

A RESOLUTION TO AMEND CERTAIN PORTIONS  
OF THE NOISE POLLUTION ORDINANCE OF HALIFAX COUNTY  
TO ALLOW PERMITS FOR SPECIAL EVENTS

WHEREAS, on November 4, 2013, the Halifax County Board of Commissioners, adopted a new Noise Pollution Ordinance of Halifax County (hereinafter, the Noise Ordinance) codified in Chapter 30, Article II of the Halifax County Code of Ordinances; and

WHEREAS, after public hearing, the Board of Commissioners desires to amend the Noise Ordinance to allow application for and issuance of permits for exception to the Noise Ordinance for special events;

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. That the text of Section 30-33 of said Noise Ordinance be and hereby is amended by adding the following subsection:

*(11) Special events or activities under permit issued by the County Manager or designee on a case by case basis in accordance with Section 30-33A below.*

2. That a new section be added to the Noise Ordinance entitled "Sec. 30-33A. – Permits for Special Events or Activities", to read as follows:

*Sec. 30-33A. – Permits for Special Events or Activities.*

*(1) Permits shall be required for any special event or activity that would exceed the sound levels and/or periods of exemption set out in this Article. Application for a permit shall be made to the county manager or designee not less than seven (7) nor more than thirty (30) days prior to the commencement of the activity. No permit may be issued if the effect of the permit would be to allow for the creation of a noise exceeding prohibited sound levels and/or periods of exemption as part of the regular or usual activity at a fixed location. Permits shall be issued only for temporary events of an infrequent or nonrecurring nature. Permits shall not be issued for regular activities conducted at a fixed location.*

*(2) Permits may not be denied or revoked except where the activity constitutes a bona fide threat to the health, safety or welfare of any person, or a bona fide threat of physical damage to real or personal property, except as may be specified below.*

*(3) Each applicant for a permit shall be a "person responsible" for purposes of this article, and shall provide the name of at least one (1) other person who may be contacted in the event of problems arising from the noise associated with the activity for which the permit is requested. Each applicant shall affirmatively indicate that he is familiar with the requirements of this article within the previous twelve-month period. Failure to complete the application properly or a record of previous noise ordinance violations by the applicant within the preceding twelve (12) months may be a basis for denial of the permit.*

*(4) Applicants for permits shall affirmatively indicate that the owners or occupants of all adjacent premises (including premises directly across streets or other public ways) have received a copy of the completed application. Applicants for permits for activities on multifamily premises shall also affirmatively indicate that the owner or manager of the multifamily premises has received a copy of the application.*

*(5) If a permit is denied, the reasons for denial shall be set forth in writing and furnished to the applicant. If an applicant who has been denied a permit under this section believes that the denial is in violation of applicable state or federal law, he may submit a statement of the reasons he believes he is entitled to the permit to the county manager. If the county manager determines that the applicant has made a substantial showing of legal entitlement, a permit may be granted waiving requirements as to time, location and sound levels. The issuance of any such permit shall be reported promptly to the board of county commissioners.*

*(6) Every application for a noise permit shall be accompanied by a non-refundable fee of \$150.00. No permit shall be issued until a permit fee of \$75.00 has been paid. The form of application and form of the permit shall be developed and amended from time to time as deemed necessary by the county manager or his/her designee in a manner consistent with this ordinance.*

3. The Schedule of Fees adopted by the Halifax County Board of Commissioners for FY 2015-16 is hereby amended to include the application fee and permit fee set forth in Section 30-33A(6).

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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Vernon J. Bryant, Chairman  
Halifax County Board of Commissioners

ATTEST:

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Andrea H. Wiggins, MMC