

Introduced: February 14, 2011
Adopted: February 28, 2011
Effective: March 20, 2011

CITY OF CHARLOTTE

ORDINANCE NO. 2011-01

AN ORDINANCE TO AMEND SECTION 52-72 OF CHAPTER 52 - ENUMERATION OF SPECIFIC OFFENSES - OF THE CODE OF THE CITY OF CHARLOTTE BY PROHIBITING THE OPERATION OF ANY MOTOR VEHICLE WITHIN THE CITY USING EXHAUST BRAKES, ENGINE BRAKES, JAKE BRAKES, OR SIMILAR DEVICES.

Councilmember Sanders moved the following:

THE CITY OF CHARLOTTE ORDAINS:

Section 52-72, Enumeration of Specific Offenses, is hereby amended to read as follows:

§ 52-72 ENUMERATION OF SPECIFIC OFFENSES.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this article, but their enumeration shall not be deemed to be exclusive.

(A) *Horns, signaling devices, and the like.* The sounding of any horn or signaling device on any automobile, motorcycle, street car or other vehicle on any street or public place of the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; the sounding of any such device for an unnecessary and unreasonable period of time; the use of any signaling device, except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.

(B) *Radios, phonographs, and the like.* The playing, using or operating, or permitting to be played, used or operated, of any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the persons who are in the room, vehicle or chamber in which such machine or device is operated, and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

(C) *Loudspeakers, amplifiers for advertising.* The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproduction of sound, which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

(D) *Yelling, shouting, and the like.* Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel or other type of residence or of any persons in the vicinity.

(E) *Animals, birds, and the like.* The keeping of any animal or bird that, by causing frequent or long continued noise, shall disturb the comfort or repose of any persons in the vicinity.

(F) *Steam whistles.* The blowing of any locomotive steam whistle or steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work, or as a warning of fire or danger, or upon request of proper city authorities.

(G) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat, or motor vehicle, except through a muffler or other device that will effectively prevent loud or explosive noises therefrom. Further, it shall be unlawful to operate any motor vehicle within the City using exhaust brakes, engine brakes, compression release engine brakes (also known as Jake brakes or Jacobs brakes) or similar devices; provided, however, such brakes or similar devices may be lawfully used on any interstate highway located within the City.

(H) *Defect in vehicle or load.* The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

(I) *Loading, unloading, opening boxes.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle, or the opening and destruction of bales, boxes, crates and containers.

(J) *Construction or repairing of buildings; permit for work.* The erection (including excavating), demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 9:00 p.m., except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Official, which permit may be granted for a period not to exceed 3 days or less while the emergency continues, and which permit may be renewed for periods of 3 days or less while the emergency continues. If the Building Official should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of 9:00 p.m. and 7:00 a.m., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of 9:00 p.m. and 7:00 a.m., upon application being made at the time the permit for the work is awarded or during the progress of the work.

(K) *Schools, courts, churches, hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while such are in use, or adjacent to any hospital that unreasonably interferes with the workings of such institution, or that disturbs or unduly annoys patients in the hospital; provided conspicuous signs are displayed in such streets indicating that the street is a school, hospital or court street.

(L) *Devices to attract attention.* The use of any drum, loudspeaker, amplifier or other instrument or device for the purpose of attracting attention for any purpose.

This ordinance shall become effective 20 days after adoption and that the above ordinance be passed to a second reading.

Second by Arnold. Carried. 7 Yeas. 0 Nays.

Dated: February 28, 2011.

Dee Smith, Mayor

Michelle King, Clerk