



PUBLIC HEARING NOTICE

The Guilford County Board of Commissioners hereby gives notice of a public hearing in accordance with N.C. General Statute 153A-45. The purpose of the public hearing is to receive input on the Board's consideration of proposed revisions to the Firearm Discharge and Noise Ordinances.

The public hearing shall be held August 5, 2021 at 5:30 P.M at the Old County Courthouse – Commissioners Meeting Room, located at 301 W. Market Street, Greensboro N.C. 27401. Additional hearings may be held as deemed necessary.

The intent of the revisions are to address projectiles fired from firearms at targets which go beyond the boundaries of the area by adding preventative measures such as backstops or other barriers.

The full text of the proposed revisions may be examined online at www.guilfordcountync.gov.

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**PROPOSED REWRITE OF EXISTING COUNTY FIREARM DISCHARGE
ORDINANCE AND REVISIONS TO COUNTY NOISE ORDINANCE**

Proposed Rewrite of Existing County Firearm Discharge Ordinance

Guilford County Ordinance Sec. 11-1. - Discharge of firearms.

(a) **Legal Authority and Purpose:** This Section is enacted pursuant to the authority in North Carolina General Statute § 153A-129. This Section shall be interpreted in accordance with any sections of the North Carolina General Statutes which, by their terms, limit the authority of the County to regulate the discharge of firearms. The purpose of this Ordinance is to protect the safety of Guilford County residents from firearm mishaps while preserving the important Second Amendment rights of our citizenry.

(b) **Definitions:** As used in this Section, the terms below shall be defined as follows:

(1) **Firearm** means a handgun, pistol, revolver, long gun, rifle, shotgun, or any other weapon which will expel a projectile by the action of igniting gunpowder or some other form of explosive. This definition includes firearms equipped with a suppressor (also known as a “silencer”). This definition does not include bows or crossbows.

(2) **Shooting Range or Gallery** means an area—whether it be enclosed, outside, or out of doors—at which firearms are fired and discharged at targets or objects, unless the area is fully indoors and constructed such that no projectile can escape it. This definition includes shooting ranges or galleries that are open to the public regardless of whether a fee is charged or not. This definition also includes private shooting ranges or galleries that are on private residential or private rural property and which are operated for the personal or recreational target shooting of the property owner and/or the owner’s tenants, visitors, or guests. This definition excludes clay pigeon shooting and the lawful hunting of wild game and fowl as defined below.

(3) **Clay Pigeon Shooting** means any form of skeet, trap, or sporting clay shooting where shotguns are used to shoot and break clay or similar targets that are flung into the air mechanically or by hand.

(4) **Hunting** means the lawful taking or harvesting of wild animals or fowl with a firearm pursuant to the requirements in Chapter 113 of the North Carolina General Statutes and any applicable local ordinances. This definition does not include hunting with a bow or cross bow.

(c) **Prohibited Acts:**

(1) Safe Firearm Use: It is unlawful under any circumstances to fire, shoot, or discharge a firearm carelessly, negligently, and/or recklessly in disregard of the safety of other persons, domestic animals, domestic livestock, or property.

(2) Hunting and Clay Pigeon Shooting: It is unlawful to engage in hunting or clay pigeon shooting (as defined in subparts (b)(3) and (b)(4) of this Section above) unless the safe shooting requirement in subpart (c)(1) above is satisfied and the following additional requirements are met:

a. the location from which the firearm is discharged is at least 150 yards from any nearby dwelling, building, structure, or enclosure which is designed to be occupied by human beings, livestock, or other animals; and

b. the location from which the firearm is discharged is at least 150 yards from any nearby road, street, or highway; that lies in the direction in which the firearm is discharged.

The 150 yard, safety buffer requirement in subpart (c)(2)a above will not, however, apply where the owner and any of his/her tenants and adult residents of any nearby dwelling, building, structure, or enclosure have provided written permission to engage in hunting or clay pigeon shooting within 150 yards of their property. Written permission must be signed by the nearby owner and any of his/her tenants and adult residents and made available for immediate inspection by law enforcement officers upon request.

Notwithstanding any such written permission from nearby property owners, tenants, and adult residents, the safety requirements in subparts (c)(1) and (c)(2)b above cannot be waived, shall remain in effect, and shall be enforced as to all hunting and clay pigeon shooting.

(3) Shooting Ranges or Galleries: It is unlawful to fire, shoot, or discharge a firearm at a public or private shooting range or gallery (as defined in subpart (b)(2) of this Section above), unless the safe shooting requirement in subpart (c)(1) above is satisfied and all of the following additional requirements are met:

a. the shooting range or gallery is located at least 150 yards from any nearby dwelling, building, structure, or enclosure which is designed to be occupied by human beings, livestock, or other animals;

b. the shooting range or gallery is located at least 150 yards from any nearby road, street, or highway; that lies behind and beyond the rear of the target;

c. the shooting range or gallery utilizes only fixed, stationary targets at which the firearm is specifically aimed, directed, fired, and discharged; and

d. the shooting range or gallery utilizes a backstop, berm, dike, or other physical barrier that is located behind and beyond the target, that has a minimum thickness of two

(2) feet, that extends a minimum of four (4) feet above the target, and that is constructed of a material that will allow the projectile to penetrate the backstop, berm, dike, or other physical barrier but not pass all the way through it.

For the purposes of this subpart, the 150 yard, safety buffer requirement in subpart (c)(3)a above applies to all portions of the shooting range or gallery including, but not limited to, the target area and the area from which firearms are discharged by the shooter. The 150 yard, safety buffer requirement in subpart (c)(3)a above will not, however, apply where the owner and any of his/her tenants and adult residents of any nearby dwelling, building, structure, or enclosure have provided written permission to discharge firearms within 150 yards of their property. Written permission must be signed by the nearby owner and any of his/her tenants and adult residents and available for immediate inspection by law enforcement officers upon request.

Notwithstanding any such written permission from nearby property owners, tenants, and adult residents, the safety requirements in subparts (c)(1) and (c)(3)b, c, and d above cannot be waived, shall remain in effect, and shall be enforced as to all shooting ranges or galleries.

(d) Exceptions:

(1) The safety requirements in subparts (c)(1), (c)(2) and (c)(3) of this Section above do not apply to the discharge of firearms by:

- a. Persons in lawful defense of life or property;
- b. Law enforcement officers in the performance of their duties (including participation in law enforcement training activities); or
- c. Persons acting at the direction of law enforcement officers when the latter are in the performance of their duties.

(2) The discharge of firearms by the following persons are subject to the safety requirements in subpart (c)(1) of this Section above, but not subparts (c)(2) or (c)(3):

- a. Persons lawfully engaged in pest control.

(e) Enforcement and Penalties: A violator of this Section shall be guilty of a Class III misdemeanor punishable by a fine of up to \$500.00. A violation of this Section may also subject the violator to a civil penalty of up to \$500.00. All assessed penalties may be recovered in any manner authorized by law.

(f) Liability of Owners: An owner of any premises subject to this Section who is not a current occupant of the premises, shall be responsible and subject to civil penalties, but not criminal liability, for actions by tenants, guests, or visitors which constitute violations of this Section. Absentee owners must be notified by personal service or certified mail of

the first or previous violations that have occurred before a subsequent civil penalty may be imposed. (*Ord. of 8-5-85, § 12A*)

Proposed Revisions To Existing County Noise Ordinance, Adding Subsections (b)(4) And (c)(12)

Guilford County Ordinance Sec. 11-8. - Annoying and disturbing noises.

(a) **Prohibitions:** Subject to the provisions of this section, it shall be unlawful for any person, persons, or business entity to make, permit, continue, or cause to be made, any unreasonably loud, disturbing, annoying or unnecessary noise in the unincorporated areas of the county, with the exception of construction work done pursuant to a federal, state, county or city contract which requires work to be performed during certain hours.

In determining whether a noise is unreasonably loud, annoying, disturbing, or unnecessary, the following factors incident to such noise are to be considered: time of day; proximity to residential structures; whether the noise is recurrent, intermittent or constant; the volume and intensity; whether the noise has been enhanced in volume or range by any type of electronic or mechanical means; the character, nature and zoning of the area; whether the noise is related to the normal operation of a business or other activity or is the result of some use for individual purposes and whether the noise is subject to being controlled without unreasonable effort or expense to the creator thereof. A continuing or non-resetting audible burglar or fire alarm shall not be considered a violation of this section, but may be a violation of [Section 11-2](#) of the County Code relating to alarm systems.

(b) **Definitions:** For purposes of this section, the following definitions shall apply:

(1) *Unreasonably loud or annoying.* Noise which is substantially incompatible with the time and location where created to the extent that it creates an actual or imminent interference with peace or good order.

(2) *Disturbing.* Noise which is perceived by a person of ordinary sensibilities as interrupting the normal peace and calm of the area.

(3) *Unnecessary.* Any excessive or unusually loud sound or any sound which is of such character, intensity and duration as to disturb the peace and quiet of any neighborhood or which disturbs, injures or endangers the comfort, repose, health, peace or safety of any person, and being a type of sound which could be lessened or otherwise controlled by the maker without unduly restricting his conduct.

(4) *Firearm* means a handgun, pistol, revolver, long gun, rifle, shotgun, or any other weapon which will expel a projectile by the action of an explosive regardless of whether a suppressor (aka “silencer”) is used on the firearms to reduce its report.

(c) **Specific Prohibited Acts:** The following acts are declared to be loud, disturbing, annoying and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive:

(1) *Blowing horns.* The sounding of any horn, whistle or signal device on any automobile, motorcycle, bus or other vehicle or railroad train, except as a danger signal or as required by law, so as to create any unreasonably loud, disturbing or annoying sound as defined above, or the sounding of such device for an unnecessary and/or unreasonable period of time.

(2) *Radios, stereos, etc.* The playing of any radio, television set, record player, stereo or other sound reproduction system, musical instrument or sound-producing or sound-amplifying device on the premises of any dwelling, hotel or motel room in such manner or with such volume, particularly but not limited to the hours between 11:00 p.m. and 7:00 a.m. as to be an unreasonably loud, annoying, disturbing or unnecessary manner as defined above. A presumption is created that the noise is unreasonably loud, annoying, disturbing and unnecessary if the sound generated is audible at a distance of thirty (30) feet or more from the dwelling's property line, or from the unit's most outer boundary wall in the case of a hotel or motel room.

(3) *Sound-producing equipment in vehicles.* The playing of any radio, cassette player, compact disc, videotape or disc or other similar device for reproducing sound located on or in any motor vehicle on a public street, highway, within any public vehicular area, within the motor vehicular area of any public or private parking lot or park or on the premises of a private residence in an unreasonably loud, annoying, disturbing or unnecessary manner as defined above. A presumption is created that the sound thus created is unreasonably loud, annoying, disturbing and unnecessary if the sound generated or noise vibration therefrom is audible or can be felt at a distance of thirty (30) feet or more from the radio, cassette player, compact disc, video tape or disc or other similar device that is producing the sound.

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

(5) *Operation of vehicles.* The operation of any automobile, motorcycle, or vehicles in such a manner as to create loud or unnecessary grating, grinding, rattling, screeching of tires or other noise.

(6) *Blowing whistles.* The blowing of any steam whistle attached to any steam boiler in an unreasonably loud, annoying, disturbing or unnecessary manner as defined above, except as a warning of danger.

(7) *Exhaust discharge.* The discharge into the open of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle, except through a muffler or other

device which will effectively prevent unnecessarily loud, annoying, disturbing or unnecessary noises therefrom.

(8) *Compressed air devices.* The use of any mechanical device operated by compressed air unless unreasonably loud, annoying disturbing or unnecessary noise created thereby is effectively muffled and reduced.

(9) *Noises to attract attention.* The use of any drum, bell, loudspeaker, or other instrumentality for the purpose of attracting attention by creation of noise to any performance, show, sale, display or advertisement of merchandise. The use of explosives such as fireworks may also be a violation where conducted at hours which interfere with the normal peace, calm and good order of the neighborhood or when conducted without obtaining the proper permissions, permits, etc.

(10) *Hawking, peddling or soliciting.* The shouting and crying of peddlers, hawkers, vendors, which disturb the quiet and peace of the neighborhood.

(11) *Loudspeakers or amplifiers.* The use of any mechanical loudspeakers or other mechanically amplified device within or from any commercial establishment or private entertainment or recreational venue is presumed to be unreasonably loud, annoying, disturbing and unnecessary if the sound played or emitted may be heard at a distance from thirty (30) feet or more of the facility's property line, between the hours of 11:00 p.m. and 7:00 a.m.

(12) *Repetitive discharge of firearms.* This provision does not create any new restrictions or limitations that were not already in place at the time this Ordinance (Section 11-8) was enacted on May 19, 2005. It does, however, provide clarification of the existing Ordinance to ensure the uniform application and enforcement of its already existing limitations and restrictions.

Subsection (a)'s prohibitions include the following actions:

Between 9 p.m. and 8 a.m.--all repetitive discharge of any firearms (including clay pigeon shooting, target shooting or target practice) is prohibited after 9 p.m. and before 8 a.m.;

Between 8 a.m. and 9 p.m.--the repetitive discharge of any firearms (including clay pigeon shooting, target shooting or target practice) is prohibited if it occurs during more than two (2) hours consecutively between the hours of 8 a.m. and 9 p.m. or during more than three (3) hours cumulatively during the period between 8 a.m. and 9 p.m.

As used in this section, "repetitive discharge" means multiple firearms discharges from the same general location within a one hour period, whether by a single shooter or cumulatively by more than one shooter, when such discharges create an unreasonably loud, disturbing, annoying, or unnecessary noise as defined above.

The definitions and safety provisions contained in Ordinance Section 11-1 (Discharge of Firearms) related to the construction and placement of shooting ranges or galleries, also apply to the repetitive discharge of firearms.

The restrictions in subpart (c)(12) of this Section above do not prohibit the discharge of a firearm by:

(1) Persons in lawful defense of life or property;

(2) Law enforcement officers in the performance of their duties (including participation in law enforcement training activities);

(3) Persons acting at the direction of law enforcement officers when the latter are in the performance of their duties;

(4) Persons lawfully engaged in pest control; or

(5) Persons lawfully engaged in the hunting of wild animals or fowl pursuant to Chapter 113 of the North Carolina General Statutes and any applicable local ordinances.

(d) Enforcement: The county in its discretion may through the Sheriff or anyone designated in writing by the County Manager take one (1) or more of the following enforcement actions for violations of this section against any responsible person, persons or business entity as stated in subsection (a):

(1) Issue a written warning.

(2) Issue a citation subjecting a violator to a civil penalty of two hundred dollars (\$200.00). A second violation by the same person or business within one (1) year of the first violation shall subject such person or business to a penalty of four hundred dollars (\$400.00). All subsequent violations by the same person or business within one (1) year of the first violation shall subject such person or business to a civil penalty of five hundred dollars (\$500.00). The county manager or his designee may on request and for good cause shown adjust a civil penalty.

(3) Failure to pay a civil penalty imposed under this section within ten (10) days shall subject the offender to an additional \$50.00 delinquency charge. Any unpaid penalty or delinquency charge may be recovered by the county in a civil action in the nature of a debt.

(4) Each separate day of a continued violation shall be a separate and distinct offense and shall give rise to a separate and distinct penalty.

(5) Violators may also be prosecuted under the provisions of N.C.G.S. 14-4 for a misdemeanor criminal offense punishable by a fine of not more than five hundred dollars (\$500.00) and/or imprisonment as designated for a Class 3 misdemeanor.

(6) This section may also be enforced by civil action for injunction and order of abatement.

(7) This section may be enforced by any remedy authorized by N.C.G.S. 153A-123, either severally or in conjunction with other remedies.

(e) **Exceptions:** In the interest of public safety and convenience the following activities are exempted from the application of this article:

(1) Emergency work made necessary to restore property to a safe condition; emergency work required to protect persons or property from danger or potential danger; or work by private or public utilities when restoring utility services.

(2) Any street construction activity performed by, or on behalf of, a government agency on streets designated on the then current thoroughfare plan as adopted county or state; provided that all equipment is operated in accordance with the manufacturer's specifications and is equipped with all legally required noise-reducing devices in proper operating condition. Blasting and pile driving on street projects are covered under this exemption only to the extent that they are carried on between the hours of 7:00 a.m. and 10:00 p.m., Monday through Saturday.

(3) Noise arising from the premises of a bona fide farm or a farming operation as defined in G.S. 153A-340(b)(2) as a result of routine farming activities necessary for the operation of the farm.

(4) Noise originating from aircraft or from any activities conducted upon property of the Piedmont Triad Airport Authority.

(f) **Liability of Owners:** An owner of any premises subject to this section who is not a current occupant of the premises shall be responsible and subject to civil penalties, but not criminal liability, for actions by tenants, guests, or other licensees which constitute violations of this section. Absentee owners must be notified by personal service or certified mail of the first or previous violations that have occurred within the previous twelve (12) month period before a subsequent increased civil penalty may be imposed.

(Ord. of 5-19-05, § 1)

State law reference— Authority for above section, G.S. 153A-133.

Sec. 11-8. - Annoying and disturbing noises.

- (a) **Prohibitions:** Subject to the provisions of this section, it shall be unlawful for any person, persons, or business entity to make, permit, continue, or cause to be made, any unreasonably loud, disturbing, annoying or unnecessary noise in the unincorporated areas of the county, with the exception of construction work done pursuant to a federal, state, county or city contract which requires work to be performed during certain hours.

In determining whether a noise is unreasonably loud, annoying, disturbing, or unnecessary, the following factors incident to such noise are to be considered: time of day; proximity to residential structures; whether the noise is recurrent, intermittent or constant; the volume and intensity; whether the noise has been enhanced in volume or range by any type of electronic or mechanical means; the character, nature and zoning of the area; whether the noise is related to the normal operation of a business or other activity or is the result of some use for individual purposes and whether the noise is subject to being controlled without unreasonable effort or expense to the creator thereof. A continuing or non-resetting audible burglar or fire alarm shall not be considered a violation of this section, but may be a violation of Section 11-2 of the County Code relating to alarm systems.

- (b) **Definitions:** For purposes of this section, the following definitions shall apply:

- (1) *Unreasonably loud or annoying.* Noise which is substantially incompatible with the time and location where created to the extent that it creates an actual or imminent interference with peace or good order.
- (2) *Disturbing.* Noise which is perceived by a person of ordinary sensibilities as interrupting the normal peace and calm of the area.
- (3) *Unnecessary.* Any excessive or unusually loud sound or any sound which is of such character, intensity and duration as to disturb the peace and quiet of any neighborhood or which disturbs, injures or endangers the comfort, repose, health, peace or safety of any person, and being a type of sound which could be lessened or otherwise controlled by the maker without unduly restricting his conduct.
- (4) *Firearm* means a handgun, pistol, revolver, long gun, rifle, shotgun, or any other weapon which will expel a projectile by the action of an explosive regardless of whether a suppressor (aka "silencer") is used on the firearms to reduce its report.

- (c) **Specific Prohibited Acts:** The following acts are declared to be loud, disturbing, annoying and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive:

- (1) *Blowing horns.* The sounding of any horn, whistle or signal device on any automobile, motorcycle, bus or other vehicle or railroad train, except as a danger signal or as required by law, so as to create any unreasonably loud, disturbing or annoying sound as defined above, or the sounding of such device for an unnecessary and/or unreasonable period of time.
- (2) *Radios, stereos, etc.* The playing of any radio, television set, record player, stereo or other sound reproduction system, musical instrument or sound-producing or sound-amplifying device on the premises of any dwelling, hotel or motel room in such manner or with such volume, particularly but not limited to the hours between 11:00 p.m. and 7:00 a.m. as to be an unreasonably loud, annoying, disturbing or unnecessary manner as defined above. A presumption is created that the noise is unreasonably loud, annoying, disturbing and unnecessary if the sound generated is audible at a distance of thirty (30) feet or more from the dwelling's property line, or from the unit's most outer boundary wall in the case of a hotel or motel room.
- (3) *Sound-producing equipment in vehicles.* The playing of any radio, cassette player, compact disc, videotape or disc or other similar device for reproducing sound located on or in any motor vehicle

on a public street, highway, within any public vehicular area, within the motor vehicular area of any public or private parking lot or park or on the premises of a private residence in an unreasonably loud, annoying, disturbing or unnecessary manner as defined above. A presumption is created that the sound thus created is unreasonably loud, annoying, disturbing and unnecessary if the sound generated or noise vibration therefrom is audible or can be felt at a distance of thirty (30) feet or more from the radio, cassette player, compact disc, video tape or disc or other similar device that is producing the sound.

- (4) *Animals.* The keeping of any animal or bird, which by causing frequent or long continued noise, shall disturb the comfort and repose of any person in the vicinity.
- (5) *Operation of vehicles.* The operation of any automobile, motorcycle, or vehicles in such a manner as to create loud or unnecessary grating, grinding, rattling, screeching of tires or other noise.
- (6) *Blowing whistles.* The blowing of any steam whistle attached to any steam boiler in an unreasonably loud, annoying, disturbing or unnecessary manner as defined above, except as a warning of danger.
- (7) *Exhaust discharge.* The discharge into the open of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle, except through a muffler or other device which will effectively prevent unnecessarily loud, annoying, disturbing or unnecessary noises therefrom.
- (8) *Compressed air devices.* The use of any mechanical device operated by compressed air unless unreasonably loud, annoying disturbing or unnecessary noise created thereby is effectively muffled and reduced.
- (9) *Noises to attract attention.* The use of any drum, bell, loudspeaker, or other instrumentality for the purpose of attracting attention by creation of noise to any performance, show, sale, display or advertisement of merchandise. The use of explosives such as fireworks may also be a violation where conducted at hours which interfere with the normal peace, calm and good order of the neighborhood or when conducted without obtaining the proper permissions, permits, etc.
- (10) *Hawking, peddling or soliciting.* The shouting and crying of peddlers, hawkers, vendors, which disturb the quiet and peace of the neighborhood.
- (11) *Loudspeakers or amplifiers.* The use of any mechanical loudspeakers or other mechanically amplified device within or from any commercial establishment or private entertainment or recreational venue is presumed to be unreasonably loud, annoying, disturbing and unnecessary if the sound played or emitted may be heard at a distance from thirty (30) feet or more of the facility's property line, between the hours of 11:00 p.m. and 7:00 a.m.
- (12) *Repetitive discharge of firearms.* This provision does not create any new restrictions or limitations that were not already in place at the time this ordinance (Section 11-8) was enacted on May 19, 2005. It does, however, provide clarification of the existing Ordinance to ensure the uniform application and enforcement of its already existing limitations and restrictions.

Subsection (a)'s prohibitions include the following actions:

Between 9 p.m. and 8 a.m.--all repetitive discharge of any firearms (including clay pigeon shooting, target shooting or target practice) is prohibited after 9 p.m. and before 8 a.m.;

Between 8 a.m. and 9 p.m.--the repetitive discharge of any firearms (including clay pigeon shooting, target shooting or target practice) is prohibited if it occurs during more than two (2) hours consecutively between the hours of 8 a.m. and 9 p.m. or during more than three (3) hours cumulatively during the period between 8 a.m. and 9 p.m.

As used in this section, "repetitive discharge" means multiple firearms discharges from the same general location within a one hour period, whether by a single shooter or cumulatively by more than one shooter, when such discharges create an unreasonably loud, disturbing, annoying, or unnecessary noise as defined above.

The definitions and safety provisions contained in Ordinance Section 11-1 (Discharge of Firearms) related to the construction and placement of shooting ranges or galleries, also apply to the repetitive discharge of firearms.

The restrictions in subpart (c)(12) of this Section above do not prohibit the discharge of a firearm by:

- (1) Persons in lawful defense of life or property;
- (2) Law enforcement officers in the performance of their duties (including participation in law enforcement training activities);
- (3) Persons acting at the discretion of law enforcement officers when the latter are in the performance of their duties;
- (4) Persons lawfully engaged in pest control; or
- (5) Persons lawfully engaged in the hunting of wild animals or fowl pursuant to Chapter 113 of the North Carolina General Statutes and any applicable local ordinances.

(d) **Enforcement:** The county in its discretion may through the sheriff or anyone designated in writing by the county manager take one (1) or more of the following enforcement actions for violations of this section against any responsible person, persons or business entity as stated in subsection (a):

- (1) Issue a written warning.
- (2) Issue a citation subjecting a violator to a civil penalty of two hundred dollars (\$200.00). A second violation by the same person or business within one (1) year of the first violation shall subject such person or business to a penalty of four hundred dollars (\$400.00). All subsequent violations by the same person or business within one (1) year of the first violation shall subject such person or business to a civil penalty of five hundred dollars (\$500.00). The county manager or his designee may on request and for good cause shown adjust a civil penalty.
- (3) Failure to pay a civil penalty imposed under this section within ten (10) days shall subject the offender to an additional \$50.00 delinquency charge. Any unpaid penalty or delinquency charge may be recovered by the county in a civil action in the nature of a debt.
- (4) Each separate day of a continued violation shall be a separate and distinct offense and shall give rise to a separate and distinct penalty.
- (5) Violators may also be prosecuted under the provisions of N.C.G.S. 14-4 for a misdemeanor criminal offense punishable by a fine of not more than five hundred dollars (\$500.00) and/or imprisonment as designated for a Class 3 misdemeanor.
- (6) This section may also be enforced by civil action for injunction and order of abatement.
- (7) This section may be enforced by any remedy authorized by N.C.G.S. 153A-123, either severally or in conjunction with other remedies.

(e) **Exceptions:** In the interest of public safety and convenience the following activities are exempted from the application of this article:

- (1) Emergency work made necessary to restore property to a safe condition; emergency work required to protect persons or property from danger or potential danger; or work by private or public utilities when restoring utility services.

- (2) Any street construction activity performed by, or on behalf of, a government agency on streets designated on the then current thoroughfare plan as adopted county or state; provided that all equipment is operated in accordance with the manufacturer's specifications and is equipped with all legally required noise-reducing devices in proper operating condition. Blasting and pile driving on street projects are covered under this exemption only to the extent that they are carried on between the hours of 7:00 a.m. and 10:00 p.m., Monday through Saturday.
 - (3) Noise arising from the premises of a bona fide farm or a farming operation as defined in G.S. 153A-340(b)(2) as a result of routine farming activities necessary for the operation of the farm.
 - (4) Noise originating from aircraft or from any activities conducted upon property of the Piedmont Triad Airport Authority.
- (f) **Liability of Owners:** An owner of any premises subject to this section who is not a current occupant of the premises shall be responsible and subject to civil penalties, but not criminal liability, for actions by tenants, guests, or other licensees which constitute violations of this section. Absentee owners must be notified by personal service or certified mail of the first or previous violations that have occurred within the previous twelve (12) month period before a subsequent increased civil penalty may be imposed.

(Ord. of 5-19-05, § 1)

State law reference— Authority for above section, G.S. 153A-133.