

CITY OF CHARLOTTE NOISE ORDINANCE

I. General Provisions

This ordinance is more comprehensive than the county noise ordinance and contains violations that are defined according to the decibel levels.

A. Section 15-66. Unreasonably Loud and Disturbing Noise Prohibited

Section 15-66 of the ordinance makes it unlawful for any person to create or assist in creating any unreasonably loud and disturbing noise in the city. This provision is similar to the county ordinance, except it requires the noise to be both loud and disturbing. Note that a violation of this provision is not defined in terms of a specific decibel level.

B. Section 15-68. Prohibited Activities Impacting Residential Life

Section 15-68 deals with sounds impacting residential life and makes it unlawful to carry on the following activities in any residentially zoned area or within 300 feet of any residentially occupied structure between the hours of 9:00 p.m. and 7:00 a.m.:

1. operate a front-end loader for refuse collection;
2. operate construction machinery;
3. operate garage machinery; or
4. operate lawn mowers and other domestic tools out-of-doors.

The section provides that any mechanical noise which registers more than 60 db(A) at the nearest complainant's property line constitutes probable cause for a violation. In addition, the section does not apply to operations that do not create sounds exceeding 60 db(A) or to emergency operations designed to protect the public health and safety.

C. Section 15-69. Restrictions on Amplified Sound

Section 15-69 covers the area of amplified sound and makes it unlawful to operate or allow the operation of sound amplification equipment under the following conditions:

1. so as to create sounds registering 55 db(A) between 9:00 a.m. and 9:00 p.m. or 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;

2. with regard to multifamily structures such as apartments, condominiums, or other residential arrangements where boundary lines cannot be readily determined, so as to create sounds registering 55 db(A) between 9:00 a.m. and 9:00 p.m. or 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;
3. with regard to places of public entertainment having a capacity of one thousand or more persons, so as to create sounds registering more than 65 db(A) between 9:00 a.m. and 9:00 p.m. or 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;
4. for advertising purposes or attracting customers, so as to cast sounds that are unreasonably loud and disturbing or which register more than 60 db(A) at or on the boundary of the nearest public right-of-way or park;
5. for personal use on the public right-of-way, including streets or sidewalks, or in public parks, so as to produce sounds registering more than 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 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.;
6. for personal use on the public right-of-way, including streets or sidewalks, or in public parks, (i) without a permit issued by the CMPD, or (ii) so as to produce sounds registering more than 75 db(A) ten (10) feet or more from any electromechanical speaker between the hours of 9:00 a.m. and 9:00 p.m. or 65 db(A) ten (10) feet or more from any electromechanical speaker between the hours of 9:00 p.m. and 9:00 a.m.

an application for a permit shall: (i) be submitted to the Field Support Sergeant at least twenty-four (24) hours but no more than seven (7) days before the permit time requested, and (ii) specify the proposed location and the date and time the sound amplification will begin and end

permits are issued on a first-come, first-served basis and a permit will not be issued for a location within 100 feet of another location for which a permit has been issued for the same time

NOTE: The activities specified in 1, 2, and 3 above do not constitute violations when a permit has been obtained from the Field Support Sergeant. In addition, none of the above limitations on the operation of sound amplification equipment apply to the operation of horns, sirens, or other emergency warning devices actually being used in emergency circumstances.

D. Section 15-71. Animals

Section 15-71 of the ordinance makes it unlawful to own, keep, possess, or harbor any dog, other animal, or bird(s) which, by frequent or habitual howling, yelping, barking, etc., cause loud noises and produce seriously annoying disturbances to any person or neighborhood. This section does not require that the noise be a specific decibel level in order to constitute a violation.

E. Section 15-72. Motor Vehicles

Section 15-72 covers motor vehicles and makes it unlawful to operate or allow the operation of a motor vehicle so as to create unreasonably loud and disturbing noises in the following circumstances:

1. when the vehicle has had its muffler, exhaust and/or other noise-control equipment removed, altered or maintained in disrepair;
2. by engaging in jackrabbit starts, spinning tires, racing engines, or other operations; or
3. off the boundaries of a public street for racing or other operations.

This section does not require that the noise be a specific decibel level in order to constitute a violation.

II. Permits

A procedure is set forth in Section 15-70 whereby a person may apply for a permit for additional amplification under Section 15-69, which deals with the operation of sound amplification equipment. Applications for permits must be submitted to the Field Support Sergeant (336-2321).

III. Application of Ordinance

The ordinance applies and is enforceable within the city limits of Charlotte. If the noise is created in the city and affects individuals in the county, or vice versa, and the activity constitutes a violation of both ordinances, the defendant should be charged under both ordinances.

IV. Enforcement

The ordinance should be enforced, in the officer's discretion, by the issuance of a parking ticket or a uniform citation. Officers should use their discretion in attempting to obtain voluntary compliance prior to issuing a parking ticket or uniform citation. The parking ticket or uniform citation should be directed to the person responsible for creating the noise or to the person responsible for control of the premises from which the noise originates. Note that it may be necessary to list on the uniform citation civilian witnesses who can testify as to the violation.

V. Punishment

There is a civil penalty of \$100.00, which applies whenever an officer issues a parking ticket for a violation of the ordinance (\$200.00 for the operation of a front-end loader in violation of the ordinance). The violator must pay the ticket within fifteen (15) days or be subject to a \$15.00 delinquency charge.

Pursuant to G.S. §14-4(a), a violation of any provision of the ordinance, except those provisions relating to the operation of a vehicle, is a Class 3 misdemeanor. Any such violation is a nonwaivable offense that requires a mandatory court appearance. A Class 3 misdemeanor is punishable, depending on an individual's prior record, by a maximum of 20 days active time, not 30 days as specified in Section 15-73(2) of the ordinance (amendments to North Carolina sentencing laws lowered the punishment for such misdemeanors). The maximum fine, as stated in the ordinance, is \$500.00. Under G.S. §14-4(b), violations of those provisions of the ordinance relating to the operation of vehicles constitute infractions and are waivable upon payment of a \$10.00 fine plus the costs of court. Violations involving motor vehicles under Section 15-72 must be written on a uniform citation (not a parking ticket) because these violations are infractions.

VI. Sample Charging Language – Uniform Citation

... the named defendant did unlawfully (create) (assist in creating) unreasonably loud and disturbing noise in the city, in violation of Sec. 15-66, "Loud, disturbing noises prohibited generally," City Code of Charlotte, N. C. This offense having occurred within the corporate limits of the City of Charlotte.

... the named defendant did unlawfully operate a front-end loader for refuse collection between the hours of 9:00 p.m. and 7:00 a.m. in a residentially zoned area of the city, in violation of Sec. 15-68(a)(1), "Sounds impacting residential life," City Code of Charlotte, N. C. This offense having occurred within the corporate limits of the City of Charlotte.

... the named defendant did operate sound amplification equipment so as to create sounds registering _____db(A) between 9:00 p.m. and 9:00 a.m., in violation of Sec. 15-69(a)(1), "Amplified sound," City Code of Charlotte, N. C. This offense having occurred within the corporate limits of the City of Charlotte.

... the named defendant did unlawfully operate a motor vehicle in the city by engaging in spinning tires which created unreasonably loud and disturbing noises, in violation of Sec. 15-72(2), "Motor vehicles," City Code of Charlotte, N. C. This offense having occurred within the corporate limits of the City of Charlotte.