

Council Strategy Session Noise Ordinance Update

June 3, 2019

Committee Charge

- Noise Ordinance - review revisions needed to ordinance to address growth in the uptown area
- Committee reviewed noise issues related to:
 - Entertainment
 - Construction
 - Speech and expression related



Recap of Committee Discussion

Date	Committee Work
October 18, 2018	Overview of the Noise Ordinance and current challenges
November 2, 2018	Received charge from Mayor
December 11, 2018	Reviewed data on noise complaints and issues, and other cities' noise ordinances
February 20, 2019	Discussed options for revising the Noise Ordinance
March 20, 2019	Reviewed best practices, feedback from initial community engagement sessions and survey, legal framework, and options for establishing noise buffers and entertainment zones
April 17, 2019	Reviewed additional community feedback and proposed ordinance updates, voted to move for full Council consideration



Tonight's Discussion Includes...

- Review noise issues
 - Community input
 - Legal considerations
 - Enforcement and Education
- Propose considerations for ordinance modifications:
 - Noise buffers
 - Revise fine/penalty schedule
 - Include additional noise measurement scale
 - Construction: noise mitigation plan



Engaging the Community

Feedback



Listening to the Community

Conducted two rounds of listening sessions

	First Engagement – All Noise Issues		Second Engagement – Targeted toward Noise Buffers and Entertainment Zones		Total
Type of outreach	Online Survey	In-person (4 sessions)	Online Survey	In-person (4 sessions)	3 Online surveys 8 In-person sessions
# of participants	369	68	2,463	123	3,023

Community engagement sessions and on-line surveys were used to gather general information and feedback not as scientific surveys or polls.



Common themes from stakeholder feedback

Concerns and issues raised:

- **Economic**
 - Impact on hotels due to noise
 - Impact on businesses and customers due to amplified sound from protests
 - Property resale values
- **Health and Safety**
 - Proximity of bars, restaurants, etc. to residential neighborhoods
 - Quality of life impacts due to noise
 - Personal safety
 - Impact on sleep
 - Patients seeking medical treatment impacted by high decibel levels of noise from protests
- **Enforcement**
 - Perception of limiting free speech
 - Perception that enforcement is inconsistent
 - No repercussions for chronic ordinance violators
 - Construction noise and private trash collection



Recommendations:

- **Policy Related**

- Regulate bass sound
- Consider buffer zones (for and against)
- Increase fines
- Sound limits and times of day (increase and decrease)
- Penalties for chronic violators of the ordinance
- Further specify limits to construction noise
- Continue to safeguard free speech

- **Public Outreach**

- Educate the community about the Noise Ordinance
- Better mitigation and implementation plans
- Clarify city amplified sound permit process



CHARLOTTE FUTURE

Comprehensive Planning

Charlotte Future 2040



Overarching Principles



Healthy and Complete Neighborhoods

Entertainment Zones Considerations

- Charlotte Future 2040 Comprehensive Plan
- General Development Policies
- Identify locations of Place Types and appropriateness
- Consider noise ordinance provisions
- Identify areas of opportunities for:
 - Entertainment, arts, and creative zones



Legal Review

Noise Buffers

Examples of other cities with noise buffers

Noise Buffer Information	
Municipality	Provision
City of Atlanta, GA	No loud noise or noise-making devices within 300 feet of hospitals, sanitariums, surgi-centers, and hospices
City of Buffalo, NY	No amplified sound equipment within 500 feet of a school, church, health care facility, clinic, or courthouse that would interfere with their functions
City of Dallas, TX	No amplified sound within 150 feet of any hospital, school, nursing home, or facility that provides surgical services to patients
City of Greensboro, NC	Unlawful to create noise that interferes with schools, hospital/nursing home/rest home, or religious institution
City of Greenville, NC	No excessive noise allowed on a street adjacent to school that interferes with the school or within 150 feet of a hospital that disturbs or unduly annoys patients
City of Indianapolis, IN	No sound that is plainly audible at least 50 feet from its source is allowed on a street adjacent to a school, church, court, or hospital
City of Miami	No unnecessary noise within 100 feet of a school, hospital, or other institution for the sick
City of New York, NY	No sound amplification within 500 feet of a school, courthouse, church, or hospital or similar institution
City of Orlando, FL	No amplified sound within 1,000 feet of a school, house of worship, hospital, court of law, or public transportation facility
City of Philadelphia, PA	No sound more than 3 decibels louder than background noise levels is allowed at the property line of a hospital, nursing home, house of worship, school, library, or day care facility
City of Phoenix, AZ	No excessive noise allowed on a street adjacent to a school, church, court, or hospital that causes unreasonable interference with those developments
City of Raleigh, NC	Unlawful to create excess noise on any street adjacent to a school, institution of learning or court in session, or within 150 feet of any hospital that interferes with the work of the institution or disturbs or annoys patients
City of San Antonio, TX	Within 250 feet of the property line of a school, hospital, or other institution for treating the sick, no loud or disturbing noise that interferes with their operations
City of Savannah, GA	No excessive noise allowed on a street adjacent to a hospital, school, church, or court

Examples of noise buffers upheld by courts:

- Florida: Federal appeals court upheld ban on amplified sound within 100 feet of health care facilities
- Maine: Federal appeals court upheld noise restrictions around health care facilities
- Texas: Federal appeals court upheld ban on loudspeakers within 150 feet of schools, residences, and health care facilities

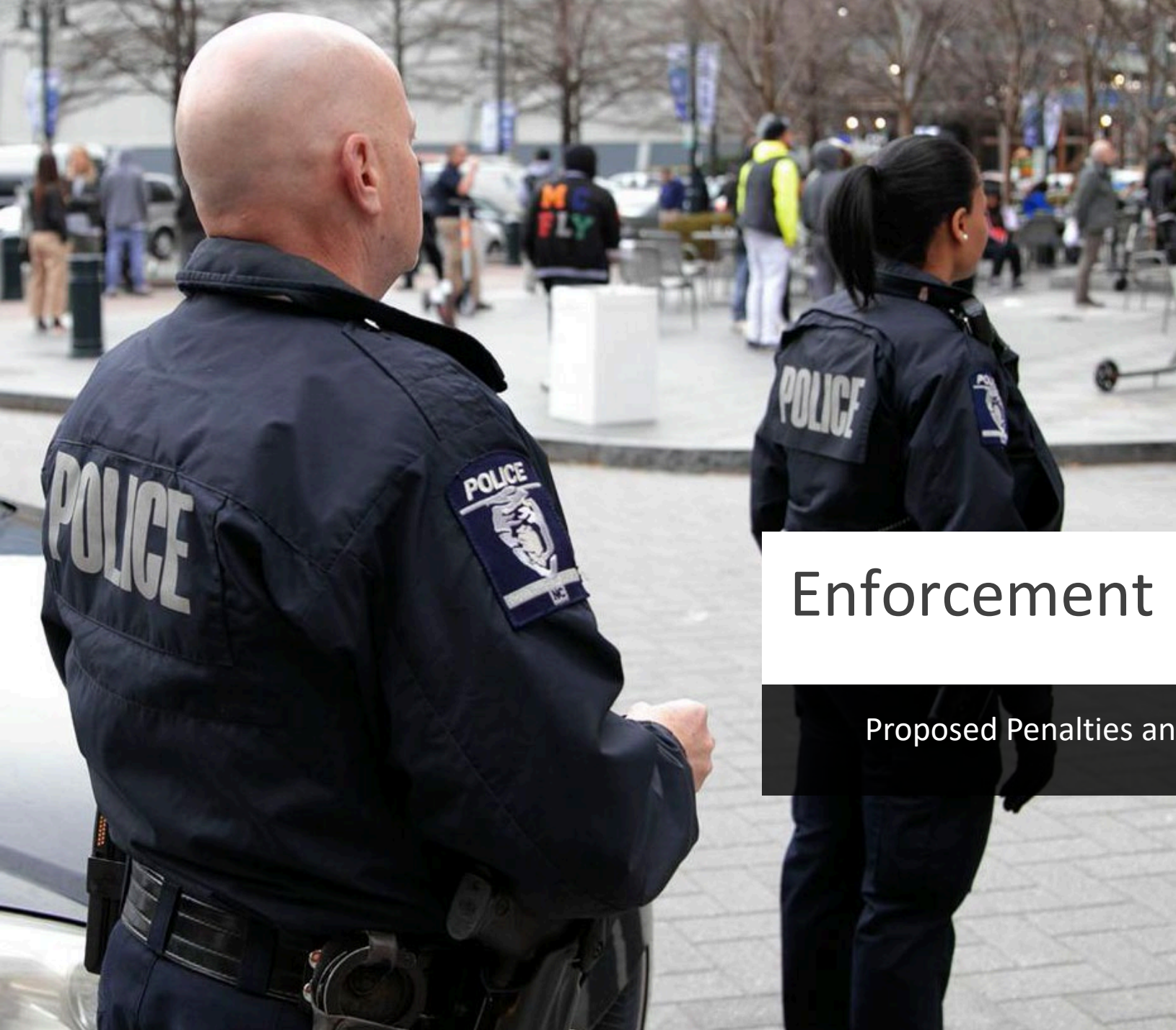
Creating Noise Buffers

- Proposed revisions create noise buffers around schools, houses of worship, and health care facilities
- Key provisions:
 - Buffer extends 200 feet from property line
 - No amplified sound or unreasonably loud noise
 - Only in effect when school in session, religious service occurring, or health care facility is open
 - House of worship must post sign alerting people to service times
 - Health care facilities must post “quiet zone” signs

Additional Noise Buffer Provisions

Ordinance revisions will:

- List factors that may be considered in determining whether a noise is unreasonably loud
- Confirm that content not a factor
- Exclude emergency sirens, car horns used when trying to avoid accidents, and sounds contained within buildings
- Prevail over other noise regulations
 - Parade permits, standard volume restrictions on bars and restaurants



Enforcement

Proposed Penalties and Complaint Response



Proposed penalties for Noise violations based on Committee Input

Ordinance	Current	Recommended
Violator may be assessed a civil penalty	\$100 civil penalty	Violation 1 = \$100 Violation 2* = \$500 Violation $\geq 3^*$ = \$1,000 * Within 12 month period from first fine.
Violator may be charged with a misdemeanor and be subject to any penalty prescribed by City of Charlotte General penalty section 2-21	\$50 criminal fine, and up to \$500	No change
Applies to front-end loader	\$200 civil penalty	Violation 1 = \$200 Violation 2* = \$500 Violation $\geq 3^*$ = \$1,000 * Within 12 month period from first fine.
Chronic Noise Producer that refuses to cooperate	\$1,000 civil penalty	No change
Late fee <i>Note:</i>	None	\$50 fine after 30 days from issuance

- Civil = penalty issued by City of Charlotte
- Criminal = misdemeanor requiring conviction in court

Noise Complaint Service Model

Charlotte-Mecklenburg Police Department (CMPD):

- CMPD will continue to provide 24/7 response to noise complaints
- Track incidents in database for review and follow up by Code Enforcement
- Options for measuring sound:
 - Current: db(A)
 - Revised: option to use db(C) scale measurement for capturing bass sound at commercial establishments



Noise Complaint Service Model

- Code Enforcement Officers:
 - Follow up with violators as appropriate
 - Utilize staff with audio engineering or similar background
 - Partner with community to educate on provisions and preventative measures
 - Work with violators on potential noise mitigation strategies
- Chronic noise producers:
 - Add the ability for construction sites to receive the designation
 - May require noise mitigation plan



Proposed Changes

Transition, Communication, and
Education Plan

Proposed Implementation Plan

- Education and Communications Plan
 - July – September
- Enforcement - CMPD will establish guidelines and procedures
 - Standard Operating Procedures
 - Officer Training
- Effective October 1, 2019.

Continuing Education and Communications Plan

Inform community and businesses of provisions:

- Creating a robust web resource with FAQs, fact sheets, updated ordinance, brochures, contact information, etc.
- Utilizing social media channels
- Collaborating with community partners to promote information
- Engaging with neighborhood associations, business owners, healthcare professionals for continued discussions
- Developing an education campaign and toolkit that is easy to understand (including various languages)
- Staying connected via email with community members who indicated the desire to be kept updated

Summary of Proposed Changes

- Establish noise buffers around schools, houses of worship, and medical facilities
- Add option to include db(C) sound weighting scales for measurements to better capture bass component of sound
- Add clarifying language such as examples of “construction machinery” and noise references
- Add construction sites to chronic noise producer regulation
- Increase penalties
- Technical clean up of department references and sections to the correct names, references and citations, adds severability clause



- City Council to consider vote at June 24 Business Meeting
- Coordinate with the county to align related initiatives



Next Steps



Questions?
