	<b>Select</b>
"Get Noticed" - five or more YES answers	<input checked="" type="checkbox"/>
"Legal Ease" - three or four YES answers	<input type="checkbox"/>
"Standard Issue" - two or less YES answers	<input type="checkbox"/>



**ORDINANCE 2008-106 OF THE MORRISVILLE TOWN COUNCIL PERTAINING TO RESCINDING ORDINANCE 91-39 REGARDING CHAPTER 18, ARTICLE II OF THE TOWN CODE OF ORDINANCES, THE REGULATION OF NOISE WITHIN THE TOWN LIMITS**

**WHEREAS**, the most recent version of Chapter 18, Article II of the Town Code was adopted 8.26.91 as Ordinance 91-39 and does not adhere to today's necessary requirements and standards; and

**WHEREAS**, the Public Safety Advisory Committee is proposing a new Noise Ordinance for the Town of Morrisville; and

**WHEREAS**, the Public Safety Advisory Committee and staff support the adoption of Ordinance 2008-106 amending Article II of the Town Code of Ordinances regulating noise within the Town limits:

**NOW, THEREFORE, BE IT ORDAINED BY THE MORRISVILLE TOWN COUNCIL THAT** Ordinance 91-39 be rescinded and Ordinance 2008-106 be adopted, causing Chapter 18, Article II of the Town Code regarding Noise be replaced in its entirety with the following text:

**ARTICLE II.  
NOISE\***

**\*State law references:** Authority to regulate noise, G.S. § 160A-184.

**Sec. 18-41. Loud, disturbing noises prohibited, generally.**

Subject to the provisions of sections 18-43 through 18-48, it shall be unlawful for any person to create or assist in creating any unreasonably loud, disturbing noise in the town taking into consideration the volume, duration, frequency and other characteristics of the sound. A person shall be deemed to create or assist in creating noise if that person owns, manages or operates any residence, business, or location at which the noise is generated.

**Sec. 18-42. Definitions.**

For the purpose of this division, the following words and phrases are defined below unless it shall be apparent from the context that a different meaning is intended:

*Emergency work* shall mean any work performed for the purpose of preventing or alleviating physical trauma or property damage threatened or caused by an existing or imminent peril.

*Motor vehicle* or *vehicle*, as used herein, shall mean any vehicle propelled on land by a motor, such as, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, go-carts, automobiles, motorcycles or buses. It shall exclude trains and emergency response vehicles such as police, fire and rescue vehicles.

*Noise control officer*, as used herein, shall mean any police officer or other person so designated by the town manager.

*Person* shall mean any individual, association, partnership or corporation, including any officer, employee, department, agency or instrumentally [instrument] of the United States, the state or any political subdivision thereof.

*Technical terms:*

- (1) *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).
- (2) *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.
- (3) *Sound:* An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression, and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.
- (4) *Sound pressure level:* 20 times the logarithms to the base 10 of the ratio of the root mean squared (RMS) sound pressure to the reference pressure of 20 micronewtons per square meter.
- (5) *Sound-level meter:* An instrument which includes a microphone, amplifier, RSM detector, integrator or time average, output meter and weighting network used to measure sound pressure levels.
- (6) *Sound level:* The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C as specified in American National Standards Institute Specifications for sound level meters (ANSI S1.41971 or the latest approved version thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.
- (7) *Slow response:* A measuring technique to obtain an average value when measuring a noise level that fluctuates over a range of four dB or more. By way of illustration only, a sound level meter set on "slow response" would record a sound level between two and six decibels less than the reading for a steadying signal of the same frequency and amplitude when a tone of 1,000 Hz and for a duration of 0.5 seconds is applied.
- (8) *Amplified sound:* Any sound using amplifying equipment, whose source is outside or whose source is inside and the sound propagates to the outside or to other dwellings or interior locations under separate ownership or occupancy.
- (9) *Noise:* As used herein, unreasonably loud, disturbing sound levels taking into consideration the volume, duration, frequency and other characteristics of the sound.

**Sec. 18-43. Noise measurement.**

For the purpose of determining db(A)'s as referred to in this article, sound levels shall be measured on the A-weighting scale on a sound level meter of standard design and quality having characteristics established by the American National Standards Institute (ANSI) or its successor body.

**Sec. 18-44. Particular sounds prohibited.**

The following acts and activities, among others, are hereby declared to be unreasonably loud and disturbing sound levels in violation of section 18-41. This enumeration shall not be construed to be an exclusive list of activities or acts which violate section 18-41:

- (1) The sounding of a railroad locomotive whistle or horn for the period of time beyond that which is reasonably necessary to warn or alert others at road crossings at grade level of some real or potential danger.
- (2) The use of any gong, bell or siren upon any motor vehicle.
- (3) The discharge into the open air of the exhaust of any stationary internal combustion engine, motor vehicle or motor boat engine, except through a muffler or other device which effectively prevents unreasonably loud and disturbing or explosive sounds there from.
- (4) The use of any mechanical device operated by compressed air unless the sounds created are effectively muffled and reduced.
- (5) The sounding of any chime, bell or gong attached to any building or premises, which disturbs the quiet or repose of any person in the vicinity thereof.
- (6) The shouting and crying of peddlers, barkers, hawkers and vendors which disturbs the quiet and peace of a residential neighborhood.
- (7) The firing or discharging of any kind of gun and the firing, discharge or ignition of squibs, firecrackers, gunpowder or other pyrotechnics, except with a permit as set forth in section 18-48, which shall be subject to the approval of the Town and the Wake County Fire Marshal, provided that squibs, firecrackers and other pyrotechnics may only be fired, discharged or ignited at public events.

**Sec. 18-45. Sounds impacting residential life.**

- (a) The following acts and activities shall be unlawful in any residentially zoned area of the town or within 1,000 feet of any occupied residential structure in all zoning districts of the town:
- (1) Operating a front-end loader or other truck for refuse collection except on Monday through Saturday between the hours of 7:00 a.m. and 8:00 p.m. The violator is the operator of the front-end loader or truck, the employer of the operator or the person which possesses or controls the front-end loader or truck used by the operator.
  - (2) It is unlawful to construct, demolish, alter or repair any building or other structure in the town other than between the hours of 7:00 a.m. and 9:00 p.m., Monday through Saturday. Commercial construction on Sunday is prohibited except where permitted by the Town Manager. The Town Manager may permit emergency work, whether commercial or residential, at any time in order to preserve the public health and safety at any time. Private/Homeowner residential construction is permitted on Sundays from 12:00 PM until dusk. Permit requirements/restrictions for residential areas would include:

No loud music,  
No land clearing,  
No grading or other use of earth moving equipment,  
Commercial construction limited to interior work only except for projects less than 1,000 sq.ft.

- (3) Operating any garage or service station so as to cause unreasonable loud, disturbing sound to be emitted between the hours of 9:00 p.m. and 7:00 a.m. on any day.
- (4) Operating lawnmowers and other motor-driven domestic tools out-of-doors between the hours of 9:00 p.m. and 7:00 a.m. Monday through Friday and between the hours of 9:00 p.m. and 9:00 a.m. on Saturdays and Sundays; except the mowing of golf course greens is allowed on any day between the hours of 6:00 a.m. and 9:00 p.m. during the months of May through August.
- (5) Creating or causing any sounds to be created or emitted which sounds register more than 60 db(A) at any point on or within the nearest complainant's property line.

**Sec. 18-46. Amplified sound.**

(a) It shall be unlawful to:

- (1) Operate or allow the operation of any sound amplification equipment so as to create sounds registering 60 db(A) or greater between the hours of 9:00 a.m. and 9:00 p.m., or 50 db(A) or greater between 9:00 p.m. and 9:00 a.m., as measured anywhere within the boundary line of the nearest residentially occupied property, except in accordance with a permit obtained from the town. To determine if this limit is being exceeded, sounds may be measured from any point on or within the property line of the nearest residentially occupied property.
- (2) As to multifamily structures including townhomes, apartments, condominiums, or other residential structures or arrangements where property lines cannot readily be determined, it shall be unlawful to operate or allow the operation of any sound amplification equipment so as to create sounds registering 60 db(A) or greater between 9:00 a.m. and 9:00 p.m., or 50 db(A) or greater between the hours of 9:00 p.m. and 9:00 a.m., as measured from any point within the interior of another residential unit in the same complex or within the boundary line of the nearest residentially occupied property, except in accordance with a permit obtained from the town.
- (3) As to places of public entertainment, including, but not limited to, restaurants, taverns and bars, coffeehouses and private clubs, to operate or allow the operation of any sound amplification equipment so as to create sounds registering more 60dB(A) between 9:00 a.m. and 9:00 p.m., or 50 dB(A) between 9:00 p.m. and 9:00 a.m., as measured anywhere within the boundary line of the nearest residentially occupied property, hotel, motel, hospital, or rest home, except in accordance with a permit obtained from the town.
- (4) Operate or allow the operation of any sound amplification equipment for advertising purposes or otherwise to attract customers so as to cast sounds which are unreasonably loud and disturbing or which register more than 60 db(A) at or on the boundary of the nearest public right-of-way or park.
- (5) Operate or allow the operation for personal use of any sound amplification equipment on the public right-of-way, including streets or sidewalks, or in the public parks so as to produce sounds registering more than 60 db(A) at any point 50 feet or more from any electromechanical speaker emitting sound between the hours of 9:00 a.m. and 9:00 p.m., or 50 db(A) 50 feet or more from any electromechanical speaker between the hours of 9:00 p.m. and 9:00 a.m.



(b) The foregoing limitations on the operation of sound amplification equipment shall not apply to the operation of horns, sirens, loudspeakers or other emergency warning devices actually being used in emergency circumstances.

**Sec. 18-47. Motor vehicles.**

It shall be unlawful to operate or allow the operation of any motor vehicle in the town:

- (1) By engaging in jackrabbit starts, spinning tires, racing engines or other operations which create unreasonably loud and disturbing noises.
- (2) Off the boundaries of a public street for racing or other operations which create unreasonably loud and disturbing noises.
- (3) To amplify sound produced by a radio, tape player, compact disc player or other sound-making device or instrument from within the motor vehicle so that the sound is plainly audible outside the vehicle. This subsection shall not apply to motor vehicles used for business or political purposes which, in the normal course of conducting business, use sound-making devices.

**Sec. 18-48. Exceptions.**

The following acts and activities are exempt from the provisions of this article:

- (1) Sound emanating from scheduled outdoor athletic events.
- (2) Noise of safety signals, warning devices, emergency pressure relief valves and all church bells. For purposes of this section, the term "church bells" shall not include electronic devices or artificial sound reproduction systems intended to sound like church bells.
- (3) Noise resulting from any authorized emergency vehicle.
- (4) Noise resulting from parades, lawful picketing or other public demonstrations protected by the U.S. Constitution or federal law, or for which a local permit has been granted by the town, provided such activity is of a temporary duration lasting no longer than two hours during any 24-hour period. Regulation of noise emanating from activities under permit shall be according to the conditions and limits stated in this article and according to any additional conditions stated on the permit.
- (5) Unamplified and amplified sound at street fairs or other celebrations conducted, sponsored or sanctioned by the town.
- (6) Unamplified and amplified sound at community concerts conducted, sponsored or sanctioned by the town.
- (7) Noise from noisemakers on holidays and fireworks on holidays or at times allowed under a pyrotechnics permit issued pursuant to G.S. ch. 14, art. 54 (G.S. 14-410 et seq.).
- (8) All noises coming from the normal operations of properly equipped aircraft, but not including scale model aircraft.
- (9) Lawnmowers and agricultural equipment used between daylight hours 7:00 a.m. and 9:00 p.m. Monday through Friday and between the hours of 9:00 a.m. and 9:00 p.m. on Saturdays and Sundays when operated with all the manufacturer's standard

mufflers and noise-reducing equipment in use and in proper operating condition. The mowing of golf course greens is allowed to begin at 6:00 a.m. during the months of May, June, July and August.

- (10) Practice sessions or performances by marching bands.
- (11) Noise from trains and associated railroad rolling stock when operated in proper repair and manner.
- (12) Emergency work performed for the purpose of preventing or alleviating physical trauma or property damage threatened or caused by an existing or imminent peril. This emergency exception includes maintenance, backup or upkeep ("maintenance") strictly necessary to keep emergency equipment, such as generators, in operating order as prescribed by the manufacturer, provided such maintenance is done only on weekdays between the hours of 9 a.m. and 4 p.m., sounds created do not exceed 60 db(A), the equipment is maintained as far from the property line as reasonably possible to serve its purpose, and the equipment has all the manufacturer's standard mufflers and noise-reducing equipment intact.
- (13) Noise created by the normal operations of the parks and recreation, police, public works and utilities departments of the town, including firearms training for police officers.
- (14) Unamplified sound originating from recreational activities at public or private recreational, civic or community clubs and churches and similar establishments, when such noise is created by patrons and/or guests during the legitimate operation of the establishment between the hours of 7:00 a.m. through 9:00 p.m.

**Sec. 18-49. Enforcement and penalties.**

- (a) *Civil penalty.* Violation of this article (noise control ordinance) shall subject the offender(s) to a civil penalty in the amount of \$100.00. In the event there is more than one violation within any 30-day period, then the civil penalty shall be increased for each additional violation over one during such period, as follows. The date of the first violation shall establish the beginning date for the initial 30-day period. The next violation within that 30-day period shall be considered the second violation. Any violations that follow within that 30-day period shall be numbered sequentially. The penalty shall be:

Second offense within same 30-day period: \$250.00

Third offense within same 30-day period: \$500.00

Fourth offense within same 30-day period: \$750.00

Fifth and any subsequent offense within same 30-day period: \$1,000.00

- (1) Once the 30-day period has run from the "first violation," the next violation shall be considered to be a first violation for the purposes of establishing a new 30-day period. Each subsequent violation that follows more than 30 days from the previous first violation shall be a new first violation for the purpose of establishing a new 30-day period. In the event there are more than six violations within any 12-month period, then each violation after six shall subject the violator(s) to a civil penalty of \$1,000.00.

(2) Violators shall be issued a written citation which must be paid within 72 hours of the issue date and time. The town attorney, or designee, is authorized to file suit on behalf of the town to collect any unpaid citations, and the police chief, or designee, is authorized to verify and sign complaints on behalf of the town in such suits. A police officer, animal control officer enforcing subject matter jurisdiction, or other employee duly authorized to enforce the noise control ordinances may issue a citation for violations of this article.

(b) *Remedies.* This article may also be enforced through equitable remedies issued by a court of competent jurisdiction.

(c) *Criminal penalty.* In addition to, or in lieu of, such civil penalties or other remedies, violation of this article shall constitute a misdemeanor.

Ordained this \_\_\_\_ day of \_\_\_\_\_, 2008 by a vote of \_\_\_\_\_.

\* Ordained this \_\_\_\_ day of \_\_\_\_\_, 2008 by a vote of \_\_\_\_\_.

\_\_\_\_\_  
Jan Faulkner, Mayor

ATTEST:

\_\_\_\_\_  
Diana R. Davis, Town Clerk

ORDINANCE NO. 91-39

AN ORDINANCE OF THE TOWN OF MORRISVILLE TO REGULATE  
UNREASONABLY LOUD, DISTURBING AND UNNECESSARY NOISE

BE IT ORDAINED by the Board of Commissioners of the Town of Morrisville that:

Section 1. Unnecessary noises.

Subject to the provisions of this ordinance, the creation of any unreasonably loud, disturbing and unnecessary noise is prohibited. Noise of such character, intensity and duration as to be detrimental to the life or health of any individual is prohibited.

Section 2. Noises expressly prohibited.

(a) The following acts, which are deemed to be inclusive and not exclusive, are declared to be loud, disturbing and unnecessary noises in violation of this ordinance:

(1) The continuous sounding of any horn or signal device on any auto mobile, motorcycle, or other vehicle except as a danger signal; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for any unnecessary and unreasonable period of time;

(2) The use of any bell, siren or whistle upon any vehicle other than police, fire or other emergency vehicle;

(3) The continuous playing of any radio, TV, phonograph sound amplifier system or musical instruments in such a manner or such volume, particularly during the hours 11:00 P.M. and 7:00 A.M. or on a Sunday, as to annoy or disturb the quiet, comfort or repose of any person in any dwelling, hotel or other type of residence;

(4) The keeping of any animal or bird by which causing frequent or long continued noise shall disturb the comfort and repose of any person in the vicinity;

(5) The use of any automobile, motorcycle, or other vehicle so out of repair, so loaded or in such manner as to create loud or unnecessary grating, grinding, rattling, in such a manner as to cause the squealing of tires, or other noise;

(6) The discharge into the open air of the exhaust of any engine, or motor vehicle or motor boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;

(7) ~~The use of any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and reduced;~~

(8) The construction (including excavating) demolition, alteration or repair of any building in a residential or business district other than between the hours of 7:00 A.M. and 6:00 P.M. on weekdays, except in the case of urgent necessity in the interest of public safety and then only with a permit from the Building Inspector, which permit may be renewed for a period of three (3) days or less while the emergency continues;

(9) The creation of any excessive noise on Sundays on any street adjacent to any church;

(10) The creation of loud and excessive noises in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers;

(11) The sounding of any bell, whistle or siren attached to any building or premises which disturbs the quiet or repose of any person in the vicinity thereof;

(12) The shouting and crying of peddlers, barkers, hawkers and vendors which disturbs the quiet and peace of the neighborhood;

(13) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale or display of merchandise;

(14) The use of any mechanical loudspeaker or amplifiers on trucks or other moving vehicles for advertising or other purposes;

(15) The construction, repair or other maintenance work on motor vehicles in any residential district so as to cause loud or offensive noises to be emitted therefrom between the hours of 11:00 P.M. and 7:00 A.M.

(16) The prolonged and habitual barking, howling or whining of any dog within the corporate limits of the Town which covers serious annoyance to neighboring residents and interferes with the reasonable use of enjoyment of the premises occupied by such residents.

Section 3. Violation of this ordinance shall be a misdemeanor punishable in accordance with G.S. 14-4.

Section 4. This ordinance shall become effective upon ratification.