



Town of Archer Lodge

AGENDA

Work Session Meeting

Monday, September 16, 2019 @ 6:30 PM

Jeffrey D. Barnes Council Chambers

NCGS § 143-318.17. Disruptions of official meetings.

A person who willfully interrupts, disturbs, or disrupts an official meeting and who, upon being directed to leave the meeting by the presiding officer, willfully refuses to leave the meeting is guilty of a Class 2 misdemeanor.

Page

1. WELCOME/CALL TO ORDER:

2. OLD BUSINESS:

- 2.a. Hurricane Dorian Information
- 2.b. USPS Update
- 2.c. PARTF Update
- 2.d. Public Safety Information
- 2.e. Nuisance Abatements

3. NEW BUSINESS:

- 2 - 4 3.a. Interim Financial Reports for Month ending August 31, 2019
[AUGUST 2019 - ALL FUNDS](#)
[AUGUST 2019 - YTD COMP](#)
- 5 3.b. Budget Amendment (BA 2020 01)
[BA 2020 01](#)
- 6 - 17 3.c. Discussion of Concept **DRAFT** Ordinances
[JOHNSTON COUNTY ORDINANCE #1 - FOR COMPARISON ONLY](#)
[CONCEPT DRAFT ORDINANCE #1 \(v 9.10.19\)](#)
[JOHNSTON COUNTY ORDINANCE #2 - FOR COMPARISON ONLY](#)
[CONCEPT DRAFT ORDINANCE #2 \(v 9.10.19\)](#)

4. ADJOURNMENT:

AUGUST 31, 2019



TOWN OF ARCHER LODGE FINANCIAL SUMMARY REPORT FOR MONTH ENDING AUGUST 31, 2019

GENERAL FUND 10				
<i>REVENUES</i>	ADOPTED BUDGET	MONTH ACTIVITY	ACTUAL TO DATE	Y-T-D % COLLECTED
AD-VALOREM & MOTOR VEHICLE TAXES	812,300.00	10,927.23	20,042.07	2.47%
SALES TAXES	181,010.00	0.00	0.00	0.00%
FRANCHISE TAXES	158,000.00	0.00	0.00	0.00%
ALCOHOL BEV TAXES/JO CO ABC DIST	46,000.00	0.00	4,338.25	9.43%
PERMITS AND FEES	6,140.00	3,250.00	3,750.00	61.07%
FEE IN LIEU OF RECREATION	45,000.00	0.00	0.00	0.00%
PEG CHANNEL SUPPORT	53,000.00	0.00	0.00	0.00%
MISCELLANEOUS REVENUES	50.00	0.00	(0.01)	-0.02%
INVESTMENT EARNINGS	24,000.00	1,584.18	3,244.45	13.52%
TRANSFER IN FROM CAP RES FUND	0.00	0.00	0.00	#DIV/0!
TRANSFER IN FROM PARK RES FUND	66,000.00	66,000.00	66,000.00	100.00%
TRANSFER IN FROM PUBLIC SAFE RES FUND	0.00	0.00	0.00	#DIV/0!
FUND BALANCE APPROPRIATION	0.00	0.00	0.00	#DIV/0!
TOTALS	1,391,500.00	81,761.41	97,374.76	7.00%
<i>EXPENDITURES</i>	ADOPTED BUDGET	MONTH ACTIVITY	ACTUAL TO DATE	Y-T-D % SPENT
GOVERNING BODY	53,900.00	550.32	9,098.32	16.88%
ADMINISTRATION	253,853.00	19,205.22	41,393.44	16.31%
JO CO TAX COLLECTION FEES	23,000.00	342.73	651.55	2.83%
LEGAL	13,000.00	1,072.50	1,072.50	8.25%
PROPERTY TAXES	100.00	0.00	0.00	0.00%
PUBLIC BUILDINGS	49,550.00	5,356.16	8,371.30	16.89%
PEG MEDIA PARTNERS	53,000.00	0.00	0.00	0.00%
PUBLIC SAFETY	331,500.00	4,682.73	4,682.73	1.41%
TRANSPORTATION-PUBLIC WORKS	92,500.00	5,274.09	5,739.18	6.20%
PLANNING & ZONING	123,860.00	12,461.76	19,999.57	16.15%
CULTURAL & RECREATION	45,000.00	0.00	10,000.00	22.22%
DEBT SERVICES	142,237.00	66,000.00	66,000.00	46.40%
TRANSFER TO CAP RESERVE	25,000.00	0.00	25,000.00	100.00%
TRANSFER TO PARK RESERVE	160,000.00	1,443.73	2,644.87	1.65%
TRANSFER TO PUBLIC SAFETY RESERVE	25,000.00	0.00	25,000.00	100.00%
TOTALS	1,391,500.00	116,389.24	219,653.46	15.79%
Y-T-D GENERAL FUND INCREASE (DECREASE)		(34,627.83)	(122,278.70)	

AUGUST 31, 2019

CAPITAL RESERVE FUND 30				
<i>REVENUES</i>	ADOPTED BUDGET	MONTH ACTIVITY	ACTUAL TO DATE	Y-T-D % COLLECTED
INVESTMENT EARNINGS	0.00	868.63	1,766.22	#DIV/0!
TRANSFER FROM GEN FUND 10	0.00	0.00	25,000.00	#DIV/0!
FUND BALANCE APPROPRIATED	0.00	0.00	0.00	#DIV/0!
TOTALS	0.00	868.63	26,766.22	#DIV/0!
<i>EXPENDITURES</i>	ADOPTED BUDGET	MONTH ACTIVITY	ACTUAL TO DATE	Y-T-D % SPENT
TRANSFER TO GEN FUND 10	0.00	0.00	0.00	#DIV/0!
TOTALS	0.00	0.00	0.00	#DIV/0!
Y-T-D CAP RESERVE FUND INCREASE (DECREASE)		868.63	26,766.22	

PARK RESERVE FUND 31				
<i>REVENUES</i>	ADOPTED BUDGET	MONTH ACTIVITY	ACTUAL TO DATE	Y-T-D % COLLECTED
INVESTMENT EARNINGS	0.00	356.08	839.30	#DIV/0!
TRANSFER FROM GEN FUND 10	0.00	1,443.73	2,644.87	#DIV/0!
FUND BALANCE APPROPRIATED	0.00	0.00	0.00	#DIV/0!
TOTALS	0.00	1,799.81	3,484.17	#DIV/0!
<i>EXPENDITURES</i>	ADOPTED BUDGET	MONTH ACTIVITY	ACTUAL TO DATE	Y-T-D % SPENT
RECREATION DEVELOPMENT	0.00	0.00	0.00	#DIV/0!
TRANSFER TO GEN FUND 10	0.00	66,000.00	66,000.00	#DIV/0!
TOTALS	0.00	66,000.00	66,000.00	#DIV/0!
Y-T-D PARK RESERVE FUND INCREASE (DECREASE)		(64,200.19)	(62,515.83)	

PUBLIC SAFETY RESERVE FUND 32				
<i>REVENUES</i>	ADOPTED BUDGET	MONTH ACTIVITY	ACTUAL TO DATE	Y-T-D % COLLECTED
INVESTMENT EARNINGS	0.00	563.49	1,145.76	#DIV/0!
TRANSFER FROM GEN FUND 10	0.00	0.00	25,000.00	#DIV/0!
FUND BALANCE APPROPRIATED	0.00	0.00	0.00	#DIV/0!
TOTALS	0.00	563.49	26,145.76	#DIV/0!
<i>EXPENDITURES</i>	ADOPTED BUDGET	MONTH ACTIVITY	ACTUAL TO DATE	Y-T-D % SPENT
PUBLIC SAFETY DEVELOPMENT	0.00	0.00	0.00	#DIV/0!
TRANSFER TO GEN FUND 10	0.00	0.00	0.00	#DIV/0!
TOTALS	0.00	0.00	0.00	#DIV/0!
Y-T-D PUB SAFE RES FUND INCREASE (DECREASE)		563.49	26,145.76	


FINANCE OFFICER

Kim P. Batten



TOWN OF ARCHER LODGE
 FINANCIAL SUMMARY REPORT
 FISCAL YEAR COMPARISON FOR
 PERIOD ENDING AUGUST 31

GENERAL FUND				
<i>REVENUES</i>		Aug-19	Aug-18	DIFFERENCE
	AD-VAL & MOTOR VEHICLE TAXES	20,042.07	19,440.30	601.77
	SALES TAXES	0.00	0.00	0.00
	FRANCHISE TAXES	0.00	0.00	0.00
	ALCOHOL BEV TAXES/JO CO ABC DIST	4,338.25	2,169.12	2,169.13
	PERMITS AND FEES	3,750.00	475.00	3,275.00
	FEE IN LIEU OF RECREATION	0.00	0.00	0.00
	PEG CHANNEL SUPPORT	0.00	0.00	0.00
	MISCELLANEOUS REVENUES	(0.01)	5.00	(5.01)
	INVESTMENT EARNINGS	3,244.45	3,536.33	(291.88)
	PARK LAND GRANTS-NCDNCR		0.00	0.00
	TRANSFER IN FROM CAPITAL RESERVE	0.00	0.00	0.00
	TRANSFER IN FROM PARK RESERVE	66,000.00	202,049.00	(136,049.00)
	TRANSFER IN FROM PUBLIC SAFETY RESERVE	0.00	0.00	0.00
	FUND BALANCE APPROPRIATION	0.00	0.00	0.00
		97,374.76	227,674.75	(130,299.99)
<i>EXPENDITURES</i>		Aug-19	Aug-18	DIFFERENCE
	GOVERNING BODY	9,098.32	10,318.60	(1,220.28)
	ADMINISTRATION	41,393.44	42,427.06	(1,033.62)
	JO CO TAX COLLECTION FEES	651.55	585.30	66.25
	LEGAL	1,072.50	742.50	330.00
	PROPERTY TAXES	0.00	0.00	0.00
	PUBLIC BUILDINGS	8,371.30	11,907.54	(3,536.24)
	PEG MEDIA PARTNERS	0.00	0.00	0.00
	PUBLIC SAFETY	4,682.73	4,226.45	456.28
	TRANSPORTATION-PUBLIC WORKS	5,739.18	9,145.20	(3,406.02)
	PLANNING & ZONING	19,999.57	16,289.44	3,710.13
	CULTURAL & RECREATION	10,000.00	228,750.00	(218,750.00)
	DEBT SERVICES	66,000.00	2,470.47	63,529.53
	TRANSFER TO CAP RESERVE	25,000.00	0.00	25,000.00
	TRANSFER TO PARK RESERVE	2,644.87	1,605.10	1,039.77
	TRANSFER TO PUBLIC SAFETY RESERVE	25,000.00	0.00	25,000.00
	TRANSFER TO TOWN HALL EXPANSION		0.00	0.00
		219,653.46	328,467.66	(108,814.20)
	Y-T-D INCREASE (DECREASE)	(122,278.70)	(100,792.91)	(21,485.79)

Kim P. Batten

FINANCE OFFICER

BA 2020 01

Town of Archer Lodge
Budget Amendment

Fiscal Year Ending June 30, 2020

Budget Amendment #

Date

BA 2020 01

07-Oct-19

General Fund/Capital Reserve Fund/Park Reserve Fund/Public Safety Reserve Fund

Account	Account Number	Budget	Amendment	Amended Budget
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Revenues:

Gen: 2018 Property Taxes	10-3118-0000	-	500.00	500.00
Cap Res: Investment Earnings	30-3831-0000	-	10,000.00	10,000.00
Cap Res: Transfer from General Fund 10	30-3900-3910	-	25,000.00	25,000.00
Park Res: Investment Earnings	31-3831-0000	-	5,000.00	5,000.00
Park Res: Transfer from General Fund 10	31-3900-3910	-	160,000.00	160,000.00
Pub Safety Res: Investment Earnings	32-3831-0000	-	6,500.00	6,500.00
Pub Safety Res: Transfer from General Fund 10	32-3900-3910	-	25,000.00	25,000.00
Total Increase (Decrease) in Revenues			232,000.00	

Expenditures:

Gen/Gov Body: Johnston County Public Schools Support	10-4110-3175	-	3,000.00	3,000.00
Gen/Gov Body: Dues and Subscriptions	10-4110-4000	11,730.00	(600.00)	11,130.00
Gen/Public Works: Contracted Services	10-4510-3500	48,000.00	(5,000.00)	43,000.00
Gen/Plan & Zon: Professional Fees	10-4910-1900	2,000.00	(500.00)	1,500.00
Gen/Plan & Zon: Dues and Subscriptions	10-4910-4000	320.00	500.00	820.00
Gen/Debt Service & Fees: Interest Payments-Expansion Town Hall	10-9110-2200	6,806.00	3,100.00	9,906.00
Cap Res: Transfer to General Fund 10	30-9900-0010	-	35,000.00	35,000.00
Park Res: Recreation Development	31-6120-5500	-	99,000.00	99,000.00
Park Res: Transfer to General Fund 10	31-9900-0010	-	66,000.00	66,000.00
Pub Safety Res: Public Safety Development	32-4300-5500	-	31,500.00	31,500.00
Total Increase (Decrease) in Expenditures			\$ 232,000.00	

\$ -

Justification for Budget Amendment:

To appropriate or reappropriate unanticipated revenues and expenditures as recorded.

Adopted this 7th day of October 2019

ATTEST:

Matthew B. Mulhollem, Mayor

Kim P. Batten, Town Clerk

Teresa M. Bruton, Budget Officer

Johnston County Code of Ordinances
Chapter 16 - General Offenses and Miscellaneous
Code Excerpt

Sec. 16-2. - Carrying concealed handgun in county-owned buildings.

No person shall carry a concealed handgun on or within any county-owned building. An appropriate notice of such prohibition shall be posted in a conspicuous place in each county-owned building notifying persons of the prohibition against carrying a concealed handgun in county-owned buildings. This section shall not apply to law enforcement or other government personnel acting within the scope of their employment.

(Ord. of 11-6-1995)

State law reference—Authority to post concealed weapons signs, G.S. 14-415.23.

Sec. 16-3. - Discharge of firearms.

- (a) *[Application.]* The provisions of this section shall apply to all properties located outside of any municipal limits; extraterritorial jurisdictions (ETJs) are not considered to be part of any municipal limit.
- (b) *[Definition.]* For purposes of this section, firearm is defined as a handgun, shotgun, rifle or any device which expels a projectile by action of an explosion.
- (c) *[Violations.]* It shall be unlawful for any person to:
 - (1) Discharge a firearm in the county carelessly and heedlessly, so as to endanger any person or property,
 - (2) Discharge a firearm that results in a projectile crossing the property line of another person without the permission of the owner, or
 - (3) Discharge a firearm while under the influence of alcohol or a controlled substance (under the influence: determination by the investigating officer that the person is intoxicated by alcohol or a narcotic to the point where physical and mental faculties are appreciably diminished).
- (d) *[Discharge on public streets, highways.]* It shall be unlawful for any person to discharge any firearm on, from, or across the traveled portion of any public street or highway.
- (e) *[Prohibited times of discharge.]* The discharge of firearms from two hours after sunset to one hour before sunrise is prohibited by article II, subsection [12-32\(6\)](#) of the Johnston County Code of Ordinances.
- (f) *Miscellaneous exceptions.* The following exceptions are permissible under this section:
 - (1) Law enforcement officers or members of the armed forces acting in the line of duty;

Johnston County Ordinance #1

- (2) The shooting or killing of any dangerous or destructive animal or reptile when necessary to protect life or property;
 - (3) All legal hunting activities, pursuant to the North Carolina Department of Agriculture, the North Carolina Wildlife Commission and G.S. Chapter 113, subchapter IV, as it is from time to time amended or pursuant to lawfully issued state or federal hunting or wildlife removal permits;
 - (4) The use of firearms for defense of persons or property, as allowed under state Law;
 - (5) Nonprofit special events such as turkey shoots with a valid local county permit;
 - (6) Indoor firing/shooting ranges; and
 - (7) A bonafide training facility acting in the course of providing firearms proficiency training and certification to law enforcement agencies, private security agencies, employers of armored-car personnel (e.g. Brinks, Loomis, and similar companies), and similar legitimate businesses that require such certification. A "bonafide training facility" is one that is properly authorized to provide such training and certification to North Carolina or federal law enforcement agencies.
- (g) *Penalties.* A violation of this article [section] by any person is a misdemeanor and shall subject the offender to a fine of \$100.00 and/or imprisonment for up to 30 days. A second or subsequent violation by the same person within one year shall subject such person to a fine of up to \$300.00 but not less than \$100.00 and/or imprisonment for up to 30 days.

(Ord. of 3-7-2011)

**AN ORDINANCE REGULATING FIREARMS WITHIN THE
TOWN OF ARCHER LODGE**

Council Direction
Requested:

Question: To allow or not
allow legal concealed
handguns in Town buildings
and/or property?

Changes/modifications to
Johnston County's Code of
Ordinance on subject matter
in Chapter 16, Secs. 16-2
through 16-3 highlighted in
yellow.

Section 1. Pursuant to authority granted by N.C. Gen. Stat. § 160A-189, the Town of Archer Lodge hereby amends the Code of Ordinances, Town of Archer Lodge, North Carolina, Chapter 3, as follows:

Add to Chapter 3, Sections 3-50 and 3-51 as written below:

Sec. 3-50. - Carrying concealed handgun in town-owned buildings

No person shall carry a concealed handgun on or within any town-owned building. An appropriate notice of such prohibition shall be posted in a conspicuous place in each town-owned building notifying persons of the prohibition against carrying a concealed handgun in town-owned buildings. This section shall not apply to law enforcement or other government personnel acting within the scope of their employment.

State law reference—Authority to post concealed weapons signs, G.S. 14-415.23.

Sec. 3-51. - Discharge of firearms.

- (a) **Application** The provisions of this section shall apply to all properties located within the corporate limits of the Town of Archer Lodge.
- (b) **Definition.** For purposes of this section, firearm is defined as a handgun, shotgun, rifle or any device which expels a projectile by action of an explosion.
- (c) **Violations.** It shall be unlawful for any person to:
- (1) Discharge a firearm in the town carelessly and heedlessly, so as to endanger any person or property.
 - (2) Discharge a firearm that results in a projectile crossing the property line of another person without the permission of the owner, or
 - (3) Discharge a firearm while under the influence of alcohol or a controlled substance (under the influence: determination by the investigating officer that the person is intoxicated by alcohol or a narcotic to the point where physical and mental faculties are appreciably diminished).
- (d) **Discharge on Public Streets, Highways.** It shall be unlawful for any person to discharge any firearm on, from, or across the traveled portion of any public street, or highway.
- (e) **Prohibited times of discharge.** The discharge of firearms from two hours after sunset to one hour before sunrise is prohibited. ~~by Article II, Subsection 12-32(6) of the Johnston County Code of Ordinances.~~
- (f) **Miscellaneous Exceptions.** The following exceptions are permissible under this section:

Concept Draft Ordinance #1

- (1) Law enforcement officers or members of the armed forces acting in the line of duty;
 - (2) The shooting or killing of any dangerous or destructive animal or reptile when necessary to protect life or property;
 - (3) All legal hunting activities pursuant to the North Carolina Department of Agriculture, the North Carolina Wildlife Commission and G.S. Chapter 113, subchapter IV, as it is from time to time amended or pursuant to lawfully issued state or federal hunting or wildlife removal permits;
 - (4) The use of firearms for defense of persons or property as allowed under state law;
 - (5) Nonprofit special events such as turkey shoots conducted with a valid local town permit issued by the town administrator or their designee;
 - (6) Indoor firing/shooting ranges with an applicable zoning permit(s) issued by the town; and
 - (7) A bonafide training facility acting in the course of providing firearms proficiency training and certification to law enforcement agencies, private security agencies, employers of armored-car personnel (e.g. Brinks, Loomis, and similar companies), and similar legitimate businesses that require such certification. A "bonafide training facility" is one that is: (a) properly authorized to provide such training and certification to North Carolina or federal law enforcement agencies, and (b) obtains an applicable zoning permit(s) issued by the town.
- (g) **Penalties.** A violation of this ~~article~~ section by any person is a misdemeanor and shall subject the offender to a fine of \$100.00 and/or imprisonment for up to 30 days. A second or subsequent violation by the same person within one year shall subject such person to a fine of up to \$300.00 but not less than \$100.00 and/or imprisonment for up to 30 days.

State law reference—Authority to regulate, discharge, or prohibit the discharge of firearms, G.S. 160A-189.

Section 2. This ordinance shall become effective upon adoption.

DULY ADOPTED, THIS ____ DAY OF _____, 2019.

TOWN OF ARCHER LODGE

(SEAL)

Matthew B. Mulhollem
Mayor

ATTEST:

Kim P. Batten
Town Clerk

CONCEPT DRAFT

Johnston County Code of Ordinances
Chapter 12, Article II - Noise
Code Excerpt

State law reference—Noise regulation, GS 153A-133

Sec. 12-31 - Penalties.

The violation of this Article shall be punished as provided under G.S. 14-4. Any person or corporation or other legal entity violating this article shall be guilty of a Class 3 misdemeanor and shall be fined not more than \$500.00. A first violation of this Article shall be punishable by a fine of not less than \$50.00; a second violation shall be punishable by a fine of not less than \$150.00; and a third violation, or more, each shall be punishable by a fine of not less than \$500.00.

Sec. 12-32 - Loud and disturbing noise.

- (a) Subject to the provisions of this article, the creation, causing, or allowing of any unreasonably loud or disturbing noise in the County is prohibited and unlawful.
- (b) For the 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, order, or calm of the area or which is obnoxious to or unreasonably disturbing to a person whose residence, work or commercial enterprise is within a reasonable proximity to the point, place or person from which such noise is emanating or emanated and the noise is such a kind, nature, duration or extent that a reasonable person would consider the noise to be unreasonably loud or disturbing.
 - (2) *Disturbing.* Noise which is perceived by a person of reasonable and ordinary firmness and sensibilities as interrupting the normal peace, order, or calm of such person or persons or that of the proximal area or tending to annoy, disturb, or frighten such persons in such proximity to the point, place or person from which such is emanating or emanated that a person of reasonable and ordinary firmness and sensibilities would reasonably be or reasonably be expected to be disturbed in his or her use, occupation, or pursuits.
- (c) In determining whether a noise is unreasonably loud or disturbing, the following non-exclusive factors incident to such noise are to be considered: time of day; proximity to residential structures; whether the noise is consistent with the nature of the surrounding area (that is, within a reasonable degree of proximity such that the noise could reasonably be expected to affect the persons or persons who occupy, live or dwell in such proximity); the range or distance from the point of emanation that the sound may be unreasonably loud or disturbing; whether the noise is recurrent, repetitive, intermittent, or constant; the volume or intensity of the noise; whether the noise has been enhanced in volume or range by any type of mechanical, electronic, or other similar means; the nature 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 or person or entity causing or allowing the emanation of such noise; and any other factor which

reasonably should be considered in determining whether a noise is unreasonably loud or disturbing.

- (d) The following acts, among others, are declared to be loud and disturbing noises in violation of this Article, but such enumeration shall not be deemed to be exclusive:
- (1) The use of any loud, boisterous or raucous language or shouting so as to annoy or disturb the quiet, comfort or repose of persons in the vicinity or otherwise to be a loud or disturbing noise is defined under this Article;
 - (2) The sounding of any horn or signal device on or from any automobile, motorcycle, bus or other vehicle, except as a danger signal or as required by law, so as to create any unreasonably loud or harsh sound; or the sounding of such device for an unreasonable period of time.
 - (3) The playing of any radio, television set, record player, musical instrument or sound-producing or sound-amplifying device in such manner or with such volume, particularly, but not limited to, the hours between 11:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of persons of reasonable and ordinary firmness and normal sensibilities in any dwelling, motel, hotel or other type of residence.
 - (4) The keeping of any animal, except livestock and poultry maintained and kept consistent with the zoning applicable to the property where kept, which by causing frequent or long continued noise on a regular basis, shall disturb the comfort and repose of any person of reasonable and ordinary firmness and sensibilities in the vicinity or which may otherwise be an unreasonably loud or disturbing noise as defined under this article. With respect to this subsection only, if the violation continues or complaints are received from other households, the owner shall be granted ten working days to remedy and rectify the situation before issuance of a citation.
 - (5) The use of any automobile, motorcycle, ATV or other motor vehicle or vehicle of any kind which may be so out of repair, so modified from factory settings or equipment, and/or so loaded or operated in such manner, as to create loud grating, grinding, rattling or other noise caused by or emanating from such vehicle or its operation or which otherwise shall be, create or cause an unreasonably loud or disturbing noise as defined under this Article.
- (e) Enforcement. The violation of this Article shall be punished as provided under G.S. 14-4. Any person or corporation or other legal entity violating this article shall be guilty of a Class 3 misdemeanor and shall be fined not more than \$500.00. A first violation of this Article shall be punishable by a fine of not less than \$50.00; a second violation shall be punishable by a fine of not less than \$150.00; and a third violation, or more, each shall be punishable by a fine of not less than \$500.00.

Sec. 12-33 – Exceptions.

The following are exempt from the provisions of this Article:

- (1) Noises generated, made or created during the regular operations of a manufacturing or industrial facility, defined as any premises where goods or wares are made, processed, warehoused or stored or where manufacturing is legally permitted and carried on and the owner of such manufacturing or industrial facility takes or has taken reasonable steps not to cause, create or allow unreasonably loud or disturbing noise not necessarily inherent to such manufacturing or industrial facility.

Johnston County Ordinance #2

- (2) Noise generated, made or created by fire, law enforcement, ambulance, rescue or other emergency vehicles while such vehicles are engaged in their proper functions.
- (3) Parades, fairs, circuses, other similar public entertainment events, sanctioned sporting events, athletic contests, sporting events and sporting activities taking place in areas set aside for such activities, or any activities normally associated with any of the above, when such events and activities take place between the hours of 7:00 a.m. and 11:00 p.m. After 11:00 p.m., persons engaged in these events and activities who create or allow noise which is prohibited by section 12-32 shall be in violation of this Article of such ordinance.
- (4) Construction operations for which building permits have been issued or construction operations not requiring permits due to ownership of the project by an agency of government; provided all equipment is operated in accordance with manufacturer's specifications and with all standard equipment, manufacturer's mufflers and noise - reducing equipment in use and in proper operating condition.
- (5) All noise coming from the normal operations of properly equipped aircraft, not including scale model aircraft.
- (6) Lawnmowers and agricultural equipment and landscape maintenance equipment when operated with all the manufacturer's standard mufflers and noise-reducing equipment in use and in reasonable operating condition.
- (7) Emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster, or to restore public utilities, or to protect persons or property from an imminent danger.
- (8) Noise resulting from the provision of government services.
- (9) Noise from noisemakers and fireworks on holidays or at times allowed under a pyrotechnics permit issued pursuant to G.S. 14-410 et seq.
- (10) Noise from trains and associated railroad rolling stock when operated in proper repair and manner.
- (11) Noise from the discharge of a firearm or firearms when the firearm is being used to take birds or animals pursuant to G.S. Chapter 113, subchapter IV, or when lawfully used in defense of person or property, or when used pursuant to lawful directions of law-enforcement officers.

**AN ORDINANCE REGULATING UNREASONABLY LOUD AND
DISTURBING NOISES WITHIN THE
TOWN OF ARCHER LODGE**

Section 1. Pursuant to authority granted by N.C. Gen. Stat. § 160A-184, the Town of Archer Lodge hereby amends the Code of Ordinances, Town of Archer Lodge, North Carolina, Chapter 3 as follows:

Rename Chapter 3 – Alcoholic Beverages to Chapter 3 - Offenses and Miscellaneous Provisions

Add to Chapter 3 the following sections as written:

Secs. 3-2 through Sec. 3 – 24 - Reserved

Sec. 3-25 - Loud and disturbing noise.

State law reference - Noise regulation, G.S. 160A-184.

Changes/modifications (including format) to Johnston County's Code of Ordinance, pertaining to subject matter in Chapter 12, Article II- Noise, Secs. 12-31 through 12-33 highlighted in yellow.

- (a) Subject to the provisions of this article, the creation, causing, or allowing of any unreasonably loud or disturbing noise in the **Town of Archer Lodge** is prohibited and unlawful.
- (b) For the 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, order, or calm of the area or which is obnoxious to or unreasonably disturbing to a person whose residence, work or commercial enterprise is within a reasonable proximity to the point, place or person from which such noise is emanating or emanated and the noise is such a kind, nature, duration or extent that a reasonable person would consider the noise to be unreasonably loud or disturbing.
 - (2) *Disturbing.* Noise which is perceived by a person of reasonable and ordinary firmness and sensibilities as interrupting the normal peace, order, or calm of such person or persons or that of the proximal area or tending to annoy, disturb, or frighten such persons in such proximity to the point, place or person from which such is emanating or emanated that a person of reasonable and ordinary firmness and sensibilities would reasonably be or reasonably be expected to be disturbed in his or her use, occupation, or pursuits.
- (c) In determining whether a noise is unreasonably loud or disturbing, the following non-exclusive factors incident to such noise are to be considered: time of day; proximity to residential structures; whether the noise is consistent with the nature of the surrounding area (that is, within a reasonable degree of proximity such that the noise could reasonably be expected to affect the persons or persons who occupy, live or dwell in such proximity); the range or distance from the point of emanation that the sound may be unreasonably loud or disturbing; whether the noise is recurrent, repetitive, intermittent, or constant; the volume or intensity of the noise; whether the noise has been enhanced in volume or range by any type

of mechanical, electronic, or other similar means; the nature 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 or person or entity causing or allowing the emanation of such noise; and any other factor which reasonably should be considered in determining whether a noise is unreasonably loud or disturbing.

(d) The following acts, among others, are declared to be loud and disturbing noises in violation of this **section**, but such enumeration shall not be deemed to be exclusive:

- (1) The use of any loud, boisterous or raucous language or shouting so as to annoy or disturb the quiet, comfort or repose of persons in the vicinity or otherwise to be a loud or disturbing noise is defined under this article;
- (2) The sounding of any horn or signal device on or from any automobile, motorcycle, bus or other vehicle, except as a danger signal or as required by law, so as to create any unreasonably loud or harsh sound; or the sounding of such device for an unreasonable period of time.
- (3) The playing of any radio, television set, record player, musical instrument or sound-producing or sound-amplifying device in such manner or with such volume, particularly, but not limited to, the hours between 11:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of persons of reasonable and ordinary firmness and normal sensibilities in any dwelling, motel, hotel or other type of residence.
- (4) The keeping of any animal, except livestock and poultry maintained and kept consistent with the zoning applicable to the property where kept, which by causing frequent or long continued noise on a regular basis, shall disturb the comfort and repose of any person of reasonable and ordinary firmness and sensibilities in the vicinity or which may otherwise be an unreasonably loud or disturbing noise as defined under this article. With respect to this subsection only, if the violation continues or complaints are received from other households, the owner shall be granted ten working days to remedy and rectify the situation before issuance of a citation.
- (5) The use of any automobile, motorcycle, ATV or other motor vehicle or vehicle of any kind which may be so out of repair, so modified from factory settings or equipment, and/or so loaded or operated in such manner, as to create loud grating, grinding, rattling or other noise caused by or emanating from such vehicle or its operation or which otherwise shall be, create or cause an unreasonably loud or disturbing noise as defined under this **section**.

(e) Exceptions:

The following are exempt from the provisions of this **section**:

- (1) Noises generated, made or created during the regular operations of a manufacturing or industrial facility, defined as any premises where goods or wares are made, processed, warehoused or stored or where manufacturing is legally permitted and carried on and the owner of such manufacturing or industrial facility takes or has taken reasonable steps not to cause, create or allow unreasonably loud or disturbing noise not necessarily inherent to such manufacturing or industrial facility.
- (2) Noise generated, made or created by fire, law enforcement, ambulance, rescue or other emergency vehicles while such vehicles are engaged in their proper functions.
- (3) Parades, fairs, circuses, other similar public entertainment events, sanctioned sporting events, athletic contests, sporting events and sporting activities taking place in areas set

aside for such activities, or any activities normally associated with any of the above, when such events and activities take place between the hours of 7:00 a.m. and 11:00 p.m. After 11:00 p.m., persons engaged in these events and activities who create or allow noise which is prohibited by section 3-25 shall be in violation of this ~~section. or of such ordinance.~~

- (4) Construction operations for which building permits have been issued or construction operations not requiring permits due to ownership of the project by an agency of government; provided all equipment is operated in accordance with manufacturer's specifications and with all standard equipment, manufacturer's mufflers and noise - reducing equipment in use and in proper operating condition.
- (5) All noise coming from the normal operations of properly equipped aircraft, not including scale model aircraft.
- (6) Lawnmowers and agricultural equipment and landscape maintenance equipment when operated with all the manufacturer's standard mufflers and noise-reducing equipment in use and in reasonable operating condition.
- (7) Emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster, or to restore public utilities, or to protect persons or property from an imminent danger.
- (8) Noise resulting from the provision of government services.
- (9) Noise from noisemakers and fireworks on holidays or at times allowed under a pyrotechnics permit issued pursuant to G.S. 14-410 et seq.
- (10) Noise from trains and associated railroad rolling stock when operated in proper repair and manner.
- (11) Noise from the discharge of a firearm or firearms when the firearm is being used to take birds or animals pursuant to G.S. Chapter 113, subchapter IV, or when lawfully used in defense of person or property, ~~or when used pursuant to lawful directions of law enforcement officers.~~

(f) **Penalty and Enforcement.** The violation of this **section** shall be punished as provided under G.S. 14-4. Any person or corporation or other legal entity violating this article shall be guilty of a Class 3 misdemeanor and shall be fined not more than \$500.00. A first violation of this **section** shall be punishable by a fine of not less than \$50.00; a second violation shall be punishable by a fine of not less than \$150.00; and a third violation, or more, each shall be punishable by a fine of not less than \$500.00.

Add to Chapter 3, Secs. 3-26 through 3-49 - Reserved.

Section 2. This ordinance shall become effective upon adoption.

DULY ADOPTED, THIS ____ DAY OF _____, 2019.

TOWN OF ARCHER LODGE

(SEAL)

Matthew B. Mulhollem
Mayor

ATTEST:

Kim P. Batten
Town Clerk

CONCEPT DRAFT