

Noise Ordinance Revision 2019

Meeting with CAN

April 8, 2019

MEETING AGENDA - April 8, 2019

I. Goals, Background and Process

II. Feedback from CAN

III. Next steps

CURRENT ORDINANCE

City of Asheville Code of Ordinances Chapter 10 - Article IV

Noise means any sound or combination of sounds which, because of its volume or quality, tends to disturb reasonable persons of normal sensitivity or to interfere with normal human activity.

Noise disturbance means any unreasonably loud and raucous sound or noise which:

- (1) Endangers or injures the health or safety of humans or animals;
- (2) Endangers or injures personal or real property; or
- (3) Disturbs a reasonable person of normal sensitivity.

CURRENT ENFORCEMENT

1. **APD Officer** can issue a noise citation

First offense	\$50
Second offense	\$100
Third offense	\$200
Fourth offense	\$300

2. **Noise Ordinance Appeals Board (NOB)** can issue a noise citation

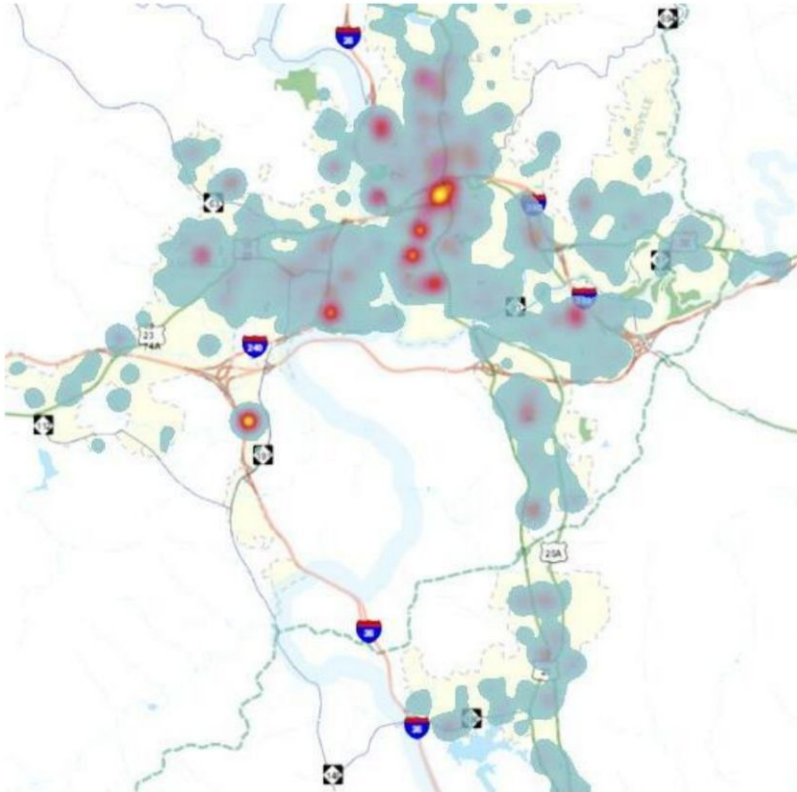
- Two residents from separate households co-file a single complaint
- Complainants must be present at scheduled NOB meeting
- NOB disapproves or approves/issues citations
- Defendant may file a written appeal within 15 days of citation

NOB CITATION OUTCOMES 2012 - 2018

	2012	2013	2014	2015	2016	2017	2018	TOTAL
Violation of Ordinance found	5	2	10	0	0	0	0	17
Violation of Ordinance upheld	0	0	4	1	0	0	0	5
Continuance granted	0	0	1	0	0	3	1	5
Complaint withdrawn	1	2	1	5	2	1	0	12
No civil penalty issued	2	2	2	1	1	0	0	8
Complaint dismissed	0	1	0	0	0	2	1	4

	2012	2013	2014	2015	2016	2017	2018	TOTAL
Residential Noise Complaint	6	5	5	4	0	1	1	22
Bar/Restaurant Noise Complaint	2	1	7	1	1	1	2	15
Industrial Noise Complaint	0	1	0	1	2	4	1	9
Dog Noise Complaint	0	0	2	1	0	0	0	3

APD COMPLAINTS RECEIVED 2012 - 2018



Year	Total Calls Received
2012	1057
2013	976
2014	1095
2015	1020
2016	921
2017	1081
2018	857
	7007

Time	Total Calls Received
2 am - 5 am	1257
5 am - 8 am	381
8 am - 12 pm	325
12 pm - 3 pm	245
3 pm - 6 pm	315
6 pm - 9 pm	843
9 pm - 12 am	2227
12 am - 2 am	1414
	7007

Month	Total Calls Received
January	407
February	399
March	516
April	604
May	703
June	766
July	708
August	649
September	703
October	611
November	436
December	505
	7007

REVISION GOAL

Engage **residents, business owners, industrial**, and **institutional** operators to identify and prioritize noise concerns



REVISION GOAL

Balance **residents'** and **local business'** needs and recognize that all parties are essential to a thriving local economy



REVISION GOAL

Develop an ordinance that contains
clear, enforceable, and effective
measures to control noise



CITY'S ROLE

Engage all stakeholders in discussion,
identify areas of consensus and disagreement
and **develop** thresholds for effective enforcement

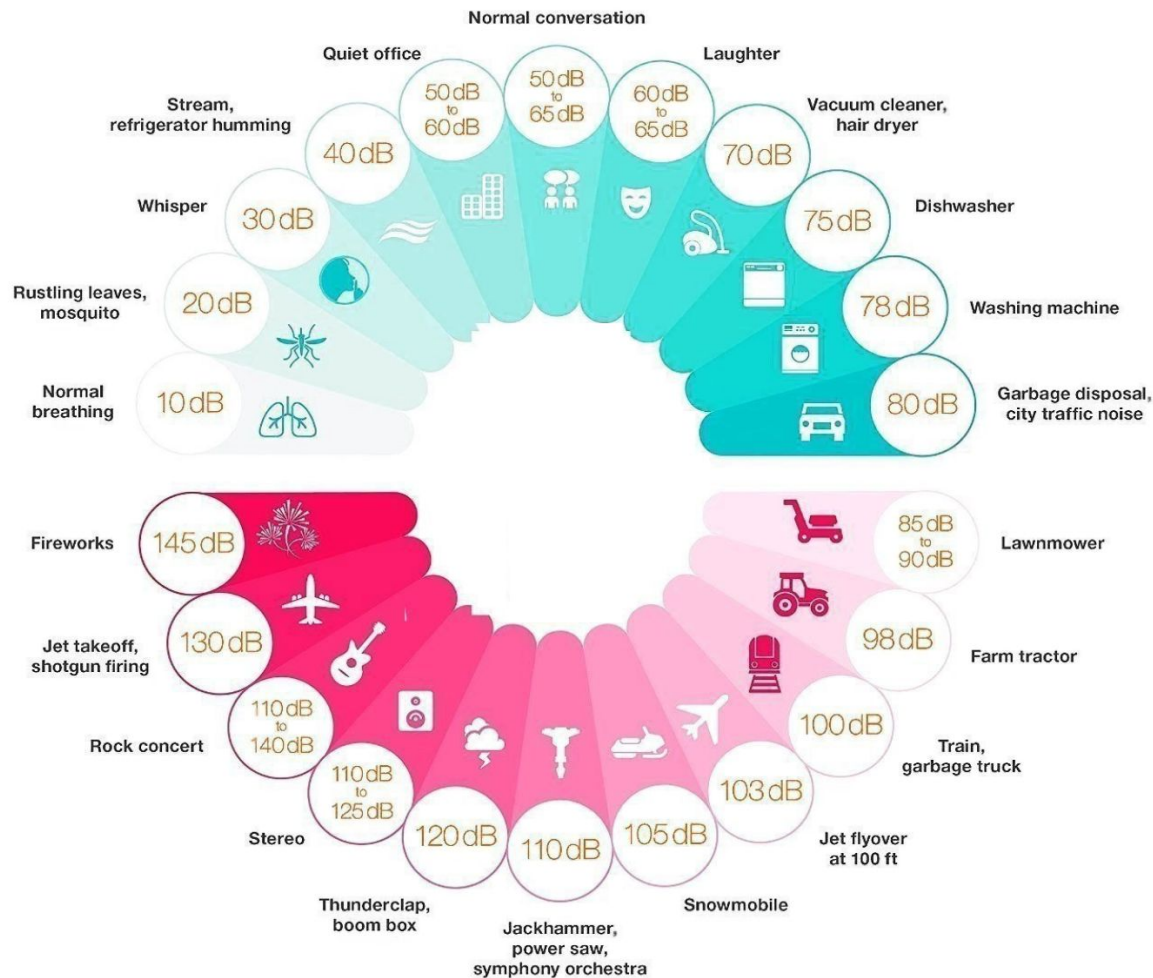


GUIDING PRINCIPLES



- (1) Excessive noise is a hazard to the public health, welfare, and safety.
- (2) The community has a right to an environment free from excessive noise that may degrade their quality of life or diminish property values.
- (3) Noise Ordinance development must prioritize equity as a lens through which to evaluate policy criteria and enforcement action.
- (4) Noise Ordinance development must balance the reasonable needs of residents and visitors with those of facilities and operations, and recognize that all parties are essential to a thriving local economy.
- (5) Excessive noise generation can be reasonably addressed through the adoption of a Noise Ordinance that contains clear, enforceable, and effective measures to control noise.

COMMON SOUND LEVELS



Noise Level	Exposure Limit
90 dBA	8.0 hours
92 dBA	6.0 hours
95 dBA	4.0 hours
97 dBA	3.0 hours
100 dBA	2.0 hours
102 dBA	1.5 hours
105 dBA	1.0 hours
110 dBA	30 minutes
115 dBA	15 minutes

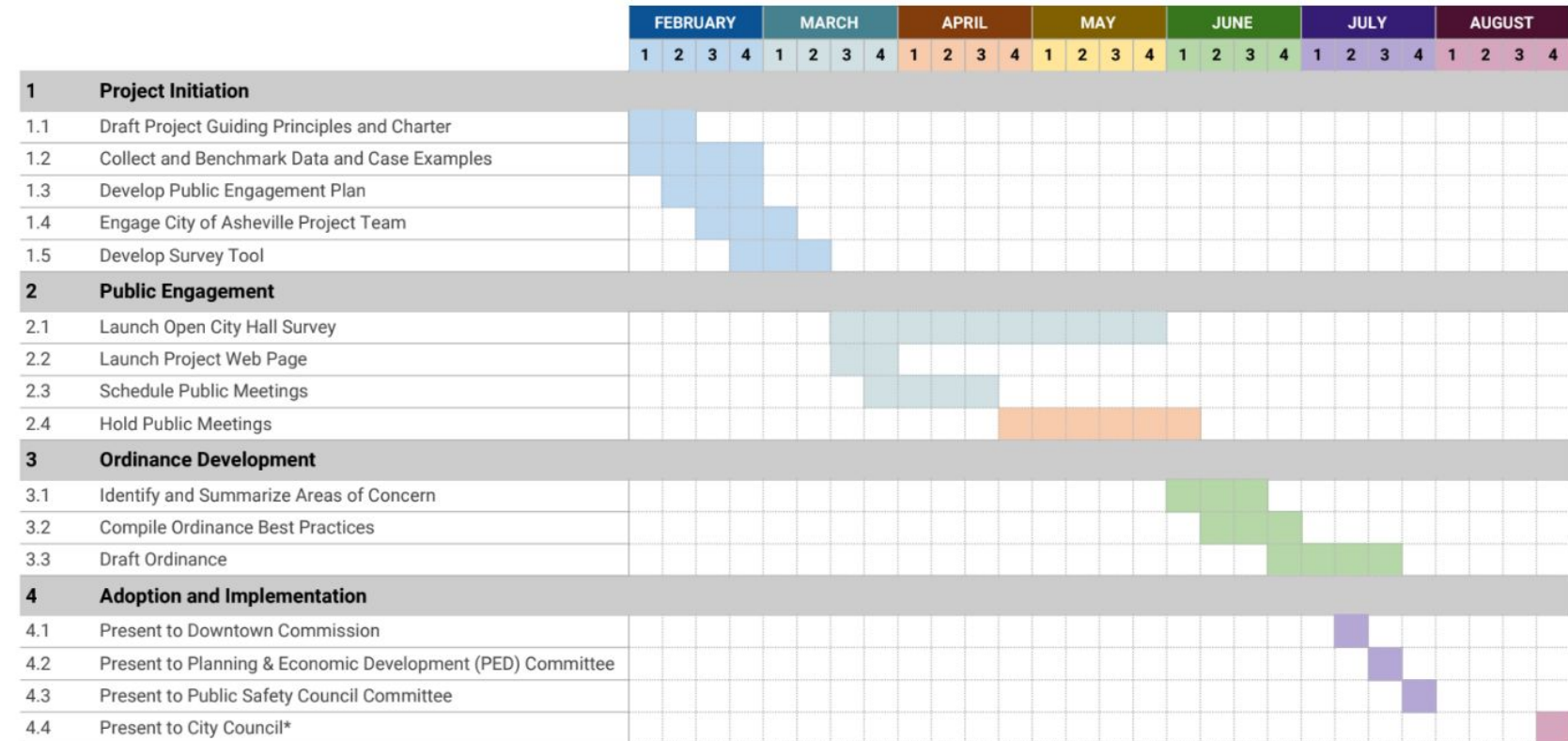
Table 1. OSHA's Permissible Noise Exposure Limits.

Source: OSHA

NOISE ORDINANCE COMPARISON

City [1]	Ordinance Features								
	Max db Levels [2]	Land Use or Activity Specific Provisions [3]	Zoning Specific Provisions [4]	Time of Day Specific Provisions [5]	Day of Week Specific Provisions [6]	Noise Generation Permits? [7]	Enforcement via Civil Penalty [8]	Civil Penalty Amount [9]	Criminal Enforcement? [10]
Charleston, SC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	\$0.00	<input type="checkbox"/>
Charlotte, NC	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	\$100 - \$1,000	<input checked="" type="checkbox"/>
Durham, NC	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	\$0.00	<input type="checkbox"/>
Greenville, SC	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	\$0.00	<input type="checkbox"/>
Portland, ME	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	\$50 - \$500	<input type="checkbox"/>
Savannah, GA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	\$0.00	<input checked="" type="checkbox"/>
Wilmington, NC	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	\$0.00	<input type="checkbox"/>
Count	5	1	3	7	4	5	4		2

PROJECT TIMELINE



HAPPENING NOW - PUBLIC ENGAGEMENT



Open City Hall Survey: www.opentownhall.com/7326



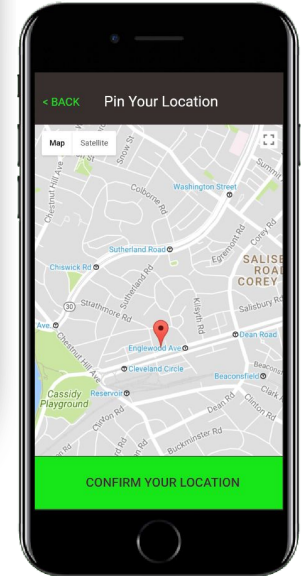
Register noise with the **no/se**score app



Meeting times and updates: www.ashevillenc.gov/noise

no/se score App

- Free smartphone and tablet app for Androids and iPhones
- Developed by Boston University's Community Noise Lab and Software & Application Innovation Lab (SAIL)
- Measures and maps noise
- Real time results appear on live map
- Sound and perception data to be analyzed as part of ordinance development



NEXT STEPS

- 1) Encourage members to complete online Open City Hall survey
- 2) Participate in formal stakeholder meetings
- 3) Stay up to date: www.ashevillenc.gov/noise

Questions? Contact BWooldy@ashevillenc.gov