

# CALDWELL COUNTY



# NUISANCE ORDINANCE

Adopted 4-27-98

the purpose of securing and promoting the public health, comfort, and convenience, safety, welfare and prosperity and the peace and quiet of Caldwell County and its residents.

## **ARTICLE V. DEFINITIONS OF PROHIBITED NOISES**

For the purpose of this ordinance, the term “prohibited noises” means any loud, raucous and disturbing noise which, because of its volume level, duration and character, annoys, disturbs, injures or endangers, the comfort, health, peace or safety of reasonable persons of ordinary sensibilities within Caldwell County. The term “prohibited noises” shall be limited to loud, raucous and disturbing noises heard upon the public streets, in any public park, in any school or public building or upon the grounds thereof while in use, in any church or hospital or upon the grounds thereof while in use, in any place of business, upon any parking lot open to members of the public as invitees or licensees, or in any residence which is not the source of the noise or upon the grounds thereof.

By way of illustration only, and without limiting the definition of “prohibited noises” set forth above, the following, to the extent that they annoy, disturb, injure or endanger the comfort, health, peace or safety of reasonable persons of ordinary sensibilities, are examples of “prohibited noises” within the meaning and intent of this ordinance:

1. The playing of any musical instrument, television, radio, stereo 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 as likely to unreasonably disturb persons in the vicinity.
2. The creation of unreasonable loud, disturbing noises and sound levels caused by musical instruments and/or electronic sound amplification equipment during any outdoor concert, musical performance, show, gathering or other similar outdoor event such that a reasonably prudent person would recognize as likely to unreasonably disturb persons in the vicinity.
3. The keeping of any dog, cat or other animal which makes frequent or long continued sounds such that a reasonably prudent person would recognize as likely to unreasonably disturb persons in the vicinity.
4. The use of any automobile, motorcycle or vehicle so out of repair, so modified or operated in such manner as to create unreasonably loud disturbing sounds.
5. The operating of any garage or service station in any residential area so as to cause unreasonably loud, disturbing sounds to be emitted between the hours of 9:00 p.m. and 7:00 a.m. on any day.
6. The creation of unreasonably loud, disturbing sound levels adjacent to any school, educational facility or church during normal operating hours, which a reasonably prudent person would recognize as likely to unreasonably interfere with the working of such institution, provided conspicuous signs are displayed indicating that such area is a school, educational facility or church.
7. The creation of unreasonably loud, disturbing noises and sound levels caused by or during the erection (including excavation), demolition,

3. The proximity of the proposed event or activity to residences, places of business, schools, churches, institutions and other facilities likely to be exposed to the noise.
4. The time of day, and the day of the week, of the proposed event or activity.
5. Past experience with the same or related applicant engaging in or sponsoring similar events or activities.

Any permit which is granted is deemed to permit only those activities which are specified in the application, at the location, times, dates and duration set forth therein. Any activities which exceed the scope of the permit in nature, extent or duration shall be deemed to be conducted without a permit.

Any person who is aggrieved by the grant or denial of any application for a permit by the Sheriff of Caldwell County may appeal to the Caldwell County Board of Commissioners. Such appeal must be made in writing to the Clerk to the Caldwell County Board of Commissioners at least ten (10) days before the next regularly scheduled meeting of the Board of Commissioners.

#### **ARTICLE IX. RESPONSIBILITY FOR ENFORCEMENT**

The Sheriff of Caldwell County, and his deputies, shall enforce the provisions of this ordinance.

#### **ARTICLE X. VIOLATION A MISDEMEANOR**

The County may seek injunctive relief or orders of abatement in a court of competent jurisdiction against any person, persons, firm or corporation who or which makes or causes to be made continuing or repeated prohibited noises.

This Caldwell County Noise Ordinance was adopted by the Caldwell County Board of Commissioners on this the 27<sup>th</sup> day of April, 1998, and it shall become effective immediately.

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Chairperson,  
Caldwell County Board of Commissioners

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Clerk to the Board

**Council**

Ronnie Setzer, Mayor  
Allen Stewart, Mayor Pro Tem  
Cheryl Pritchard  
Jeff Bolick  
Lloyd Robbins



**Town Manager**  
Logan Shook  
townmgr@cajahmtn.com

**TOWN OF CAJAH'S MOUNTAIN**

1800 Connelly Springs Road  
Lenoir, North Carolina 28645  
Phone (828) 728-5053 • Fax (828) 728-4166

**RESOLUTION ACCEPTING AND ENDORSING THE NUISANCE ORDINANCE OF CALDWELL COUNTY WITHIN TOWN LIMITS**

WHEREAS, it is a priority of this community to promote the public health, safety and welfare of its citizens;

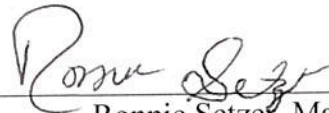
WHEREAS, the Town wishes to promote peace and dignity amongst its citizens;

WHEREAS, the Town seeks to cooperate with other governing bodies to provide for the efficient enforcement of the law;

WHEREAS, adopting County ordinances provide consistency throughout the county regarding nuisance issues;

WHEREAS, common ordinances allow the County and the Town to provide better, more uniform and more efficient services to our citizens;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE TOWN OF CAJAH'S MOUNTAIN that Caldwell County's Nuisance Ordinance is accepted and endorsed and placed on file with Clerk to the Board on this 9<sup>th</sup> day, June 2016.

  
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Ronnie Setzer, Mayor

ATTEST:

  
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Logan Shook, Town Clerk

TOWN SEAL

