

## Section

96.01 Unreasonably loud and disturbing sound levels prohibited

96.99 Penalty

Statutory reference:

Regulation of noise, see G.S.  
§ 160A-296

§ 96.01 UNREASONABLY LOUD AND DISTURBING SOUND LEVELS PROHIBITED.

(A) It shall be unlawful for any person, firm, or corporation to create or assist in creating any unreasonably loud, disturbing sound levels in the Town, taking into consideration volume, duration, frequency, and other characteristics of the sound.

(B) The following activities, among others, are declared to be unreasonably loud, disturbing sound levels in violation of this section, but this enumeration shall not be deemed to be exclusive:

(1) The playing of any musical instrument or use of electronic sound amplification equipment in such manner or with such volume, particularly between 11:00 p.m. and 7:00 a.m., such that a reasonably prudent person would recognize as likely to unreasonably disturb persons in the vicinity.

(2) The keeping of any animal or bird which makes frequent or long continued sounds, such that a reasonably prudent person would recognize as likely to unreasonably disturb persons in the vicinity.

(3) The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in such manner as to create unreasonably loud, disturbing sounds.

(4) The operating of any garage or service station in any residential area so as to cause unreasonably loud, disturbing sounds to be emitted between the hours of 9:00 p.m. and 7:00 a.m. on any day.

(5) The creation of unreasonably loud, disturbing sound levels adjacent to any school, educational facility, church, or court during normal operating hours, or within 150 feet of any hospital, which a reasonably prudent person would recognize as likely to unreasonably interfere with the working of such institutions, provided conspicuous signs are displayed indicating that such area is a school, educational facility, church, court, or hospital area.

(6) The erection (including excavation), demolition, alteration, or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 7:00 p.m. on any day, except in the case of urgent necessity in the interest of public safety and then only under the direction of an appropriate Town official.

§ 96.99 PENALTY.

A person violating any provision of this chapter shall be given one verbal warning. Thereafter, violation of this chapter by that person shall constitute a misdemeanor and, upon conviction, the offender may be punished by a fine not to exceed \$50 or imprisoned not to exceed 30 days. Each day such violation continues shall constitute a separate offense.

## Section

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GENERAL PROVISIONS§ 97.01 AUTHORITY TO REGULATE.

The Town has the statutory power to regulate parades pursuant to G.S. § 20-169, other statutes, and the general police power. ('75 Code, Ch. E, Art. VII, § 1) (Ord., passed 12- -69)

§ 97.02 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"CHIEF OF POLICE." The Chief of Police of the Town.

"PARADE." Any march, ceremony, show, exhibition, pageant, or procession of any kind or any similar display, in or upon any street, park, or other public place in the Town.

"PARADE PERMIT." A permit as required by this chapter. ('75 Code, Ch. E, Art. VII, § 2) (Ord., passed 12- -69)

§ 97.03 PUBLIC CONDUCT DURING PARADE.

(A) Interference. No person shall unreasonably hamper, obstruct or impede, or interfere with any parade or parade assembly or with any person, vehicle, or animal participating or used in a parade.

(B) Driving through parades. No driver of a vehicle shall drive between the vehicles or persons comprising a parade when the vehicles or persons are in motion and are conspicuously designated as a parade.

(C) Parking on parade route. The Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade. The Chief shall post signs to this effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this chapter. ('75 Code, Ch. E, Art. VII, § 14) (Ord., passed 12- -69) Penalty, see § 97.99

PERMIT§ 97.10 PERMIT REQUIRED.

(A) No person shall engage in, participate in, aid, form, or start any parade, unless a parade permit shall have been obtained from the Chief of Police.

(B) Exceptions. This subchapter shall not apply to:

(1) Funeral processions.

(2) Students going to and from school classes or participating in educational activities, providing the conduct is under the immediate direction and supervision of the proper school authorities.

(3) A governmental agency acting within the scope of its functions. ('75 Code, Ch. E, Art. VII, § 3) (Ord., passed 12- -69) Penalty, see § 97.99

§ 97.11 APPLICATION.

A person seeking issuance of a parade permit shall file an application with the Chief of Police; the application to be in letter form and include the information herein required.

(A) Filing period. An application for a parade permit shall be filed with the Chief not less than ten days nor more than 15 days before the date on which it is proposed to conduct the parade.

(B) Contents. An application for a parade permit shall set forth the following information:

(1) The name, address, and telephone number of the person seeking to conduct the parade.

(2) If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address, and telephone number of the headquarters of the organization, and of the authorized and responsible heads of the organization.

(3) The name, address, and telephone number of the person who will be the parade chairperson and who will be responsible for its conduct.

(4) The date when the parade is to be conducted.

(5) The route to be traveled, the starting point, and the termination point.

(6) The approximate number of persons who, and animals and vehicles which, will constitute the parade; the type of animals; and description of the vehicle.

(7) The hours when the parade will start and terminate.

(8) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed.

(9) The location by streets of any assembly areas for the parade.

(10) The time at which units of the parade will begin to assemble at any assembly area or areas.

(11) The interval of space to be maintained between units of the parade.

(12) If the parade is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for the permit shall file with the Chief a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf.

(13) Any additional information which the Chief shall find reasonably necessary to a fair determination as to whether a permit should issue.

(C) Late applications. The Chief, where good cause is shown therefor, shall have the authority to consider any application hereunder which is filed less than ten days before the date of the parade is proposed to be conducted. ('75 Code, Ch. E, Art. VII, § 4) (Ord., passed 12- -69)

#### § 97.12 STANDARDS FOR ISSUANCE.

The Chief of Police shall issue a permit as provided for in this subchapter when, from a consideration of the application and from other information as may otherwise be obtained, he finds that:

(A) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route.

(B) The conduct of the parade will not require the diversion of so great a number of police officers of the Town to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the Town.

(C) The conduct of the parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the Town other than that to be occupied by the proposed line of march and areas contiguous thereto.

(D) The concentration of persons, animals, and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to the assembly areas.

(E) The conduct of the parade will not interfere with the movement of fire-fighting equipment en route to a fire.

(F) The conduct of the parade is not reasonably likely to cause injury to persons or property, provoke disorderly conduct, or create a disturbance.

(G) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route.

(H) The parade is not to be held for the sole purpose of advertising any product, goods, or event, and is not designed to be held purely for private profit. ('75 Code, Ch. E, Art. VII, § 5) (Ord., passed 12- -69)

#### § 97.13 ACTION BY CHIEF OF POLICE.

The Chief of Police shall act upon the application for a parade permit within two days after the filing thereof. If the Chief disapproves the application, he shall mail to the applicant within two days after the date upon which the application was filed a notice of his action, stating the reasons for his denial of the permit. ('75 Code, Ch. E, Art. VII, § 6) (Ord., passed 12- -69)

#### § 97.14 APPEAL PROCEDURE.

Any person aggrieved shall have the right to appeal the denial of a parade permit to the Board of Aldermen. The appeal shall be taken within two days after notice. The Board shall act upon the appeal within two days after its receipt. ('75 Code, Ch. E, Art. VII, § 7) (Ord., passed 12- -69)

§ 97.15 ALTERNATIVE PERMIT.

The Chief of Police, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within two days after notice of the action of the Chief, file a written notice of acceptance with the Chief. An alternate parade permit shall conform to the requirements of, and shall have the effect of a parade permit under, this subchapter.  
( '75 Code, Ch. E, Art. VII, § 8 ) (Ord., passed 12- -69)

§ 97.16 NOTICE TO CERTAIN OFFICIALS.

Immediately upon the issuance of a parade permit, the Chief of Police shall send a copy thereof to the following:

- (A) The Town Manager.
- (B) The Town Attorney.
- (C) The Fire Chief.
- (D) The Postmaster.

(E) The general manager or responsible head of each public transportation utility, the regular routes of whose vehicles will be affected by the route of the proposed parade.  
( '75 Code, Ch. E, Art. VII, § 9 ) (Ord., passed 12- -69)

§ 97.17 CONTENTS.

Each parade permit shall state the following information:

- (A) The starting time.
- (B) Minimum speed.
- (C) Maximum speed.
- (D) Maximum interval of space to be maintained between the units of the parade.
- (E) The portions of the streets to be traversed that may be occupied by the parade.
- (F) The maximum length of the parade in miles or fractions thereof.
- (G) Other information as the Chief of Police shall find necessary to the enforcement of this subchapter.  
( '75 Code, Ch. E, Art. VII, § 10 ) (Ord., passed 12- -69)

§ 97.18 REVOCATION.

The Chief of Police shall have the authority to revoke a parade permit issued hereunder for noncompliance with the standards for issuance as herein set forth.  
( '75 Code, Ch. E, Art. VII, § 11 ) (Ord., passed 12- -69)

§ 97.19 POSSESSION OF PERMIT DURING PARADE.

The parade chairperson or other person heading or leading the activity shall carry the parade permit upon his person during the conduct of the parade.  
( '75 Code, Ch. E, Art. VII, § 12 ) (Ord., passed 12- -69) Penalty, see § 97.99

§ 97.20 DUTIES OF PERMITTEES.

A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.  
( '75 Code, Ch. E, Art. VII, § 13 ) (Ord., passed 12- -69)

§ 97.99 PENALTY.

Any person violating any provision of this chapter shall, upon conviction thereof, be punished as provided by G.S. § 14-4.  
( '75 Code, Ch. E, Art. VII, § 15 ) (Ord., passed 12- -69)