

Noise Ordinance

It shall be unlawful to cause, create or permit any loud, raucous, and disturbing noise (which is defined as any sound which annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities). The above include the following acts in violation of this section, but such enumeration shall not be deemed to be exclusive:

- 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 after or as brakes are being applied and deceleration of the vehicle is intended.
- The use of any gong or siren on any vehicle other than police, fire or other emergency vehicle.
- The playing of any radio, phonograph or other musical instrument in such a manner or with such volume, particularly during the 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.
- 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.
- The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud grating, grinding, rattling or other noise.
- The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of danger.
- The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motor boat engine except through the muffler or other device which will effectively prevent loud or explosive noises therefrom.
- The use of any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and reduced.
- The erection 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.
- The creation of any noise on any street adjacent to any school, institution of learning or court while the same are in session or within one hundred fifty (150) feet of any hospital, which interferes with the working of such institution; provided, that conspicuous signs are displayed in such streets indicating that the same is a school, court or hospital street.
- The creation of loud noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
- The sounding of any bell or gong attached to any building or premises which disturbs the quiet or repose of persons in the vicinity thereof.
- The shouting and crying of peddlers, barkers, hawkers and vendors which disturbs the quiet and peace of the neighborhood.

- 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, sale or display of merchandise (provided, however, the city council may grant permission for exceptions to this subparagraph under any conditions it and the chief of police may deem appropriate).
- The use of any mechanical loudspeakers or amplifiers on trucks or other moving vehicles for advertising or other purposes except where specific license is received from the police department.
- The conducting, operating or maintaining of any garage or filling station 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.
- The firing or discharging of a gun, squibs, crackers, gunpowder or other combustible substance in the streets or elsewhere for the purpose of making noise or disturbance except by permit from the police department.

Noise from radios, tape players, loudspeakers, sound amplifiers.

No person shall play, use, or operate, or permit to be played, used or operated, any radio, tape recorder, cassette player, or other machine or device for reproducing sound, if it is located in or on any of the following:

- any public property, including any public street, highway, building, sidewalk, park, thoroughfare, or public or private parking lot; or
- any motor vehicle on a public street, highway, public space, or within the motor vehicular area of any public or private parking lot or park;

and if at the same time the sound generated is audible at a distance of thirty (30) feet from the radio, tape recorder, cassette player, or other machine or device that is producing the sound.

Possession by a person or persons of any radio, tape recorder, cassette player or other machine or device for reproducing sound as enumerated in subsection (a) above, shall be prima facie evidence that such person operates, or those persons operate, the radio, tape recorder, cassette player or other machine or device for reproducing sound.

Henderson Police Department

200 Breckenridge Street
Henderson, NC 27536

Phone: (252)438-4141
Fax: (252)438-7311

Henderson Police Department

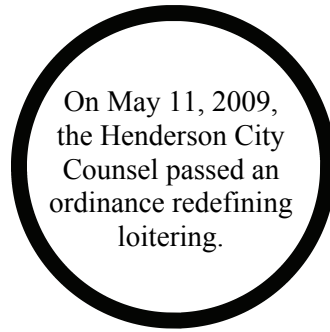
NOTICE
NO
LOITERING



Loitering and Loud Noise Ordinances



Section 10-7 of Henderson City Code Loitering



Definitions:

Loiter means to stand or wander around or remain, or to park or remain parked in a motor vehicle at a public place or place open to the public in any conduct prohibited under this section. Loiter also means to collect, gather, congregate or be a member of a group or a crowd of people, numbering three (3) or more, who are gathered together in any public place or place open to the public and are engaged in any conduct prohibited under this section.

Place open to the public means any place open to the public or any place to which the public is invited and in, on, or around any privately owned place of business, private parking lot, or private institution, including places of worship, cemetery or any place of amusement and entertainment and areas open to the public of any store, office, or apartment building.

Public place means any public street, road, or high-

way, bridge, driveway, alley, lane, sidewalk, crosswalk, or other public way, or any public resort place of amusement, park, playground, public buildings or grounds appurtenant thereto, church building or grounds, public parking lot, or any vacant lot within the city, or the doorways and entranceways to any building which fronts on any of these places, and any property owned or controlled by the city or other governmental entity.



Prohibited conduct. It shall be unlawful for any person to loiter at, on or in a public place or place open to the public in such manner:

- To repeatedly interfere, impede or hinder the free passage of pedestrian or vehicular traffic, or
- To interfere with, obstruct, harass or threaten or do physical harm to another person, or
- Repeatedly beckon to, stop or attempt to stop passersby, or repeatedly attempt to engage passersby in non-consensual conversation, or
- Repeatedly pass to or receive from passersby, whether on foot or in a vehicle, money or objects which create a reasonable belief that the same is in violation of any subdivision of the North Carolina Controlled Substances Act (G.S. Chapter 90, Article 5), or
- To fail to obey the direction of a uniformed police officer or the direction of a properly identified police officer not in uniform to move on, when not to obey such direction shall be a direct violation of this ordinance

Lawful assembly. Nothing herein shall be construed to prohibit orderly picketing or other lawful assembly.

Violation. “No Loitering” signs posted by the property owner or his designee and/or verbal or written warning by said person or by a properly identified law enforcement officer shall serve as proper warning and shall further constitute a prima facie demand (without limited other methods) that this ordinance be complied with promptly.”