

Greensboro Noise Ordinance



Right to Peaceful and Quiet Enjoyment

- Common law protects the landowner's right to quiet enjoyment of his property.
- Section 18-50.1 of the Greensboro code of ordinances stipulates that "no commercial establishment shall play, operate, or cause to be played or operated, any amplified or non-amplified musical instrument or sound reproduction device in a manner that causes a noise disturbance on any neighboring premises or public area."
- At issue is the measurement level necessary for enforcement.



Statistics – Calls For Service (CFS) and Citations for Noise Complaints

June 1, 2012 – May 15, 2013

- 4,727- Total CFS
- 92 – CFS to nightclubs
- 49 – CFS to downtown clubs
- 192 – Total citations
- 12 – Nightclub citations
- 9 – Total downtown club citations

June 1, 2011 – May 15, 2012

- 5,195 – Total CFS
- 131 – CFS to nightclubs
- 34 – CFS to downtown clubs
- 99 – Total citations
- 8 – Nightclub citations
- 8 – Total downtown club citations



2012-13 Club Noise Calls

- 31 – Greene St Night Club
- 13 – New Orleans
- 6 – Terraza Event Cen.
- 5 – Shooters Sports Bar
- 5 – SYN/SKY
- 3 – Arizona Petes
- 3 – Buckhead Saloon
- 3 – Lotus Lounge
- 3 – One 17 Sofa Bar
- 2 – Blind Tiger
- 2 – The Clubhouse
- 2 – The Mix
- 2 – The Pour House
- 2 – Visions
- 2 – Warehouse 29
- 1 – Allure
- 1 – Churchills
- 1 – Flip Flops
- 1 – Inferno-Kress
- 1 – Pt. Noire/Palmetto
- 1 – The Mint
- 1 – The playhouse

Total - 91 CFS



Nightclub Impacts

Nightclubs cited in the downtown area:

- Greene St Night Club – 3 violations
- Syn & Sky – 3 violations
- One 17 Sofa Bar – 1 violation

8 total citations for commercial establishment noise



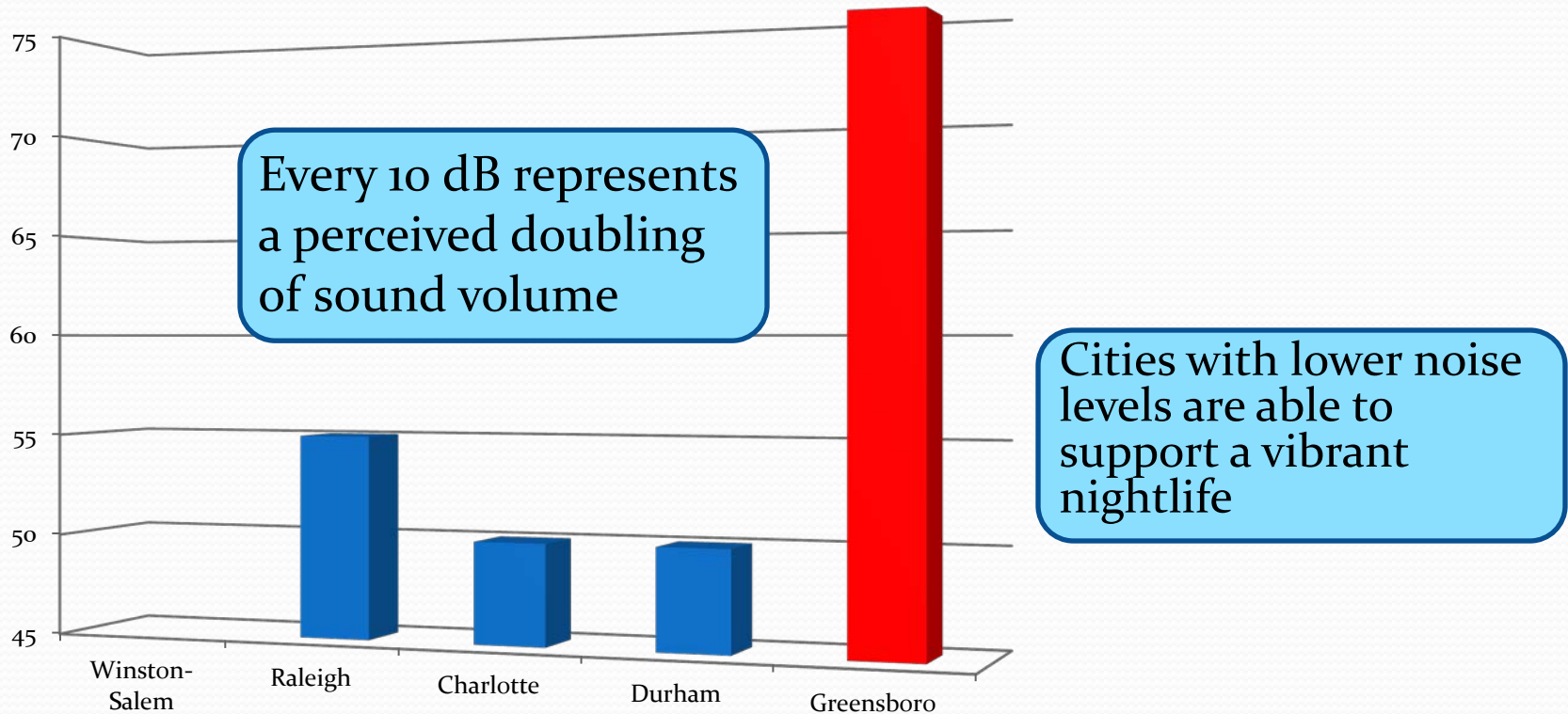
The Existing Noise Ordinance Is Not Effective



- Changing the noise limit from 65 dBA to 75 dBA did not produce the intended outcome of reducing noise complaints in the downtown area.
- Dozens of noise complaints were placed, several citations were issued and, still, several clubs continue disturbing downtown residents.
- Problems with the ordinance:
 - Levels too high for residential and mixed-use areas
 - Does not address bass content of music
 - Special challenges of rooftop venues



Greensboro's Noise Limits Are Much Higher Than Those of Peer Cities



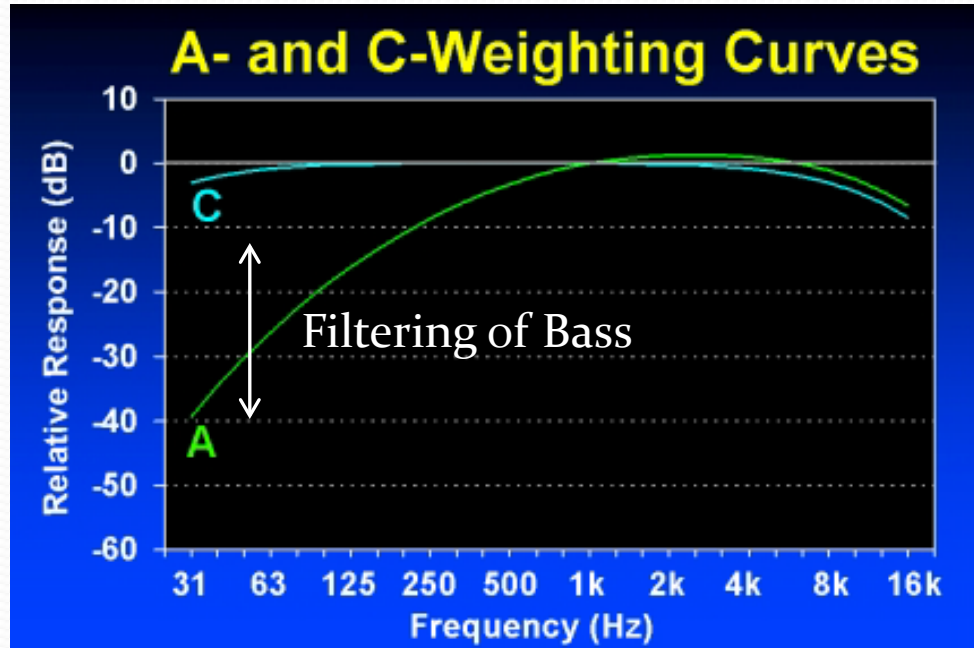
(Sources: Winston Salem Code of Ordinances, Article II, Sec. 46 Limits not specified.
Raleigh Code of Ordinances, Chapter 5, Sec. 12-5003. Nighttime commercial zone.
Charlotte Code of Ordinances, Article III, Sec. 15-64. Nighttime city-wide.
Durham Code of Ordinances, Article II, Sec. 26-23. Nighttime city-wide.
Greensboro Code of Ordinances, Article IV, Sec. 18-48. Nighttime mixed use.)

Partnering to fight crime for a safer Greensboro



The Ordinance Overlooks Bass

Note how much the “A” setting attenuates low frequencies.



- The ordinance requires measurements to be made using the “A” weighting that filters out much bass sound.
- Some cities recognize this shortcoming and have limits for both the “A” and “C” weightings.



Why “A” Weighting is Used

- Normal human hearing is from 20Hz frequency (or pitch) to 20,000 Hz frequency.
- “A” weighting is used in Noise Ordinance ; it is the common ISO and OSHA standard.
- “A” meters are best used for the 1,000 to 4,000 Hz range.
- “A” weighting filters out lower frequencies and some intermittent sounds, much like human hearing.
- “A” weighted method is best used for occupational hearing safety readings at lower, constant volumes.



Differences between “A” and “C” Weighted Sound Measurements

- “A” measurements are best suited for constant volume and mid-range frequencies (mostly industrial sound.)
- “A” meter readings are concentrated in frequencies where people commonly experience hearing loss.
- “C”- weighted measurements have very limited low frequency filtering.
- Using “C”-weighted method is more accurate across the entire spectrum of human hearing.

(Source: School of Physics, University of New South Wales; Sydney, Australia)



Comparison Test – “A” versus “C”

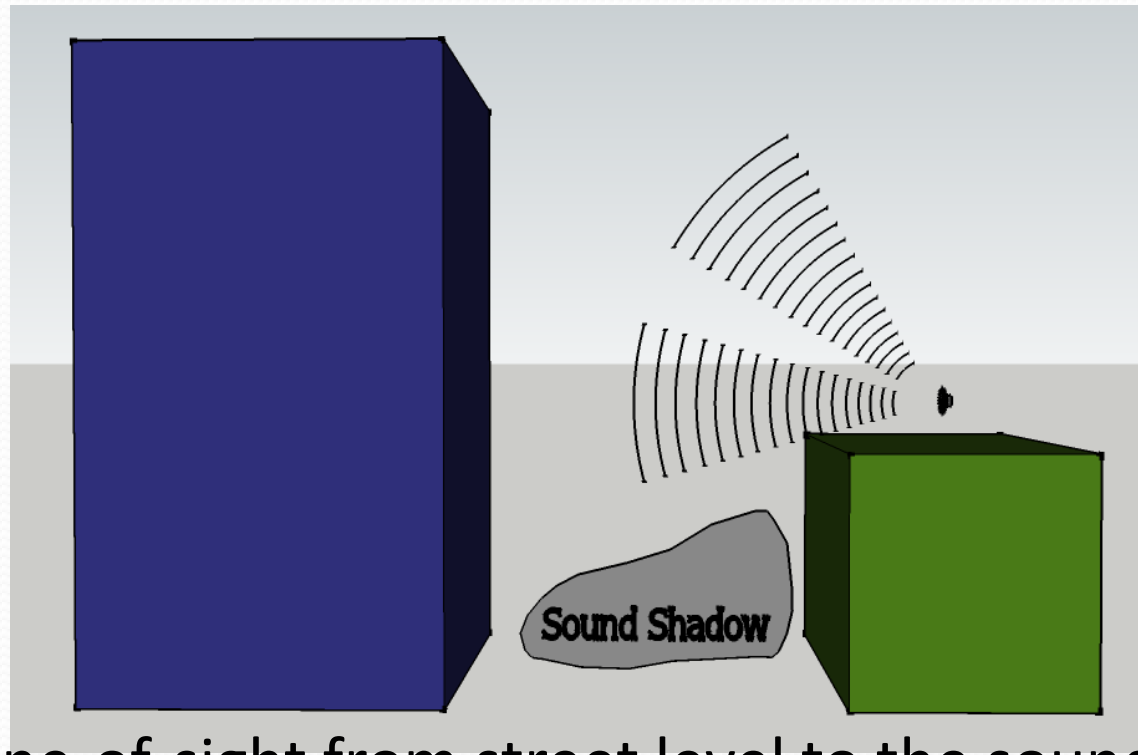
GPD tested two outdoor locations using “A” and “C” settings on newly calibrated meter and the method required in the current Noise Ordinance.

Results:

- At two different locations, “C” weighted meter readings were always higher (between 8-15 decibels) than “A” weighted readings.
- Avg. difference between “A” and “C” is 10 decibels



Challenge of Rooftop Venues

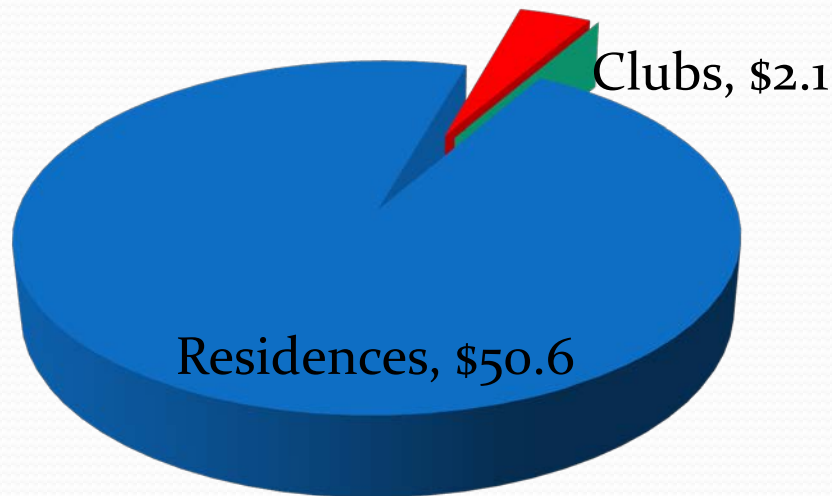


Lack of line-of-sight from street level to the sound generator creates difficulty in getting representative sound readings. An enforcement officer at ground level 25 feet from the building is standing in the sound shadow.



Downtown Property Tax Base Comparison Clubs Versus Residences

Residence	Tax Value
220 W Market	3.3
320 S Elm	0.5
Center Pointe	36.8
Southeastern	10 (est)



Club	Tax Value
Blu Martini	0.27
Greene Street	0.75
Lotus	0.34
Syn/Sky	0.75

- Residential tax revenues far exceed revenues from clubs which generate noise problems. It is in the city's interest to protect the value of existing residences and to encourage additional residential units.
- Figures are in \$Millions.

(Source: Guilford County Tax Department)



Case Study: Orlando

Type of Property Generating Noise	Class A Standard 7 AM – 10 PM	Class A Standard 10 PM – 7 AM	Class B Standard
Residential	60 dBA/65 dBC	55 dBA/60 dBC	65 dBA/70 dBC
Multi-Use	65 dBA/70 dBC	55 dBA/60 dBC	65 dBA/70 dBC
Commercial	70 dBA/75 dBC	65 dBA/70 dBC	75 dBA/80 dBC
Industrial	75 dBA/80 dBC	75 dBA/70 dBC	85 dBA/90 dBC

Class B applies to sounds originating from heavy manufacturing uses, class A is all other cases. Downtown standards are set out separately, 75-80 dBC daytime (weekdays 7-12pm, weekends 7-2am) and 70-75 dBC nighttime.

(Source: Orlando Code of Ordinances, Title II, Sec. 42.03

Sec. 42.07 of the Code prohibits use of outdoor loudspeakers or amplifiers unless a permit is obtained.

Partnering to fight crime for a safer Greensboro



Case Study: New York City

- NYC successfully mixes nightclubs with residential buildings by limiting nightclub noise levels to no more than 6 dB maximum above ambient levels and requiring sound mitigation techniques for entertainment venues
 - Soundproofing materials
 - Soundproof building methods
 - Directional speaker arrays
- What have our downtown clubs done to mitigate the noise nuisance?



Case Study: Boston

- Noise limited to 50 dBA between 11:00 PM and 7:00 AM and to 70 dBA all other hours.
- In the absence of an applicable noise level standard, any noise plainly audible at a distance of three hundred (300') feet or, in the case of loud amplification devices or similar equipment, noise plainly audible at a distance of one hundred (100') feet from its source by a person of normal hearing.

(Source: City of Boston Municipal Code, Sec 16-26.1)



Case Study: Miami Beach

- Sec. 46-152. Between 11 PM and 7AM, sound from an instrument or audio reproduction device that is plainly **audible at a distance of 100 feet** from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.
- Sec. 46-157. Exception applies to properties located east of Ocean Drive where those properties can project sound eastward over the ocean.



General Recommendations

- Continue use of multiple property-type classifications. Consider addition of industrial and/or commercial categories.
- Use limits measured using the “C” meter setting to control bass.
- Do not raise the limit to 85 dBA!



Penalties

- 2012 amendment to the Noise Ordinance changed “remedies” from criminal charges to a civil violation
- Allows Greensboro to enforce, rather than the District Attorney’s Office
- Expands the range of possible remedies from a fine to:
 - Rising money penalties (\$200 to \$500 per instance)
 - Injunctions
 - Abatement by the City under a court order



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