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October 11, 2018

Joint Legislative Administrative Procedure Oversight Committee
North Carolina General Assembly
16 W. Jones Street
Raleigh, NC 27601

Joint Legislative Oversight Committee on Justice and Public Safety
North Carolina General Assembly
16 W. Jones Street
Raleigh, NC 27601

Re: Session Law 2018-69: An Act to Assist the Criminal Law
Recodification Working Group
Response of the Village of Sugar Mountain

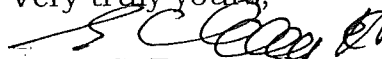
Dear Senators and Representatives:

I am the Attorney for the Village of Sugar Mountain. Pursuant to Section 3 of Session Law 2018-69, I write to you to respond on behalf of the Village and provide a list of the local ordinance provisions which are punishable by a misdemeanor pursuant N.C. Gen. Stat. §14-4(a). Chapter 22 of the Village of Sugar Mountain Code of Ordinances provides for the general penalties for our ordinances, and §1-1(d) provides that unless otherwise specifically provided, violations of any provision of the Code of Ordinances shall not be a misdemeanor. As such, the following Ordinances are responsive to the provisions of the Session Law:

Chapter 10: Nuisance Ordinance
Chapter 7: Noise Ordinance

For your convenience, please find attached a copy of these ordinances for your review. Should you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,


Stacy C. Eggers, IV

Cc: Susan Phillips, Village Manager
Enclosures

CHAPTER 22 ENFORCEMENT OF ORDINANCES

ARTICLE I IN GENERAL

SECTION 1-1. GENERAL PENALTY: ENFORCEMENT OF ORDINANCES.

- (a) Unless otherwise specifically provided, violation of any provision of this Code of Ordinances for the Village of Sugar Mountain shall subject the offender to a civil penalty in the amount of fifty (\$50) dollars, to be recovered by the Village. Violators shall be issued written notice of the violation which must be paid within seventy-two (72) hours after receipt of said notice. If the violator does not pay the penalty within seventy-two (72) hours, the Village may recover such penalty, and all subsequent accruing penalties, in a civil action.
- (b) Each day's continuing violation of any ordinance provision shall be a separate and distinct offense.
- (c) Notwithstanding and in addition to subsequent (a) above, all ordinances may also be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction.
- (d) Unless otherwise specifically provided, violations of any provision of this Code of Ordinances shall not be a misdemeanor.
- (e) If any section of this ordinance is held to be invalid or unenforceable, all other sections shall nevertheless continue in full force and effect.

Adopted this 7th day of January 1992.

By: Marjorie C. Unrath, Mayor

Attest: R. Robert Patterson, Village Clerk

CHAPTER 10

NUISANCE ORDINANCE

TABLE OF CONTENTS

<u>ARTICLE</u>	<u>PAGE</u>
I. IN GENERAL – POLICY STATEMENT	1-1
Section 9-1.....Definitions	
II. CONTROL OF SOLID WASTES, SCRAP MATERIALS AND NOXIOUS GROWTH.....	2-1
Section 9-2.....Accumulation of Solid Waste	
Section 9-3.....Dumping or Littering on Private Property	
Section 9-4.....Dumping or Littering on Streets, Sidewalks & Other Public Property	
Section 9-5.....Transportation of Solid Waste Within Village	
Section 9-6.....Burning or Burying Solid Wastes	
III. STORAGE AND COLLECTION OF SOLID WASTES.....	3-1
Section 9-7 Property Owners Provide Adequate Solid Waste Receptacles	
Section 9-8.....Providing and Maintaining Access to Solid Waste Receptacle	
IV. CONTROL OF OTHER NUISANCES	4-1
Section 9-9.....Neat and Orderly Construction Site	
Section 9-10.....Public Nuisances	
Section 9-11.....Aggressive Panhandling	
V. ENFORCEMENT	5-1
Section 9-11.....Investigation	
Section 9-12.....Hearing	
Section 9-13.....Order of Abatement	
Section 9-14.....Appeal	
Section 9-15.....Removal of Nuisance	
Section 9-16.....Cost of Removal Charged to Owner	
Section 9-17.....Liens	
Section 9-18.....Penalties	
Section 9-19.....Effective Date	

CHAPTER 10 NUISANCE ORDINANCE

ARTICLE I IN GENERAL

Policy Statement

The Village of Sugar Mountain is a resort community heavily dependent on the tourist industry. It is the intention of the Village Council to preserve the natural beauty of the Village of Sugar Mountain, free from litter, waste, noxious growth and other nuisances so as to protect property values and promote the tourist industry.

Burned out or incomplete structures, the uncontrolled growth of noxious weeds and grass, the accumulation of offensive animal and vegetable matter, and the accumulation of refuse cause or threaten to cause a nuisance dangerous and prejudicial to the public health or safety.

Aggressive panhandling causes or threatens to cause a nuisance dangerous and prejudicial to the public health, safety, welfare, and to the peace and dignity of the Village.

The Village Council is authorized by Section 160A-174, 160A-175, 160A-192 and 160A-193 of the General Statutes of North Carolina to abate nuisances. (Amended 10/15/02)

SECTION 9-1

DEFINITIONS

(Amended 10-15-2002)

Unless otherwise specifically provided, or unless otherwise clearly required by the context, the words or phrases defined in this section shall have the meaning indicated when used in this chapter.

Village Manager. The Village Manager or any other person designated by the Manager to perform the functions and exercise the responsibilities assigned by this chapter to the Village Manager.

Solid Wastes. Shall include but not be limited to the following:

Garbage. All solid wastes capable of being rapidly decomposed by microorganisms, including, but not limited to, animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, as well as animal offal and carcasses, but excluding sewage and human wastes.

Pieces or fragments of metal, wood, glass, masonry, plastic, textiles, rope, leather, rubber, paper or any other substance that formerly were part of the construction of some useful object or thing, or that consist of the excess resulting from the creation of some useful object or thing, excluding wood used for fireplace and stoves which shall be neatly stored.

Objects or things, including, but not limited to, machines, tools, equipment, hardware, furniture, appliances, etc. or part of the same that are not longer in serviceable condition or are valuable only as raw material for reprocessing, or unsolicited newspapers, flyers, ads.

Brush. Any cut weeds, grass, bushes, trees, stumps, branches or other plant materials.

CHAPTER 10

NUISANCE ORDINANCE

All other unwanted or discarded materials resulting from domestic, industrial, commercial or community activities.

Aluminum cans. Any container made of aluminum.

Construction/demolition waste. Any waste or scrap material including, but not limited to wood, drywall, masonry brick or block, metal or plastic tubing, wire, etc. generated from new construction, remodeling, or destruction of any manmade structure.

White goods. Any item defined as an appliance, including, but not limited to, refrigerators, freezers, electric ranges, lavatories, toilets, etc.

Antifreeze. Any liquid used as a coolant or in a coolant system of any kind of engine or motor.

CHAPTER 10 NUISANCE ORDINANCE

ARTICLE II CONTROL OF SOLID WASTES, SCRAP MATERIALS, NOXIOUS GROWTH

SECTION 9-2

ACCUMULATION OF SOLID WASTE

(Amended 10-15-2002)

The Council hereby declares that the uncontrolled accumulation of solid waste on any premise constitutes a danger to the health, safety and welfare of the citizens of the Village in that such accumulation can furnish shelter and breeding places for vermin, present physical dangers to the safety and well being of children and other citizens, pose a danger of fire, depreciate property value or cause a loss of business by detracting from the appearance and character of residential and commercial neighborhoods.

No property owner may cause, suffer or permit solid waste to accumulate or remain on premises under their control except as provided in Article III. Any solid waste as herein defined that accumulates, remains or is otherwise stored outside of a required solid waste receptacle and its enclosed area as defined in Section 9-7 of this ordinance will be removed by the Public Works Department of the Village. The fee for each removal visit by the Public Works Department staff shall be \$25.00. The Village will bill the property owner for each visit. *(Amended 10/15/02)*.

SECTION 9-3

DUMPING OR LITTERING ON PRIVATE PROPERTY

(Amended 10-15-2002)

No person may place, discard, throw, drop or deposit, or cause to be placed, discarded, thrown, dropped or deposited, any solid wastes on any property not owned by him without the consent of the owner, occupant or lessee thereof.

(Note: G.S. 14-134.1 also prohibits dumping on private lands or in State waters without the written consent of the owner and authorizes a maximum fine of five hundred dollars (\$500.00) for the violations.)

SECTION 9-4

DUMPING OR LITTERING ON STREETS, SIDEWALKS AND OTHER PUBLIC PROPERTY

(Amended 10-15-2002)

No person may place, discard, throw, drop or deposit, or cause to be placed, discarded, thrown, dropped or deposited, any solid waste on any public street, public right-of-way, or sidewalk within the Village of Sugar Mountain, on any property owned and operated by the Village, or any other public property, except in properly designated receptacles.

It shall be unlawful for any person while a driver or a passenger in a vehicle to throw or deposit litter upon any street or other public place within the Village or upon private property.

CHAPTER 10

NUISANCE ORDINANCE

ARTICLE III

STORAGE AND COLLECTION OF SOLID WASTES

PROPERTY OWNERS PROVIDE ADEQUATE SOLID WASTE RECEPTACLES

SECTION 9-7

(Amended 10-15-2002)

The property owner of any property receiving contracted solid waste disposal service from the Village of Sugar Mountain shall be responsible at their own cost for providing an adequate number of solid waste receptacles to store the solid waste generated by activities taking place on their property between scheduled pick-ups. The receptacles shall meet the minimum standards, be stored in an enclosed area, and screened in accordance with the provisions in this section.

The solid waste receptacles required by this section shall not exceed a maximum capacity of thirty-five (35) gallons. The receptacles shall be made of galvanized metal, plastic, rubber or other material resistant to rust, corrosion or rapid deterioration. Each receptacle shall be water tight, have two handles, and shall be covered with a tight fitting cover at all times. All receptacles shall be located within an enclosed structure. Solid waste disposal service will not be provided for any receptacle not located within an enclosed structure as herein defined.

An enclosed structure is defined as a wooden enclosure with a bottom and sides that are of sufficient size and strength to prevent wind, animals or fowl from spilling solid wastes from the receptacles stored therein. Said enclosed area shall be constructed so as to keep the bottom of the receptacles off the ground.

Any property that utilizes five or more solid waste receptacles shall provide an enclosed structure that is a wooden enclosure with a bottom, sides and a top that are of sufficient size and strength to prevent wind, animals or fowl from spilling solid wastes from the receptacles stored therein. Said enclosed structure shall be constructed so as to keep the bottom of the receptacles off of the ground and shall have a cover over the top of the structure that will prevent weather elements from directly entering the enclosed structure.

The owner of a premise is subject to screening requirements and prior approval of the Village before a dumpster container may be used in lieu of the containers described above.

(Amended 10/15/02)

PROVIDING AND MAINTAINING ACCESS TO SOLID WASTE RECEPTACLES

SECTION 9-8

(Amended 10-15-2002)

The property owner of every premise in the Village of Sugar Mountain that is provided contracted solid waste disposal service shall be responsible for the maintenance of any and all private property necessary to be used or crossed by the contracted solid waste disposal service to collect solid waste on said premise. This maintenance shall include but not be limited to inclement weather, deteriorated and unsafe conditions, and vehicles blocking access to receptacles. Neither the Village nor the contracted solid waste disposal service will be responsible for clearing or repairing access to receptacles located on private property.

CHAPTER 10

NUISANCE ORDINANCE

ARTICLE IV

CONTROL OF OTHER NUISANCES

SECTION 9-9

NEAT AND ORDERLY CONSTRUCTION SITE

(Amended 10-15-2002)

Each contractor shall provide a minimum of one portable toilet and trash receptacle for trash at the building site during the period of construction.

The contractor shall remove all trash and discard materials from the building site at least once per week so as to maintain a reasonably clean area that would not be objectionable to the general public. Said materials shall not be burned on site without a valid Sugar Mountain burning permit having been obtained from the Public Works Director. All fires must be extinguished no later than 4:00 p.m. All trash, construction litter, and discarded building materials shall be removed from the building site and surrounding area before the structure is occupied.

In order to assure public safety, the contractor shall provide an adequate amount of gravel at the entrance of the building site in order to prevent the accumulation of mud upon Village streets. In the event that mud does begin to accumulate on the Village streets, the Director of Public Works shall notify the contractor and property owner in writing, directing them to clean the road surface. Negligence of the responsible parties to clean the roadway within five days subsequent to receipt of said notice will result in the director of Public Works ordering the roadway to be cleaned at the expense of the property owner.

SECTION 9-10

PUBLIC NUISANCES

(Amended 10-15-2002)

The existence of any of the following conditions on any lot or parcel of land, regardless of whether occupied, within the corporate limits of the Village, is hereby declared to be dangerous and prejudicial to the public health or safety and to constitute of public nuisance:

- (1) Any accumulation of solid waste causing or threatening to cause a fire hazard or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, mice, snakes or vermin of any kind which is or may be dangerous or prejudicial to the public health.
- (2) Any condition detrimental to the public health which violates the rules and regulations of the County Health Department.
- (3) Any burned out structure (the requirements of Article VI, Sections 604 and 606 of the Village of Sugar Mountain Zoning Ordinance shall be incorporated herein).
- (4) Any incomplete structure (exterior only), on which no work has been done for a period of 12 months or whenever the building permit expires, whichever is less.

CHAPTER 10

NUISANCE ORDINANCE

- (5) Any other condition specifically declared to be a danger to the public health, safety, and general welfare of inhabitants of the Village and a public nuisance by the Public Works Director (*Amended 10-15-2002*).

SECTION 9-11

AGGRESSIVE PANHANDLING

Aggressive begging, panhandling or solicitation: A verbal or non-verbal request for money or other property of value, accompanied by:

- (1) An act or acts that a reasonable person would consider hostile or intimidating;
- (2) The act of blocking the free passage of the person to whom the panhandling, begging or solicitation is directed;
- (3) Repeating the request for money or other property of value within a five-minute period after having been refused by the person to whom the panhandling, begging or solicitation is directed; or
- (4) Any other behavior that a reasonable person would interpret as intended to intimidate or coerce a person into acceding to a request for money or other property of value.

It shall be unlawful for any person to engage in aggressive begging, panhandling or soliciting within the corporate limits of the town or to engage in any begging, panhandling or soliciting:

- (1) Within 50 feet of view of an outside automated teller machine (ATM) which is accessed from or immediately adjacent to a public sidewalk;
- (2) While standing, walking or sitting on a street, highway or other roadway; the shoulder or curb of a street, highway or other roadway; the median of a street, highway or other roadway; or from any other place where the target of the begging, panhandling or soliciting is a person(s) in a motor vehicle; or
- (3) Within 50 feet of view of a bank entrance, during the hours of ATM or bank operation, respectively.

CHAPTER 10

NUISANCE ORDINANCE

ARTICLE V ENFORCEMENT

SECTION 9-11

INVESTIGATION

(Amended 1-7-1992; 8-2-1994)

- 501.1 The Public Works Director shall have the authority to enforce the provisions of this Ordinance except as herein authorized. The Police Department shall have authority to enforce Section 203 c) and d), and to issue citations for the collection of fines.
- 501.2 The Public Works Director, upon notice from any person of the possible existence of any of the conditions of this Ordinance, may cause to be made such investigations as may be necessary to determine whether conditions exist which may constitute a violation of this ordinance.

SECTION 9-12

HEARING

(Amended 1-7-1992; 5-6-1997)

If it appears that such conditions exist, the Public Works Director may cause to be delivered or mail to the owner of the property upon which the conditions exist a notice stating the reasons why the conditions may constitute a violation and that a hearing not less than seven (7) nor more than thirty (30) days after the delivery or mailing of the notice. The owner or any party in interest in person, or otherwise, and give evidence at the place and time fixed in the notice. Any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling such hearings.

SECTION 9-13

ORDER OF ABATEMENT

If a determination is made that such conditions constituting a violation of this Ordinance exists, the Village Manager shall notify, in writing, the owner of the Premises in question of the conditions constituting such violation and shall order the prompt abatement thereof within thirty (30) days from the receipt of such written notice.

SECTION 9-14

APPEAL

Any decision of the Village Manager may be appealed to the Village council of the Village of Sugar Mountain. Such appeal must be submitted in writing within ten (10) days after receipt of the decision of the Village Manager. The filing of an appeal stays all enforcement proceedings until such time as the Village Council makes a final decision.

SECTION 9-15

REMOVAL OF NUISANCE

(Amended 1-7-1992; 5-6-1997)

CHAPTER 10

NUISANCE ORDINANCE

If the owner, having been ordered to abate such a violation fails, neglects, or refuses to abate or remove the condition constituting the nuisance within the time period set forth during the hearing and conveyed to the property owner in the letter of abatement not to be less than seven (7) days nor more than thirty (30) days from receipt of said order, the Village Manager may cause said condition to go upon said premises and remove or otherwise remedied by having employees of the Village to go upon said premises and remove or otherwise abate such nuisance under the supervision of an officer or employee designated by the Village Manager. Any person who has been ordered to abate a public nuisance may within the time allowed by this ordinance request the Village in writing to remove such condition, the cost of which shall be paid by the person making such request.

SECTION 9-16

COST OF REMOVAL CHARGED TO OWNER

The actual cost incurred by the Village in removing or otherwise remedying a nuisance shall be charged to the owner of such lot or parcel of land, and it shall be the duty of the Tax Collector to mail a statement of such charges to the owner or other person in possession of such premises with instructions that such charges are due and payable within thirty (30) days from the receipt thereof.

SECTION 9-17

LIENS

In the event charges for the removal or abatement of a nuisance are not paid within thirty (30) days after the receipt of a statement of charges as provided for in Section 506 of this ordinance, such charges shall become a lien upon the land or premises where the nuisance existed and shall be collected as unpaid taxes, as provided in G.S. 160A-193.

SECTION 9-18

PENALTIES

(Amended 1-7-1992)

In addition to the procedure set forth above, this Ordinance may be enforced by one, all or a combination of the remedies authorized or prescribed by this section, as follows:

- 1) Violation of this Ordinance shall be a misdemeanor and shall be punishable by imprisonment not to exceed sixty (60) days and by a fine not to exceed Five Hundred Dollars (\$500.00), or both.
- 2) Violation of this Ordinance shall further subject the offender to a civil penalty in the sum of One Hundred Dollars (\$100.00). Each day the violation continues shall be a separate and distinct offense and shall subject the offender to additional penalties of One Hundred (\$100.00) per day until the violation ceases. This civil penalty may be recovered by the Village of Sugar Mountain in a civil action in the nature of a debt if the offender does not pay the penalty within thirty (30) days after he has been cited for the violation of this Ordinance.
- 3) This Ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction, which remedies may include injunction and order of abatement, as by law provided.

CHAPTER 10 NUISANCE ORDINANCE

- 4) This Ordinance is further subject to enforcement under Chapter 22 of this Code of Ordinances.

SECTION 9-19

EFFECTIVE DATE

This Ordinance shall be in force and effect thirty (30) days after the date of its Adoption.

Dennis Lacey - Mayor

ATTEST:

Village Clerk

SEAL

APPROVED AS TO FORM:

Bryan P. Martin
Village Attorney

CHAPTER 7 NOISE ORDINANCE

TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE</u>
701.....	7-1
702.....	7-1
703..... MUFFLERS	7-1
704..... OFF ROAD VEHICLES	7-2
705..... DISCHARGE OF FIREARMS AND AIR RIFLES	7-2
706..... Reserved for Future Purposes	7-2
707..... EXEMPTIONS	7-3
708..... ENFORCEMENT OF PENALTIES	7-4
709..... VALIDITY	7-4
710..... EFFECTIVE DATE	7-4

CHAPTER 7 NOISE ORDINANCE

ORDINANCE TO REGULATE LOUD, DISTURBING AND EXCESSIVE PRODUCTION OR EMISSION OF NOISE WITHIN THE VILLAGE OF SUGAR MOUNTAIN

By authority contained in NCGS 160A-184, the Village of Sugar Mountain Village Council does hereby ordain as follows:

SECTION 701.

Subject to the provisions of this section, the production or emission of noises or amplified speech, music, or any other sounds that tend to annoy, disturb or frighten any one or more individuals is hereby prohibited.

SECTION 702.

The following acts, among others, are declared to be loud, disturbing and excessive noises in violation of this section, but such enumeration shall not be deemed exclusive:

- (a) The use of any loud boisterous or raucous language or shouting so as to annoy or disturb the quiet, comfort or repose of any person in the vicinity.
- (b) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only 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 an unnecessary and unreasonable period of time.
- (c) The playing of any radio, phonograph, or any musical instrument in such manner or with such volume, particularly during hours between 11:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of any person in any dwelling, hotel, or other type of residence.
- (d) The keeping of any animal which, by causing frequent or long, continued noise, shall disturb the comfort and repose of any person in the vicinity.
- (e) 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 or other noise.

SECTION 703.

MUFFLERS

- (a) It shall be unlawful for any person to operate or cause to be operated a motor vehicle unless the exhaust system is free from defects which affect sound reduction.

CHAPTER 7 NOISE ORDINANCE

- (b) No person shall remove or render inoperative, or cause to be removed or rendered inoperative, other than for purposes of maintenance, repair or replacement, any muffler or sound dissipative device on a motor vehicle.
- (c) It shall be unlawful for any person to modify the exhaust system of a motor vehicle by the installation of a muffler cut-out or bypass, and no person shall operate a motor vehicle which has been so modified.

SECTION 704.

OFF ROAD VEHICLES

- (a) It shall be unlawful for any person to operate or cause to be operated a recreational or off-road motor vehicle individually, in a group, or in an organized racing event, on public or private property in such a manner that the sound level exceeds the maximum permissible levels set forth previously in Section 3 for motorcycles, adjusted to a distance of twenty-five (25') feet from the path of the vehicle when operated on public space, or at the boundary of private property when operated on private property.
- (b) This subsection shall apply to all recreational vehicles, whether or not duly licensed or registered including, but not limited to, commercial or non-commercial racing vehicles, motorcycles, go-carts, amphibious craft and dune buggies.
- (c) Use of such vehicles off-road except for emergency purposes and except to attain access from private property to public right-of-way, shall be completely prohibited between the hours of 10 p.m. and 7 a.m.

SECTION 705.

DISCHARGE OF FIREARMS AND AIR RIFLES

- (a) No person may discharge any firearm within the Village.
- (b) Item (a) shall not apply to private acting in justifiable self defense or pursuant to the lawful directions of a police officer nor to police officers acting in a lawful performance of their duties.
- (c) No person may discharge or shoot within the Village any air rifle, air pistol, B-B gun, gun, pump gun or similar weapon within one hundred (100) yards of any building or house or gathering of people.

SECTION 706.

(RESERVED FOR FUTURE PURPOSES)

CHAPTER 7 NOISE ORDINANCE

SECTION 707.

EXEMPTIONS

- (a) Any sirens, horns, whistles, or other devices used by emergency personnel such as fire, rescue, police or other agency, while engaged in emergency operations to assist the public, shall be exempted from the provisions of this ordinance.
- (b) Construction operations from 6:00 a.m. to 9:00 p.m. for which building permits have been issued or construction operations not requiring permits; providing all equipment is operated in accord with the manufacturer's mufflers and noise-reducing equipment in use and in proper operating condition.
- (c) Noise of safety signals, warning devices, emergency pressure relief valves, and all church bells, church chimes, either actual or electronic or artificial sound reproduction systems intended to sound like church bells or chimes.
- (d) 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 Village, provided such activity is of a temporary duration lasting no longer than two hours during any twenty-four (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.
- (e) Unamplified and amplified sound at street fairs conducted, sponsored or sanctioned by the Village of Sugar Mountain.
- (f) All noises coming from the normal operations of properly equipped aircraft (not including scale model aircraft).
- (g) Noise from noisemakers on holidays and fireworks on holidays or at times allowed under a pyrotechnics permit issued pursuant to Article 54, Chapter 14 of the General Statutes of North Carolina.
- (h) Lawn mowers and agricultural equipment used between daylight hours 7:00 a.m. and 9:00 p.m. when operated with all the manufacturer's standard mufflers and noise-reducing equipment in use and in proper operating condition.
- (i) Practice sessions or performances by marching bands.
- (j) "Emergency Work": Any work performed for the purpose of prevention or alleviating physical trauma or property damage threatened or caused by an existing or imminent peril.
- (k) Sound emanating from equipment used for the purpose of manufacturing and maintaining of artificial snow.
- (l) Sound emanating from equipment used for the purpose of operating a ski resort.

CHAPTER 7 NOISE ORDINANCE

SECTION 708.

ENFORCEMENT AND PENALTIES

Where there is a violation of any provisions of this article, the city, at its discretion, may take one (1) or more of the following enforcement actions.

- (a) A police officer, noise control officer, or animal control officer may issue a citation as provided in Chapter 7 subjecting the violator to a one hundred dollars (\$100.00) civil penalty, which penalty may provide for a twenty-five dollar (\$25.00) delinquency charge that may be recovered by the Village in a civil action. (Amended 3-6-1990)
- (b) A misdemeanor warrant may be issued either immediately or upon the issuance of a citation and the violator's failure to pay the same. Misdemeanors shall be punishable by a fine of up to fifty dollars (\$50.00) and/or imprisonment for up to thirty (30) days. Upon the issuance of a criminal citation, the violator shall be taken before a magistrate to set an appearance bond. (Amended 3-6-1990)

SECTION 709.

VALIDITY

Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions, if otherwise valid, shall continue to be in full force and effect.

SECTION 710.

EFFECTIVE DATE

This ordinance is effective upon adoption.

Adopted this 7th day of January, 1986.

Mayor: _____
Marjory C. Unrath

Attest: _____
Village Clerk

Approved as to form: _____
Gerald R. McKinney
Village Attorney