

Henderson County Noise Ordinance

It is prohibited in Henderson County to create, cause or allow the continuance of any unreasonably loud, disturbing noise. Noise of such character, intensity and duration as to be detrimental to the health, safety or welfare of any reasonable person in the vicinity is prohibited.



In determining whether a noise is unreasonably loud and disturbing, the following factors 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 mechanical means; the nature

and zoning of the area; whether the noise is related to the normal operation of a business or other labor 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.

Barking Dogs & Animal Impoundment

Our county Noise Ordinance, Chapter 125A of the Henderson County Code, permits the Sheriff's Office to impound a barking dog at the investigating deputy's discretion for a second or subsequent violation.

Impounded animals will be held at the Henderson County Animal Services Center at 828 Stoney Mountain Road.

Animal Services Center hours of operations are Monday thru Friday, 8:00 am to 4:30 pm, and Saturday 9:30 am to 2:00 pm.

In order to reclaim your animal please be aware of the following:

- Animals cannot be reclaimed until the next business day during regularly scheduled hours at the Animal Service Center.
- You must pay all fines and fees before the animal will be released including a possible \$50 fine per violation, a reclaim fee of \$30, and boarding fee of \$3 per day.
- Animals must be reclaimed within 5 business days of impoundment. Animals not reclaimed within 5 business days may be adopted out or humanely destroyed.

HENDERSON COUNTY

Information provided by the Henderson County Communications Office.

Noise Ordinance Complaints should be directed to the Henderson County Sheriff's Office at 828-697-4911.

HENDERSON COUNTY

Noise Ordinance: What You Need To KNOW



Disturbing Noises

The following acts (among others) are declared “loud and disturbing” in violation of the ordinance:

- The use of any loud, boisterous or raucous language, yelling or shouting;
- Noise emanating from a party in such volume as to disturb the peace;
- Animals barking, howling, squawking or making other unreasonably loud disturbing noise continuously or incessantly for a period of 10 minutes or intermittently for a period of 30 minutes or more;
- The playing of radio, TV, or music devices, or amplification equipment, particularly between 11 p.m. and 7 a.m., disturbing the peace;
- Intentional sounding of horns; the operation of any automobile, motorcycle, bus or remote control model vehicle that creates loud or disturbing noise; or the operation of such vehicles without a muffler in good working order;
- The repair, rebuilding or testing of any motor vehicle or motorcycle between 11 p.m. and 7 a.m. which creates loud disturbing noise.
- Operating or permitting the operation of any motor vehicle or motorcycle that engages in jackrabbit starts, spinning tires, racing engines, or other loud and disturbing noises;
- The creation of excessive noise on any street adjacent to any school, institution of learning, library or sanitarium or court while the same is in session, or adjacent to any hospital or church during services;
- The firing, shooting or discharging of any firearm for purpose of making a disturbance.

Noise Complaint Procedure & Citizen Participation

The success of this Ordinance depends on YOU! Noise complaints should be reported to the **Henderson County Sheriff's Office at 828-697-4911**. Please be prepared to assist law enforcement by providing all the evidence you have regarding the violation and violator, your contact information and any knowledge you may have about others who have been disturbed by the noise. You may later be asked to testify in criminal or civil court regarding your reasons for the complaint. This information is essential to the successful resolution of the complaint.

When a complaint is received a deputy will investigate the alleged violation, will talk to witnesses and to the suspected violator, and may use cameras and other devices to document violations and collect evidence.

The deputy has the authority to issue a verbal warning, file a written complaint, issue a citation for a civil penalty, or use criminal process. Criminal noise ordinance violations constitute a Class 3 misdemeanor and may be punishable by a fine up to a maximum of \$500 and costs of court. Each violation and each day in violation are separate offenses.



Exceptions

The following uses and activities (among others) are exempt from the noise ordinance:

- Noise made by dogs while they are being used for taking wildlife or while being trained by hunters;
- Noise associated with normal operations of any facility properly licensed by the North Carolina Department of Agriculture, Veterinary Division, as a boarding kennel, pet shop or dealer; or from any animal shelter operated by Henderson County;
- Noise associated with any legal operations of any firearms club or association;
- Noise caused by the discharge of firearms by law enforcement officers in the performance of their official duties or during official firearms training;
- Noise resulting from farming operations, including but not limited to noises generated by machinery, equipment and farm animals;
- Noise associated with any event held in recognition of a community celebration of national, state or county events or public festivals;
- Noise associated with any public or private school activity or camp activity (pertaining to American Camp Association accredited camps) not including activities associated with campgrounds available to the public for overnight camping. It is, however, unlawful for there to be unreasonably loud, disturbing, boisterous, raucous language or shouting in a violent or offensive manner while attending such activities.
- Chimes or bells of businesses, schools, camps or religious institutions in the daylight hours that operate no longer than 10 minutes in any hour;
- Non-amplified crowd noise;
- Noise resulting from operations of any construction, commercial, industrial or agricultural activities.