

Ordinance #2008-O-09

“An ordinance establishing the regulations for any noise affecting normal sensitivities within the Town of Camden.”

Be it ordained by the Mayor and Council of the Town of Camden as follows:

Section 1 Excessive noise prohibited.

It shall be unlawful for any person to make, continue, or cause to be made or continued any excessive, unnecessary, or unusually loud noise, or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of a reasonable person or persons of normal sensitivities.

Section 2 Specific acts constituting offenses

The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this chapter, but enumeration herein below shall not be deemed to be exclusive:

- A. The sounding of any horn or signaling devices on any automobile, motorcycle, street cart, or other vehicle on any street or public place within the Town of Camden, except as a danger warning; the creation by means of any such signaling devices of any unreasonably loud or harsh sound; and the sounding of any device for an unnecessary and unreasonable period of time.
- B. The using, operating, or permitting to be played, used, or operated any radio, stereo, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of neighboring inhabitants or at any time with louder volume that is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such radio, stereo, musical instruments, phonograph, loudspeaker, sound amplifier, machine or device between the hours of 10:00 p.m. and 7:00 a.m. in such manner as to be plainly audible at a distance of 50 feet from the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this section.
- C. The use, operation or permission to play any radio, stereo, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the production or reproduction of sound which is cast upon

the public for attention of the public to any building or structure unless authorized by permit. Hours of operation for said equipment is 7:00 a.m. to 8:00 p.m. (Monday – Sunday)

- D. Yelling, screaming, hollering, shouting, hooting, whistling, or singing, particularly between the hours of 11:00 p.m., or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling or residence, or of a reasonable person or persons of normal sensitivities.
- E. The keeping of any animal which by causing frequent or long continued noise shall disturb the comfort or repose of a reasonable person or persons of normal sensitivities.
- F. The operation of construction equipment such as road graders, pavers, large trucks, bucket loaders, roller mixers, or similar equipment, are prohibited between the hours of 8:00 p.m. and 7:00 a.m.
- G. The maximum sound pressure level radiated by any use of facility (other than transportation facilities) at the property line shall not exceed the values in the designated octave bands given in Table 240-13 after applying the corrections shown in Table II. The sound pressure level shall be measured with a Sound Level Meter and associated Octave Band Analyzer conforming to standards prescribed by the American Standards Association. (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, Z24.3-1944, American Standards Association, Inc., New York, NY and American Standards Specification for an Octave Band Filter Set or the Analysis of Noise and Other Sounds, Z24.10-1953. American Standards Association. Inc., New York, NY shall be used)

Table 240-13 Maximum Sound Pressure Levels

Octave Band Range in Cycle per Second	Sound Pressure in Decibels Re 0.002 dyne/cm ²
30-300	60
300-2,400	40
Above 2,400	30

If the noise is not smooth and continuous and is not radiated between the hours of 10:00 p.m. and 7:00 a.m., one or more of the corrections in Table 240-14 shall be applied to the decibel levels given in Table 240-14.

Table 240-14 Noise Corrections for Performance Standards Operation and location Character of Noise	Correction in Decibels
1. Daytime operation only	5
2. Noise source operates less than:*	
a. 20% of any 1-hour period	5
b. 05% of any 1-hour period	10
3. Noise of impulsive character, hammering et cetera	-5
4. Noise of periodic character, hum, screech, et cetera	-5
5. Corrections for specific district:	
a. C-2 Highway Commercial	5
b.	
6. Property is located within an Industrial Park, district I	10
* Apply only one correction.	

- (3) No vibration shall be permitted which is discernible without instruments at the property line.

Section 3 Enforcement action.

Violation of this chapter which constitute a first offense, committed at the same location by the same person(s), shall result in a warning issued by the investigating police officer. Second or subsequent violations shall result in criminal action against the offender(s).

Section 4 Exceptions

- A. Cries for emergency assistance and warning calls.
- B. Radios, sirens, horns and bells on marine navigation equipment, police, fire, and other emergency vehicles.
- C. Parades, fireworks displays and other special events for which a permit has been obtained from the Town within such hours as may be imposed as a condition for the issuance of the permit.
- D. Activities on or in a municipal and school athletic facilities and on or in publicly owned property, beaches and facilities, provide that such activities have been authorized by the owner of such property or facilities or its agents.
- E. Fire alarms and burglar alarms, prior to the giving of notice and reasonable opportunity for the owner or tenant in possession of the premises served by any such alarm to turn off the alarm.
- F. Religious worship activities, including, but not limited to, bells and organs.

Section 5 Violations and penalties.

- A. Any person, firm, association, or corporation violating the provisions of the chapter, upon conviction before any court of competent jurisdiction, shall be fines not less than \$100 nor more the \$250, plus cost, for each offense.
- B. The Justice of the Peace Court shall have original jurisdiction to adjudicate violations of this chapter.

Section 6 Defense to violation.

It is an affirmative defense to a charge under this chapter that the excessive noise was not otherwise prohibited by law, and that any of the following apply:

- A. The sound system was being operated to request medical or vehicular assistance or to warn of a hazardous condition;
- B. The sound was emitted by an emergency or public safety vehicle or devices;
- C. The sound was emitted by a vehicle or device owned or operated by the Town of Camden or a public utility company, and the noise was emitted in connection with municipal or utility operations;
- D. The sound system was used for the purpose of giving instructions, directions, talks, addresses, lectures or transmitting music to any persons or assemblage of persons in compliance with ordinance of the Town of Camden; or

- E. The vehicle or device transmitting the sound was used in authorized public activities, such as parades, fireworks, sporting events, musical productions and other activities approved by the Town of Camden.

ENACTED AND ORDAINED THIS 2nd DAY OF JUNE 2008.

APPROVED AS TO FORM:

Town Solicitor

Mayor Robert A. Mooney

Vice-Mayor James O. Plumley, III

ATTEST:

Councilman Mark Babbitt

Town Manager

Councilman Kenneth Fuchs

Councilman Richard Snyder

1st Reading: _____
2nd Reading: _____
Public Hearing: _____
Adopted: _____