

Charlotte, North Carolina
Noise Ordinance
Chapter 15

ARTICLE III. NOISE

Sec. 15-66. Loud, disturbing noises prohibited, generally. It shall be unlawful for any person to create or assist in creating any unreasonably loud and disturbing noise in the city.
(Code 1961, § 13-52; Ord. No. 1401, § 1, 8-8-83)

Sec. 15-67. Noise measurement.

For the purpose of determining db(A)'s as referred to in this article, the noise shall be measured on the A-weighting scale on a sound level meter of standard design and quality having characteristics established by the American National Standards Institute.

(Code 1961, § 13-53.1; Ord. No. 1401, § 1, 8-8-83; Ord. No. 3273, § 1, 12-9-91)

Sec. 15-68. Sounds impacting residential life.

(a) 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 for refuse collection between the hours of 9:00 p.m. and 7:00 a.m.
- (2) Operate construction machinery between the hours of 9:00 p.m. and 7:00 a.m.
- (3) Operate garage machinery between the hours of 9:00 p.m. and 7:00 a.m.
- (4) Operate lawn mowers and other domestic tools out-of-doors between 9:00 p.m. and 7:00 a.m.
- (5) Any mechanical noise which registers more than sixty (60) db(A) at the nearest complainant's property line will be probable cause for a violation.

(b) This section shall not apply to operations which are carried on in such a manner or in such a location as not to create sounds exceeding sixty (60) db(A)

and shall not apply to emergency operations designed to protect the public health and safety.

(Code 1961, § 13-53.2; Ord. No. 1401, § 1, 8-8-83; Ord. No. 3273 § 2, 12-9-91)

Sec. 15-69. Amplified sound.

(a) It shall be unlawful to:

- (1) Operate or allow the operation of any sound amplification equipment so as to create sounds registering fifty-five (55) db(A) between 9:00 a.m. and 9:00 p.m. or fifty (50) db(A) between 9:00 p.m. and 9:00 a.m., as measured anywhere within the boundary line of the nearest residentially occupied property, except in accordance with a permit obtained from the noise control officer.
- (2) As to multifamily structures including apartments condominiums, or other residential arrangements where boundary lines can not readily be determined, it shall be unlawful to operate or allow the operation of any sound amplification equipment so as to create sounds registering fifty-five (55) db(A) between 9:00 a.m. and 9:00 p.m. or fifty (50) db(A) between 9:00 p.m. and 9:00 a.m., as measured from any point within the interior of

another residential unit in the same complex or within the boundary line of the nearest residentially occupied property, except in accordance with a permit obtained from the noise control officer.

(3) As to places of public entertainment having a capacity of one thousand (1,000) or more persons, operate or allow the operation of any sound amplification equipment so as to create sounds registering more than sixty-five (65) db(A) between 9:00 a.m. and 9:00 p.m., or fifty (50) db(A) between 9:00 p.m. and 9:00 a.m., as measured anywhere within the boundary line of the nearest residentially occupied property, except in accordance with a permit obtained from the noise control officer.

(4) Operate or allow the operation of any sound amplification equipment for advertising purposes or otherwise to attract customers so as to cast sounds which are unreasonably loud and disturbing or which register more than sixty (60) db(A) at or on the boundary of the nearest public right-of-way or park.

(5) Operate or allow the operation for personal use of any sound amplification equipment on the public right-of-way, including streets or sidewalks, or in the public parks so as to produce sounds registering more than sixty (60) db(A) fifty (50) feet or more from any electromechanical speaker between the hours of 9:00 a.m. and 9:00 p.m., or fifty (50) db(A) fifty (50) feet or more from any electromechanical speaker between the hours of 9:00 p.m. and 9:00 a.m.

(b) The foregoing limitations on the operation of sound amplification equipment shall not apply to the operation of horns, sirens, or other emergency warning devices actually being used in emergency circumstances.

(Code 1961, § 13-53.3; Ord. No. 1401, § 1, 8-8-83; Ord. No. 2243, § 1, 7-27-87; Ord. No. 3273, § 3, 12-9-91)

Sec. 15-70. Permits for additional amplification.

(a) Application. The application for a permit for additional amplification under section 15-69 shall be submitted to the noise control officer at least fifteen (15) working days in advance of the planned use except in case of emergency. The application shall designate an individual person or persons who shall be in control of the sound amplification equipment and assure that its use complies with the terms of the permit.

(b) Notice of tentative approval. Upon tentative approval, the applicant for a permit shall be responsible for mailing or otherwise delivering to the occupants of each property within a one-thousand-foot radius of the facility for which the permit has been granted, as shown on the tax maps of the county, a notice stating the date and hours of the event. The notice shall be delivered at least seventy-two (72) hours in advance of the event. The permit shall not be actually granted and issued until the applicant submits an affidavit to the noise control officer that such notices have actually been mailed or otherwise delivered.

(c) Number of hours. No permits shall be issued which shall have the effect of allowing more than twenty (20) hours of excess amplification per year at any place of public entertainment having a capacity of one thousand (1,000) or more persons or ten (10) hours of excess amplification at any other location. Permits shall be tentatively approved and subsequently granted by the noise control officer in the order of receipt unless permits for twenty (20) or more hours have previously been issued for the same or other locations within a one-thousand-foot radius of the facility in the same calendar year, in which event the applicant shall elect whether

to limit his request so as to keep the year's accumulated hours of excess amplification in that location below twenty (20) hours or select another location.

(d) Not permitted in residentially occupied boundaries. In no event shall a permit be granted which allows the creation of sounds registering more than seventy (70) db(A) anywhere within the boundary line of the nearest residentially occupied property.

(e) Denial; exceptional permit. If an applicant has been denied a permit under this section and believes the denial is illegal by virtue of applicable state or federal law, he shall promptly submit a copy of the denied permit application together with a short statement of the reasons he believes he is entitled to a permit to the city manager. The city manager shall have the discretion to grant an exceptional permit waiving locational, time, and/or db(A) requirements, upon his determination that the applicant has made a substantial showing of legal entitlement. Any such exceptional permit shall be promptly reported to city council.

(Code 1961, § 3-53.4; Ord. No. 1401, § 1, 8-8-83; Ord. No. 2243, §§ 2--4, 7-27-87; Ord. No. 3273, 4, 12-9-91)

Sec. 15-71. Animals.

It shall be unlawful for any person to own, keep or have in his possession, or harbor, any dog, other animal or bird(s) which, by frequent or habitually howling, yelping, barking or otherwise, cause loud noises, and produce seriously annoying disturbance to any person or to the neighborhood.

(Code 1961, § 13-53.5; Ord. No. 1401, § 1, 8-8-83)

Sec. 15-72. Motor vehicles.

It shall be unlawful to operate or allow the operation of any motor vehicle in the city:

(1) Which has had its muffler-exhausts- and/or other noise-control equipment removed, altered or maintained in such disrepair as to create unreasonably loud and disturbing noises.

(2) By engaging in jackrabbit starts, spinning tires, racing engines, or other operations which create unreasonably loud and disturbing noises.

(3) Off the boundaries of a public street for racing or other operations which create unreasonably loud and disturbing noises.

(Code 1961, § 13-53.6; Ord. No. 1401, § 1, 8-8-83; Ord. No. 3273, § 5, 12-9-91)

Sec. 15-73. Enforcement and penalties.

Where there is a violation of any provision of this article, the city, at its discretion, may take one (1) or more of the following enforcement actions.

(1) A police officer, noise control officer, or animal control officer may issue a citation as provided in Code section 1-7(c) subjecting the violator to a one hundred-dollar civil penalty, which penalty may provide for a fifteen-dollar delinquency charge upon nonpayment, and which penalty and delinquency charge may be recovered by the city in a civil action.

(2) A misdemeanor warrant may be issued either immediately or upon the issuance of a citation and the violator's failure to pay the same. Misdemeanors shall be punishable by a fine of up to five hundred dollars (\$500.00) and/or imprisonment for up to thirty(30) days.

(3) A civil action seeking a penalty of five hundred dollars (\$500.00) per day of violation plus injunction and order of abatement may be directed toward any person creating or allowing the creation of any unlawful noise, including the owner or person otherwise having legal or actual control of the premises from which it emanates.

(4) A police officer or noise control officer may issue a citation, as provided in Code section 1-7(c), subjecting the violator of section 1568(a)(1) to a two hundred-dollar civil penalty, which penalty may provide for a fifteen-dollar delinquency charge upon nonpayment and which penalty and delinquency charge may be recovered by the city in a civil action.

For the purposes of this section, violator means either the operator of the front end loader, the employer of the operator, or the company, partnership, corporation or other person or entity which owns, possesses or controls the front end loader utilized by the operator.

(Code 1961, § 13-18; Ord. No. 1033, § 1, 9-14-81; Ord. No. 3273, § 6, 12-9-91)

Secs. 15-74--15-85. Reserved.