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Time Posted: \_\_\_\_\_  
Posted By: Evelyn Baker  
Witnessed By: \_\_\_\_\_

**MINUTES OF THE PUBLIC HEARING  
OF THE JACKSON COUNTY  
BOARD OF COMMISSIONERS  
HELD ON  
MAY 6, 2003**

The Jackson County Board of Commissioners held a Public Hearing on Tuesday, May 6, 2003, at 7:30 p.m. in Courtroom Two, Justice & Administration Building, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present: Stacy Buchanan, Chairman  
          Roberta Crawford, Vice Chairman  
          Joe Cowan, Commissioner  
          Eddie Madden, Commissioner  
          Brian McMahan, Commissioner  
          Kenneth L. Westmoreland, County Manager  
          Evelyn B. Baker, Clerk to the Board

Chairman Buchanan called the hearing to order and stated the purpose is to receive public input on proposed amendments, as recommended by a task force, to the Noise Ordinance.

A Noise Ordinance was first adopted on December 2, 1991 and amended on March 21, 1996.

Hugh Thompson, Chairman, reported that the task force originally wanted to rescind the Noise Ordinance. However, after further review made the following recommendations:

(1) **Section 1-1, Loud, Raucous and Disturbing Noise:**

- (a) Delete paragraph (b)(1), which addressed "blowing horns"
- (b) Delete paragraph (b)(3), which addressed "blowing whistles"
- (c) Revise paragraph (b)(4) "Construction operations" by changing permitted hours from 7:00 am to 10:30 p.m. *to 6:00 am and 11:30 p.m., deleting "on Monday through Saturday", and adding "No construction operations within 1,000 ft. of a church during church services"*.
- (d) Delete paragraph (b)(5), which addressed "pets". The task force recommended that this issue be handled through the Animal Control Ordinance.
- (e) Delete paragraph (b)(6), which addressed "fireworks"
- (f) Revise paragraph (b)(7) "Hawking, peddling or soliciting" by adding "*except as permitted by the sheriff's department*".
- (g) Delete paragraph (b)(8), which addressed "Noises to attract attention"
- (h) Revise paragraph (b)(9) "Blowers, engines" by changing the hours from 10:00 p.m. -7:00 am to "*11:30 p.m. to 6:00 a.m.*"
- (i) Delete paragraph (b)(10), which addressed "Violent Acts".
- (j) Delete paragraph (b)(12), which addressed Operation of Vehicles".

(2) **Section 1-2. Exemptions:**

- (a) Revise paragraph (d) by deleting “*classified as bona fide farms for ad valorem tax purposes*”.
- (b) Revise paragraph (e) by changing the time from 10:00 p.m. – 7:00 a.m. to *11:30 p.m. to 6:00 a.m.* and deleting “*and on any Sunday*”.
- (c) Revise paragraph (f) by deleting “*automobile*” and inserting “*track approved racing equipment*”.
- (d) Revising paragraph (g): Any “*non*”town, county, “*tribal*” or public. . .
- (e) Add paragraph (i) “*Pets and animals*”

(3) Section 1-3. Penalties:

- (a) Revise by deleting “*\$500 or imprisoned for not more than thirty (30) days*”. A fine of \$50.00 was recommended.

The floor was then opened for public comment.

Adam Koonts, on behalf of the Jackson County Coon Hunters Association, stated that an ordinance would prevent his club from operating. He stated it was impossible to keep his dogs quiet all the time. Visiting hunters bring in a lot of revenue for food, housing, etc. when they visit Jackson County. Any reference to “barking dogs” should be removed from any ordinance.

Richard Wilson stated that his dogs bark when disturbed. Ambulance sirens cause them to bark.

Todd Mathis wanted to know the Board’s opinion of the ordinance. Chairman Buchanan informed him that the Board would not be making a decision until the May 20<sup>th</sup> regular meeting. Mr. Mathis stated he owned 13 hounds and he tries to control them. People should not be told what they could or could not have on their property. Calvin Autry agreed with Mr. Mathis.

Kenneth Bryson requested that if animals are required to quiet, then the rules should also apply to helicopters and planes that fly over his house.

Lynne Sheehan requested that pets be included in the ordinance. She does not like to listen to her neighbors’ dogs bark all night. She suggested that as an alternative, impose a limit on “barking” time. She recommended keeping the old ordinance in effect.

Jimmie Sue Jones stated that a true hunter controls his dogs. Six families live around her and one of them has a dog that barks 24-hours per day, 7-days per week. The other neighbors can control their dogs. Pet dogs do not bark continuously, but hunting dogs that are penned and chained make the most noise.

Carolyn Martyn stated that animals should not be removed from the ordinance.

Verlin Coggins stated that he was a hunter and cannot control his dogs when he is not home. He does not want to be fined if his dogs bark while he is away from home.

Susan Leveille stated she lived in Webster and is disturbed by the firing range located on River Road. She wanted to know why this type of noise was not addressed in the ordinance. The firing range apparently operates until midnight. She was not sure of what could be done since law enforcement officers practice at that site, but time limits should be imposed.

Randy Deitz stated that hunters are unable to go onto the mountains to hunt because of “No Trespassing” signs posted by “outsider” property owners.

Tim Crowe stated that if the ordinance is adopted, who would determine what is “noise” and who will enforce the ordinance. The ordinance will effectively pit neighbor against neighbor.

Pete Thomasson stated there should not be a noise ordinance in effect. Animal control should be able to handle animal problems.

Steve Moore stated that a neighbor had reported his dogs barking at 2:00 p.m. while he was at work. Dogs will bark when they are being fed and barking is a means of protection. A deputy advised Mr. Moore that it was his word against the neighbor’s. Ultimately a lawsuit was filed, settled when both parties agreed to drop the charges, but cost Mr. Moore \$500.00 in legal fees.

Sheriff Ashe was asked how many noise ordinance violation citations had been upheld in court. He responded none had been contested; however, some offenders had pled guilty. The 1991 ordinance was contested and the court found it unconstitutional. To his knowledge the 1996 amended ordinance has been contested in court.

John Robinson and Clarence Hall urged the Commissioners to consider the public’s input before making a decision on the ordinance.

Chairman Buchanan stated that the Board would review the task force’s recommendations, take into consideration the comments, letters and telephone calls concerning this issue. This issue has been placed on the May 13 2003 Agenda; however, no action will be taken on that date. The Board may or may not take any action on this matter at its next regularly scheduled meeting on May 20<sup>th</sup>.

Commissioner Crawford moved that the hearing be adjourned. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote and the meeting adjourned at 8:50 p.m.

Attested By:

Approved:

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Evelyn B. Baker, Clerk

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Stacy Buchanan, Chairman