

## ARTICLE IV. - OFFENSES OF UNREASONABLE OR DISTURBING SOUND

## Sec. 18-48. - Intent.

The provisions hereinafter contained are enacted for the purpose of preventing noise disturbances or unreasonably loud noise and are enacted pursuant to the authority granted in G.S. § 160A-184. Above certain levels or durations and during specific times of day unreasonably loud noise, or noise disturbance, is detrimental to health, safety and welfare of the citizenry and the individual's right to peaceful and quiet enjoyment. It is the policy of the city to prohibit noise disturbances or unreasonably loud noise from all sources, subject to its police power, in order to secure and promote the public health, comfort, convenience, safety, welfare, and prosperity of the citizens of Greensboro. Nothing in this article is intended to deter individuals from lawfully exercising the individual right of freedom of speech and commerce, or any other freedom guaranteed under the Constitutions of the United States of America or of the State of North Carolina, and nothing in this article is intended to unreasonably limit or restrain commercial or industrial enterprise.

(Ord. No. 12-31, § 1, 4-16-12)

**Editor's note—** Ord. No. 12-31, § 1, adopted April 16, 2012, amended § 18-48 in its entirety to read as set out herein. Former § 18-48 pertained to preamble and derived from Ord. No. 07-253, § 3, adopted Nov. 5, 2007.

## Sec. 18-49. - Unlawful noises and sounds.

Except as set out in section 18-53 and otherwise notwithstanding any other provision of this article, it shall be unlawful for any person or persons to make, permit, continue, cause to be made, or to create any unreasonably loud or disturbing noise in the city which does annoy, disturb, injure, or endanger the comfort, repose, health, peace or safety of persons or causes damage to property or business.

For purposes of this section, the following definitions shall apply:

- (a) *Unreasonably loud.* Noise which is substantially incompatible with the time and location where created or heard to the extent that it brings about an actual or imminent interference with peace, rest, or good order.

To determine whether a noise is unreasonably loud, the following factors incident to such noise are to be considered: Time of day; proximity to residential structures; whether the noise is recurrent, intermittent or constant; the volume and intensity; whether the noise has been enhanced in volume or range by any type of mechanical means; and the nature and zoning of the area.

- (b) *Disturbing.* Noise which is perceived by a person of ordinary sensibilities as interrupting the normal peace and calm of an area.
- (c) *Downtown business district.* That district of the city as defined in section 26-232.

(Ord. No. 07-253, § 3, 11-5-07)

## Sec. 18-50. - Unlawful noise producing activities.

Notwithstanding any other provision of this article the following acts and activities are declared to be unreasonably loud and disturbing in violation of section 18-48, but this enumeration shall not be deemed to be exclusive.

- (a) *Blowing horns.* Sounding any horn, whistle or signal device on any automobile, motorcycle, bus or other vehicle or railroad train, except as a danger signal or as required by law, creating any unreasonably loud or disturbing sound or sounding such device for an unreasonable period of time.

- (b) *Radios, record players, etc.* Playing any radio, television set, record player, or musical instrument as to annoy or disturb the quiet, comfort or repose of any person of normal sensibilities in any dwelling, motel, hotel, apartment, or any type of residence.
- (c) *Sound-producing equipment in vehicles.* Playing any radio, tape recorder, cassette player, compact disc, or other similar device for reproducing sound located on, or in, any motor vehicle on a public street, highway, or within, the motor vehicular area of any public or private parking lot or park, or drive through, if the sound generated is audible at a distance of thirty (30) feet from sound producing equipment.
- (d) *Pets.* Keeping any animal or bird, which, by causing frequent or long continued noise, disturbs the comfort and repose of any person in the vicinity.
- (e) *Use of vehicles.* Using any automobile, motorcycle, or vehicle so out of repair, altered, maintained, or operated in such manner as to create unreasonably loud or disturbing noise including, but not limited to, engaging in jackrabbit starts, spinning tires, racing engines, or other such operation.
- (f) *Blowing whistles.* Blowing any steam whistle attached to any stationary boiler except as a warning of danger.
- (g) *Compressed air devices.* Using any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and reduced.
- (h) *Building operations.* Erection, demolition, alteration, or repair of any building (including excavation and grading), in a residential district between the hours of 6:00 p.m. and 7:00 a.m. of any day or in any district other than a residential district between the hours of 10:00 p.m. and 7:00 a.m. of any day.
- (i) *Noises near schools, etc.* Creating noise on any street, or public way, or near any school, institution of learning, library, or sanitarium, or court while the same is in session, or adjacent to any hospital, rest home, nursing home, or any real property owned by a religious institution during services, or which otherwise interferes with the working of such institution.
- (j) *Bells or gongs.* Sounding any bell or gong which disturbs the quiet or repose of persons in the vicinity.
- (k) *Blowers, engines.* Operation of any noise-creating blower, power fan, steam engine, or any internal combustion engine, the operation of which causes noise due to the explosion or expansion of operating gases or fluids, unless the noise emitted there from is sufficiently muffled and the engine is equipped with a muffler device in good working condition and designed to manufacturer's specifications and sufficient to deaden such noise, which causes annoyance to the public or disturbs the rest and quiet of persons on adjacent premises or within the vicinity.
- (l) *Appliances and other mechanical devices.* The operation of any noise-producing appliance or other mechanical device which, due to operational deficiencies, malfunction or other type of disrepair, causes noises which unreasonably annoy the public or disturb the rest and quiet of persons on adjacent premises or within the vicinity.
- (m) *Vehicular loudspeakers or amplifiers for commercial purposes.* The use of mechanical loudspeakers or amplifiers on, or in, automobiles, trucks, airplanes or other vehicles for advertising or other commercial purposes.
- (n) *Street vendors.* Street vendors cannot use sound or permit the sounding of any device which produces noise or operate any loudspeaker, public address system, radio, sound amplifier or similar device to attract the attention of the public.

(Ord. No. 07-253, § 3, 11-5-07)

Sec. 18-50.1. - Same—Outside sound-producing activities.

- (a) Except as otherwise permitted under this article, it shall be unlawful between the hours of 11:00 p.m. and 7:00 a.m. of the following day for any person, business or entity to play, operate, use or cause to be played, operated or used, any sound amplification device, amplified musical instrument or sound reproduction device which creates or reproduces audible sound outside any building or structure.

- (b) The prohibition in this section shall not include the use of a television set at commercial eating establishments with a principal use designation as a restaurant or brewpub by the City of Greensboro Land Development Ordinance between the hours of 11:00 p.m. and 2:00 a.m. of the following day, and which is being operated using only audio speakers within the chassis of said television which are components included as part of the original manufacture of the television; provided, that the volume of said television does not exceed 70 dB(C). Measurements of sound emanating from any television set will be taken from a place or position which is as close to the source of the sound as the measuring officer can reasonably stand or reach.
- (c) The prohibition in this section shall not include the use of a music system with exterior speakers at commercial eating establishments with a principal use designation as a restaurant or brewpub by the land development ordinance between the hours of 11:00 p.m. and 2:00 a.m. of the following day; provided, that the volume of said music system does not exceed 70 dB(C). Measurements of sound emanating from any music system will be taken from a place or position which is as close to the source of the sound as the measuring officer can reasonable stand or reach.
- (d) The prohibition in this section shall not include the use of an audio communications system at facilities with drive-through service windows.
- (e) The prohibition in this section shall not include the use of a music system with exterior speakers or outside televisions at principal uses other than those designated as commercial eating or drinking establishments by the City of Greensboro Land Development Ordinance, which includes as examples, but is not limited to, convenience stores, truck stops, service stations (fuel), or automobile sales or service businesses. The outdoor sound permitted under this section will not be plainly audible beyond the property line of the business using the music system.
- (f) The prohibition in this section shall not take effect at 11:00 p.m. on:
  - (1) New Year's Eve (December 31), and will instead commence at 2:00 a.m. on New Year's Day (January 1);
  - (2) Saint Patrick's Day (March 17), and will instead commence at 2:00 a.m. on March 18;
  - (3) Independence Day (July 4), and will instead commence at 2:00 a.m. on July 5;
  - (4) Halloween (October 31), and will instead commence at 2:00 a.m. on November 1;
  - (5) The Friday, Saturday and Sunday immediately preceding Memorial Day (final Monday of May); or
  - (6) The Friday, Saturday and Sunday immediately preceding Labor Day (first Monday of September).

(; Ord. No. 13-119, § 2, 9-17-13)

**Editor's note**— Ord. No. 13-119, § 1, adopted Sept. 17, 2013, changed the title of § 18-50.1 from "Same—Commercial establishments with outside sound-producing activities" to "Same—Outside sound-producing activities". This historic notation has been preserved for reference purposes.

Sec. 18-51. - Sounds impacting residential life.

It is unlawful for anyone within the city limits to cause, or allow, the emission of sound from any source or sources which impact dwellings and other residential property. A noise disturbance shall be presumed to exist where the sound or noise caused by any activity exceeds the maximum lawful decibel limits specified in the residential decibel limits table herein at a property boundary of the structure within the zoning districts shown below which is used, wholly or in part, as a residential dwelling. To the extent the decibel limits in this section may conflict with any other section of this article, the decibel limits in this section shall supersede such other limits.

Residential Decibel Limits Table

Zoning Districts	Daytime (7:00 a.m. to	Nighttime (11:00 p.m. to
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	11:00 p.m.)	7:00 a.m.)
All Residential, TN	70 dB(C)	65 dB(C)
Mixed Use, PUD	85 dB(C)	75 dB(C)

(Ord. No. 07-253, § 3, 11-5-07; Ord. No. 12-31, § 3, 4-16-12; Ord. No. 13-105, § 2, 7-16-13; Ord. No. 13-119, § 2, 9-17-13)

Sec. 18-52. - Measurement of sound.

- (a) *Measurement of sound.* For the purpose of determining dB(C) as referred to in this Code, the noise shall be measured on the C-weighting scale on a sound level meter of standard design and quality having characteristics established by the American National Standards Institute (ANSI).
- (b) *Measurement techniques.* Measurement of sound shall be made according to these standards:
- (1) Sound measurements shall be conducted at that time of day or night when the suspect noise source is emitting sound.
  - (2) The sound level measurement shall be determined as follows:
    - a. Set the sound level meter on the "C" weighted filter at slow response.
    - b. Where possible the measurement should be made with clear view to the source of the sound.
    - c. All measurements shall be taken at or within the nearest residential property line occupied by the complainant, unless otherwise stated in the Code. For multifamily structures, including apartments, condominiums, or other residential arrangements where boundary lines cannot readily be determined or do not exist, measurements shall be taken from any point abutting the exterior of the complainant's residential unit.
  - (3) Measurements recorded shall be taken so as to provide a proper representative of the noise being measured. The microphone shall be positioned facing the noise source and so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used. Using the C-weighting and slow response switch settings, the operator takes four (4) consecutive readings of thirty (30) seconds each. Any decibel reading which exceeds the allowed decibel limits is a violation of this article.
- (c) *Training of personnel.* The operator of a sound level meter, but not persons assisting the operator with non-technical aspects of sound level measurement, must have received special training in sound measurement from an expert, or experts, in sound measurement and must have received training in the use of the sound level meter used. The chief of police of the city shall prescribe minimum training standards for such operators.
- (d) *[Enforcement.]* In the enforcement of this article, an enforcement officer may be required to exercise judgment in determining if a particular noise is sufficiently loud or otherwise so offensive that it would substantially interfere with persons occupying nearby public or private property. When making such determinations, the enforcement officer may consider the following and other relevant factors:
- (1) The volume of the noise.
  - (2) The intensity of the noise.
  - (3) Whether the nature of the noise is usual or unusual.
  - (4) Whether the origin of the noise is natural or unnatural.
  - (5) The type and intensity of ambient noise, if any.
  - (6) The nature and zoning of the area in which the noise is heard.

(Ord. No. 07-253, § 3, 11-5-07; Ord. No. 12-31, § 4, 4-16-12; Ord. No. 13-105, § 3, 7-16-13)

**Editor's note**— Ord. No. 13-105, § 3, adopted July 16, 2013, changed the title of § 18-52 from "Measurement of sound" to "Measurement of sound and enforcement factors."

Sec. 18-53. - Non-commercial free speech

Notwithstanding any other provisions of this article, in the exercise of noncommercial free speech loudspeakers, or amplifiers, may be used without permit, subject to the following conditions:

- (a) It shall be unlawful for any person to speak into, or cause any sound to emanate from, a loudspeaker or amplifier within the corporate limits of the city, when such loudspeaker or amplifier is so adjusted that the voice or sound is amplified to the extent that it is audible at a distance in excess of one hundred fifty (150) feet from such loudspeaker or amplifier.
- (b) No wires or other materials or connections for the transmission of power or for other purposes shall be placed on any street, sidewalk, public easement or way, or on the ground in any public park or public place. Any such wires, materials or connections shall be placed not less than seven (7) feet above the street, sidewalk or ground except at the point of connection to the loudspeaker or amplifier.

(Ord. No. 07-253, § 3, 11-5-07)

Sec. 18-54. - Exceptions from the article.

In the interest of public safety and convenience the following are exempted from the application of this article:

- (a) Emergency work made necessary to restore property to a safe condition; or required to protect persons or property from danger or potential danger; or work by private or public utilities when restoring utility service.
- (b) Street construction activity performed by, or on behalf of, a government agency on public streets; provided that all equipment is operated in accordance with the manufacturer's specifications and is equipped with all legally required noise-reducing devices in proper operating condition. Blasting and pile driving on street projects are exempted under this exception only to the extent that they are carried on between the hours of 7:00 a.m. and 10:00 p.m., Monday through Saturday.
- (c) Noises from activities of, or specifically authorized by, the State of North Carolina or the United States Government, or any of their agencies; or public or private educational institutions and schools. This provision shall not exempt collegiate fraternities or sororities from compliance with the provisions of this article.
- (d) Non-amplified crowd noises resulting from religious activities and entertainment or sports activities organized and conducted by churches.
- (e) Noises resulting from activities at public or commercial entertainment venues with a seating capacity of seven thousand (7,000), or more, between the hours of 7:00 a.m. until 12:00 midnight.
- (f) Emergency pressure relief valves; the operation of horns, sirens, or other emergency warning devices being used in emergency circumstances according to law.
- (g) The bells, chimes, or calls to services of churches, synagogues, temples, mosques, or other religious structures.
- (h) Organized fireworks displays carried on under the supervision of licensed experts with written authority from the Guilford County Board of Commissioners. Such displays shall be exempt only between the hours of 12:00 noon and 10:00 p.m., every day except the Fourth of July on which day they are exempt from 12:00 noon until 12:00 midnight.
- (i) Noise from electrical generators or water pumps during time of or other electrical power outages.

- (j) Noise from governmental vehicles providing public utility and sanitation services.
- (k) Yard and garden maintenance equipment including, but not limited to, mowers, tillers, leaf blowers, edgers, and weed eaters from 7:00 a.m. until 10:00 p.m.
- (l) Parades, festivals, or other events in the downtown business district for which a city permit is issued.
- (m) Noise from authorized uses of public and private parks in the downtown business district.

(Ord. No. 07-253, § 3, 11-5-07; Ord. No. 09-159, 9-15-09)

Sec. 18-55. - Enforcement responsibility for control of excessive noise.

- (a) *Primary enforcement responsibility.* The chief of police of the city, or his departmental designee, shall have primary enforcement responsibility for noise and sound control pursuant to this Code.
- (b) *Powers of arrest or citation.* Any police officer shall issue a citation for any violation under this article, except they may arrest for instances when:
  - (1) The alleged violator refuses to provide the officer with such person's, or owner's, name and address and any proof thereof as may be reasonably available to the alleged violator; or
  - (2) The alleged violator refuses to cease such illegal activity after being issued a citation; or
  - (3) Any person interfering with the enforcement activities of the officer.

(Ord. No. 07-253, § 3, 11-5-07)

Sec. 18-56. - Noise enforcement officer.

The noise enforcement officer, acting as the chief's designee, shall have the following duties:

- (a) Training;
- (b) Equipment maintenance and development of a quality assurance plan;
- (c) Public education and assistance;
- (d) Advisory functions;
- (e) Pre-testing;
- (f) Coordinating with other city departments with reference to land use planning and noise environmental impact assessments;
- (g) Coordination of enforcement with other law enforcement agencies;
- (h) Monitoring noise complaints; and
- (i) Other duties as assigned by the chief.

(Ord. No. 07-253, § 3, 11-5-07)

Sec. 18-57. - Interference with enforcement officer.

It shall be a misdemeanor subject to a fine of two hundred dollars (\$200.00) and any other punishment authorized by law for a Class 3 Misdemeanor to interfere with an authorized officer in the exercise of his, or her, duties including, but not limited to enforcement and taking sound level measurements.

(Ord. No. 07-253, § 3, 11-5-07)

Sec. 18-58. - Penalties.

- (a) *Warning.* The city shall issue a warning notice for the first violation of this article committed by any person.
- (b) *Penalties.* Any person who commits more than one (1) violation of this article shall be subject to a two hundred dollar (\$200.00) civil penalty for the second violation and three hundred fifty dollars (\$350.00) for a third violation. Any person who commits more than three (3) violations of this article, or two (2) violations of this article within one (1) year's time, shall be subject to a five hundred dollar (\$500.00) civil penalty. The city may also seek injunctive relief or abatement to enforce this article for any person who willfully commits three

(3) or more violations of this article within a one-year period. The civil penalties provided in this article are remedies enforceable by a civil action in the nature of a debt. No violation of this article shall constitute a misdemeanor as provided in G.S. § 14-4. Any person desiring to appeal a citation or penalty issued under this article may request a nonjudicial, administrative hearing with the chief of police, or his designee. The request for hearing must be filed within thirty (30) days after notification of the violation. The determination of the hearing officer is final, subject to review only in the Superior Court of Guilford County by proceedings in the nature of certiorari.

- (c) *Violations constituting an imminent danger to the public health or safety.* Pursuant to G.S. § 160A-193, if any commercial establishment shall cause a violation of this article which causes an imminent danger to the public health or safety, the noise enforcement officer is authorized to order any commercial establishment with outside sound-producing activities to immediately cease all outside sound-producing activities. The noise enforcement officer is further authorized and empowered to order and direct the closure of any commercial establishment which fails to comply with said order for a twenty-four-hour period.

(Ord. No. 07-253, § 3, 11-5-07; Ord. No. 12-31, § 5, 4-16-12)

Sec. 18-58.1. - Owner and occupant responsibility for noise violations.

- (a) Any person responsible for causing a violation of this article on or at any commercial establishment shall be liable for any civil or criminal remedy which may be imposed by this article. Any person in charge of, and physically present, at any commercial establishment shall also be liable for any civil or criminal remedy which may be imposed by this article. It is no defense to either civil or criminal liability of the person in charge of a commercial establishment that a violation of this article was caused by a tenant, guest, invitee, permittee or licensee.
- (b) The owner of any commercial establishment causing a violation of this article who is not present at the time the violation occurred shall be liable only for such civil remedy which may be imposed by this article which shall include any order issued by the noise enforcement officer to cease all outside sound-producing activities, or cease operation of the commercial establishment for a twenty-four-hour period.
- (c) The owner of any commercial establishment causing a violations of this article within a twenty-four-hour period of time shall be liable for any civil or criminal remedy which may be imposed by this article, without regard to whether the owner of the commercial establishment was physically present at the commercial establishment when the violation occurred, provided that the owner had received prior notice of each preceding violation.

(Ord. No. 07-253, § 3, 11-5-07; Ord. No. 12-31, § 6, 4-16-12)

Sec. 18-59. - Reserved.