

Memo

To: City Council
From: Bryan Myrkle, Community Development Director
Date: May 24, 2019
Re: Request to amend ordinance – Courthouse Square Association

The City of Charlotte has received a request from Courthouse Square Association to consider making changes to a portion of the City Code.

While working on two unrelated local projects, I became aware of Section 52-72 of the Charlotte City Code. Both projects involved a type of public address system. The first case involved a local church, and a religious exemption confirmed by City Attorney Tom Hitch would allow the church to move forward with their project if they so choose, without falling afoul of this ordinance.

However, the second case, in which Courthouse Square Association wishes to install a wireless speaker system throughout the downtown for holiday events and other special uses, would not qualify for such an exemption. It is also clear by any reasonable reading of the ordinance that would be a violation.

Section 52-72 (excerpt) reads as follows:

(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.

In talking to CSA about this issue, they pointed out that several other community events and activities taking place at the Courthouse (and elsewhere in the City) could also be deemed a violation of this ordinance.

I believe the intent of this ordinance is to prohibit unnecessary, self-indulgent disturbances of the peace by private groups or individuals; rather than community-based events and activities organized for the public good. I also think it is possible to make simple and straightforward changes to this ordinance to legally allow for these types of activities.

Courthouse Square's intent is to provide a public sound system for our Central Business District that could be used for playing ambient music during the holiday shopping season, and making announcements during parades and other public events. I am told that a similar, wired system was in place downtown in previous decades, but I am not sure of that timeframe.

I am asking the City Council to consider this request and, if it's deemed to have merit, to authorize City staff to work with the City Attorney to update this ordinance to allow for a downtown public address system and similar proposals.