

PROPOSED AMENDMENTS TO CITY CODE CHAPTER 23 (OFFENSES)

Ord. No. 25-21
Enacted: June 17, 2025

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON that the following Chapter 23 (OFFENSES), Article III. -Offenses Against Public Peace, Noise Regulated, Section 23-18 shall be amended as follows:

Section 1: Amend Sec. 23-18 and replace it with a new Sec. 23-18 as follows:

From: Sec. 23-18. – Noise Regulated.

(a) Subject to the provisions of this section, it shall be unlawful for any person or persons to make, permit, continue or cause to be made or to create any unreasonably loud, disturbing and unnecessary noise in the city. For purposes of this section, the following definitions shall apply:

(1) Unreasonably loud: Noise which is substantially incompatible with the time and location where created to the extent that it creates an actual or imminent interference with peace or good order.

(2) Disturbing: Noise which is perceived by a person of ordinary sensibilities as interrupting the normal peace and calm of the area.

In determining whether a noise is unreasonably loud and disturbing, the following factors incident to such noise 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 electronic or mechanical means; the character and zoning of the area; whether the noise is related to the normal operation of a business or other labor activity; whether the noise is subject to being controlled without unreasonable effort or expense to the creator thereof.

(b) It shall be unlawful to carry on the following activities in any residentially zoned area of the city or within three hundred (300) feet of any residentially occupied structure in any zone of the city:

(1) Operate a front-end loader or other similar loading equipment for refuse collection between the hours of 10:00 p.m. and 6:30 a.m.

(2) Operate construction machinery between the hours of 10:00 p.m. and 6:30 a.m.

(3) Operate garage machinery between the hours of 10:00 p.m. and 6:30 a.m.

(4) Operate lawn mowers and other domestic tools out-of-doors between 10:00 p.m. and 6:30 a.m.

(5) This section shall not apply to emergency operations designed to protect the public health and safety.

- (c) Enforcement and repeated violations. Any violation of this section shall subject the offender to a civil penalty in the amount of fifty dollars (\$50.00). Any duly authorized local government official is authorized to issue this civil citation and the violator shall pay the penalty to the city tax collector's office within ten (10) days of receipt. The failure of such violator to pay the civil penalty within the specified time shall subject such violator to a civil action to collect all penalties and costs for such violation and any civil penalty that has not been paid which delinquent notice was sent shall carry an additional late payment penalty of twenty-five dollars (\$25.00). Continued violation or continuing violations shall subject the violator to separate, distinct and successive civil penalties.

In addition to or in lieu of the foregoing remedies, violations of this section may be enforced by any one (1) or more of the remedies authorized by the provisions of G.S. 14-4 or G.S. 160A-175.

To: Sec. 23-18. – Noise Regulated.

Repealed. See City Code Sections 22-66 through 22-72.

Section 2: That all ordinance or parts of ordinances inconsistent herewith are repealed.

Section 3: That this ordinance shall be effective July 1, 2025.

Adopted this 17th day of June, 2025.