

MONTREAT CODE OF GENERAL ORDINANCES

CHAPTER I -- DISORDERLY CONDUCT AND PUBLIC NUISANCES

ARTICLE I: DISORDERLY CONDUCT

Section 1. General. No occupant of any building shall permit the building to be kept in an indecent or offensive or disorderly manner or permit loafers or idle Persons to congregate therein or in front of same to the annoyance of Persons passing by or living in the vicinity.

Section 2. Vagrants. Any and all tramps, vagrants, Persons under suspicion, who shall be found with no visible means of support, either male or female, shall not be allowed on the Streets or other Public Places.

Section 3. Profanity and Boisterous Conduct. It shall be unlawful for any Person to use loud and boisterous language so as to become a nuisance or use any form of profanity or indecent language on the Street or in a gathering or audience or assembly, or in any Public Place whatsoever, or to indecently expose themselves within the corporate limits.

Section 4. Public Drunkenness. It shall be unlawful for any intoxicated Person to be on or upon any public Street or other Public Place.

Section 5. Drinking in Public. No Person shall consume, serve, or drink wine, beer, whiskey, or alcoholic beverages of any kind on the public Streets, alleys or walkways or in public hearings.

ARTICLE II: NOISE CONTROL

(Revised 6/10/2004)

Section 1. It shall be unlawful for any Person or Entity to create or assist in creating, permit, continue, or permit the continuance of any unreasonably loud, disturbing and unnecessary noise in the Town. Noise of such character, intensity and duration as to be detrimental to the life and health of any individual is prohibited. The production or emission of noises or amplified speech, music or other sounds that tend to annoy, disturb or frighten citizens of the Town is also prohibited (Ref. N.C.G.S. § 160A-184.)

Section 2. Noise - Specific Prohibitions. The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of Chapter I, Article II, Section 2, but this list is not exclusive and does not limit the Town's authority to prohibit other noises.

- 1) The playing of any radio, phonograph, musical instrument, or sound amplification system in such a manner or with such volume from 11:00 p.m. - 7:00 a.m. so as to annoy or disturb the quiet, comfort or repose of any Person in any dwelling, hotel or other residence or Vehicle. For the purpose of this Section any sound coming from these sources that can be heard at the property lines of the complainant during these hours shall be deemed excessive, unreasonably loud, disturbing and

unnecessary noise and shall constitute a violation of this Section.

- 2) The use of a speaker or amplifier INDOORS so that the sound is heard outside the structure containing the amplifier or speaker at any time from 7:00 a.m. - 11:00 p.m., and so that said sound is measured with a decibel meter to be above 60 decibels shall be deemed excessive, unreasonably loud, disturbing and unnecessary noise and shall constitute a violation of this Section. If a permit has been obtained for an INDOOR event, then the decibel limits set forth in Section 203 below will be used as a guideline for permissible sound levels.
- 3) The use of a speaker or amplifier system OUTDOORS at any time without first obtaining a permit from the Town is prohibited and constitutes a violation of this Section. See Section 3.
- 4) The operation of a motor Vehicle with defective or modified engine sound muffling system so as to produce engine noise that exceeds the normal noise produced by automobiles operated in the Town; for the purpose of this Section the normal noise produced shall be as stated in the Sound Level Table I, titled "Motor Vehicle & Motorcycle Sound Limits," attached hereto and incorporated herein by reference.
- 5) The keeping of any animal or bird which by causing frequent, incessant or repetitive noise shall disturb the comfort and repose of any Person in the vicinity.
- 6) The erection (including excavating), demolition, alteration or repair of any building or the operation of a chainsaw or other power lawn maintenance tool in a residential, business or institutional district other than between the hours of 7:00 a.m. and 6:00 p.m. Monday through Saturday (7:00 a.m. and sunset during daylight savings time) and on Sundays between the hours of 1:00 p.m. and 6:00 p.m. except in the case of urgent necessity in the interest of public safety and then only with a permit from the Building Inspector or a member of the Police Department which may be renewed for a period of three days or less while the emergency continues.
- 7) The discharge of a gun in the Town except by written permission from the Chief of Police.
- 8) It shall be unlawful for any person or entity to use or cause to be discharged any fireworks and/or pyrotechnics as defined in N.C.G.S. 14-414.
- 9) Constant/Pure Tone. When a constant or pure tone is produced, whether by mechanical equipment or other methods, the maximum decibel level shall be 60 decibels as measured at the property line of the complainant. In the case of a pure or contact tone it does not matter if the sound is amplified or not.

Section 3. Permits. The Chief of Police or his/her designee is hereby assigned to issue permits for outdoor amplified sound. Personal, small transistor radios or other equipment that does not produce sufficient sound to disturb others are exempted from this Section. For the purpose of this Section the maximum decibel level is 75 decibels and will be measured at the property line of the event closest to the complainant. The scope of this Section includes any musical or vocal production and amplified sound whether live or recorded. The request for permit must be made at least 7 days in advance of the event date to allow for a walk-through of the site to determine if the permit will be issued and what the maximum allowable decibel limits will be. A responsible adult at least 18 years of age will be required to apply for the permit and will be held responsible for compliance with the permit requirements. This responsible Person is required to be present at the event for the duration of the event. If a complaint is made the Police will come to the event and contact the responsible Person. If a violation occurs the responsible Person will be cited for the violation of the Ordinance and the event will be terminated immediately. Maximum sound limit with permit is 75 decibels.

Section 4. Exemptions. The following activities and events shall be exempt from the provisions of Section 2 above and the maximum noise level shall be 80 decibels or as approved by the Chief of Police or his designated representative, using a common sense rule that applies to the specific circumstances of the event. All private activities will comply with the provisions of Section 3 above.

- 1) Town and permitted activities associated with the Town's celebration of the July 4th national holiday.
- 2) Noises of safety signals, warning devices, emergency pressure relief valves, all church bells.
- 3) An official all-campus Montreat College event, held on the college campus, no more than one (1) weekend in duration, occurring no more often than twice per year.
- 4) All noises coming from the normal operations or properly equipped aircraft (not including scale model aircraft.)
- 5) Emergency work necessary to maintain public safety, or to restore property to a safe condition following an accident or natural disaster, or to protect persons or property from an imminent danger.
- 6) Noises resulting from the provision of government services necessary to maintain the public infrastructure.
- 7) Noises resulting from the provision of sanitation and recycling services between the hours of 5:30 a.m. and 11:00 p.m.

SOUND LEVEL TABLE I

MOTOR VEHICLE AND MOTORCYCLE SOUND LIMITS

(Decibels (dBA) measured 50 feet from Vehicle)

VEHICLE CLASS	SPEED LIMIT 35 MPH OR LESS	STATIONARY RUN-UP
Motor carrier Vehicle engaged in interstate commerce with GVWR of GCWR 10,000 lbs. or more	86 dBA	88 dBA
All other Motor Vehicles with GVWR or GCWR of 6,000 lbs. or more	84 dBA	86 dBA
Any Motorcycle	82 dBA	84 dBA
Any other Motor Vehicle or any combination of Vehicles towed by any Motor Vehicle	78 dBA	88 dBA

REFERENCE: These decibel levels were taken from the SBCCI standard produced by the Southern Building Code Congress International (SSTD-8-87.)

SOUND LEVEL TABLE II

AMPLIFIED SOUND LIMITS: WITHOUT PERMIT

(Measured at Property Line)

MAXIMUM SOUND LAND USE CATEGORY	TIME	LEVEL LIMITS IN DECIBELS (dBA)
Residential R-1, R-2 & R-3	7:00 a.m. – 11:00 p.m.	60 dBA
Residential R-1, R-2, & R-3	11:00 p.m. – 7:00 a.m.	NOT ALLOWED ⁽¹⁾
Institutional/Residential	7:00 a.m. – 11:00 p.m.	60 dBA
Institutional/Residential	11:00 p.m. – 7:00 a.m.	NOT ALLOWED ⁽¹⁾
Public Space	7:00 a.m. – 11:00 p.m.	60 dBA
Public Space	11:00 p.m. – 7:00 a.m.	NOT ALLOWED ⁽¹⁾
Open Space	7:00 a.m. – 11:00 p.m.	60 dBA
Open Space	11:00 a.m. – 7:00 a.m.	NOT ALLOWED ⁽¹⁾
Institutional Zone	7:00 a.m. – 11:00 p.m.	60 dBA
Institutional Zone	11:00 p.m. – 7:00 a.m.	NOT ALLOWED ⁽¹⁾
Business or Commercial	7:00 a.m. – 11:00 p.m.	70 dBA
Business or Commercial	11:00 p.m. – 7:00 a.m.	NOT ALLOWED ⁽¹⁾

⁽¹⁾ From 11:00pm - 7:00am amplified sound is not permitted. This however does not apply to a personal radio, TV, or other sound producing device that is used on private property and at a level that the sound does not travel beyond the property lines of the private property where the device is being used.

EXCEPTION: Constant/Pure Tone. When a constant or pure tone is produced, whether by mechanical equipment or other methods, the above maximum decibel levels are reduced by 5 dBA. In the case of a pure or constant tone it does not matter if the sound is amplified or not.

SOUND LEVEL TABLE III

AMPLIFIED SOUND LIMITS: WITH PERMIT
 (Measured at Property Line)
 (Revised (9/13/2001))

MAXIMUM SOUND LAND USE CATEGORY	TIME	LEVEL LIMITS IN DECIBELS (dBA)
Residential R-1, R-2 & R-3	7:00 a.m. – 11:00 p.m.	70 dBA
Residential R-1, R-2, & R-3	11:00 p.m. – 7:00 a.m.	NOT ALLOWED ⁽¹⁾
Institutional/Residential	7:00 a.m. – 11:00 p.m.	70 dBA
Institutional/Residential	11:00 p.m. – 7:00 a.m.	NOT ALLOWED ⁽¹⁾
Public Space	7:00 a.m. – 11:00 p.m.	75 dBA
Public Space	11:00 p.m. – 7:00 a.m.	NOT ALLOWED ⁽¹⁾
Open Space	7:00 a.m. – 11:00 p.m.	80 dBA
Open Space	11:00 p.m. – 7:00 a.m.	NOT ALLOWED ⁽¹⁾
Institutional Zone	7:00 a.m. – 11:00 p.m.	80dBA
Institutional Zone	11:00 p.m. – 7:00 a.m.	NOT ALLOWED ⁽¹⁾
Business or Commercial	7:00 a.m. – 11:00 p.m.	80 dBA
Business or Commercial	11:00 p.m. – 7:00 a.m.	NOT ALLOWED ⁽¹⁾

⁽¹⁾ From 11:00pm - 7:00am amplified sound is not permitted. This however does not apply to a personal radio, TV, or other sound producing device that is used on private property and at a level that the sound does not travel beyond the property lines of the private property where the device is being used.

EXCEPTION: Constant/Pure Tone. When a constant or pure tone is produced, whether by mechanical equipment or other methods, the above maximum decibel levels are reduced by 5 dBA. In the case of a pure or constant tone it does not matter if the sound is amplified or not.

Section 5. Posting Bills, Other Advertising. No Person shall stick, paint, brand, stamp, write or put upon any house, fence, wall pavement, post or upon any property owned by any Person or Entity or owned by the Town, any printed, written, painted or other advertisement, bill, notice, sign or poster, without first having obtained the written permission of the owner of such property and having received a permit from the Town Clerk.

ARTICLE III: DOGS

Section 1. Dog Control

- 1) Collar and Tags. No Person or Entity shall own or keep any dog over the age of six (6) months in the Town unless that Person has provided a collar and tags for each dog as herein provided. The collar shall contain a current rabies vaccination tag and an identification tag with the owner's name and telephone number imprinted upon it.
- 2) Vaccination. It shall be unlawful for the owner of any dog to keep the dog unless it is vaccinated by a licensed veterinary surgeon with anti-rabies vaccine as required by the General Statutes of North Carolina. Proof of rabies inoculation must be attached to the collar of the dog.
- 3) Restraint. The owner or custodian of a dog shall keep the dog under restraint at all times and shall not permit the dog to be At Large.
- 4) Impoundment. Any dog not displaying the proper tags as required in this Ordinance or any dog found running At Large shall be taken up by the Animal Control Officer, or authorized representative thereof, or a Montreat police officer, and impounded in the Black Mountain Animal Shelter or other animal shelter designated by the Town Administrator. All dogs not claimed within twenty-four (24) hours shall be turned over the Buncombe County Animal Shelter. Upon arrival at the Buncombe County Animal Shelter, dogs not claimed within seven (7) days may be put up for adoption or humanely euthanized.
- 5) Notice to Owner. As soon as a dog has been impounded, the Town will attempt to notify the owner by telephone and inform the owner of the dog's impoundment and how custody of the dog may be regained.
- 6) Impoundment Fees. An owner may reclaim an impounded dog by paying the necessary impoundment fees at the temporary animal shelter in the Town of Black Mountain. If the dog has been turned over to Buncombe County officials, the owner must first pay the Town's impoundment fee at the temporary animal shelter in the Town of Black Mountain, obtain a release for the dog from the Town of Black Mountain, and then pay the required Buncombe County fees at the County shelter. Dogs will not be released from the Buncombe County shelter unless a release slip has been issued by the Town of Black Mountain showing that the appropriate Black Mountain fees have been paid.
- 7) Records. Animal control personnel shall keep, or cause to be kept, accurate and detailed records of the licensing, impoundment, and disposition of all dogs that come into their custody. Records shall also be kept of all moneys collected under this Section.

Section 2. Records. All previous ordinances relating to the keeping, licensing, and restraining of dogs are hereby repealed. All other ordinances in conflict herewith are repealed to the extent of such conflict.

ARTICLE IV: OTHER ANIMALS

Section 1. Animals At Large. All animals caught running At Large shall be impounded by the Police and unless claimed within four days shall be disposed of as the Town shall deem best.

Section 2. Hog, Pigs, Goats and Livestock Prohibited. No Person shall be permitted to keep or maintain any hog, pig or goat pen, or keep any hogs, pigs, goats or livestock within the Town's corporate limits.

Section 3. Chickens Prohibited. No Person shall maintain a chicken house or other enclosure for chickens, or keep any chickens, within the Town's corporate limits.