



City of Winston-Salem City Council
Council Agenda Item Summary

Title	Ordinance Amending Chapter 46 of the City Code Relating to Noise
City Council Committee	Committee of the Whole
Meeting Date	January 12, 2025
Staff Lead (Presenter)	Ben Rowe, Assistant City Manager
Department Head	
City Manager/ACM	W. Patrick Pate, City Manager

Agenda Item Summary

Recommended Council Action	Ordinance Approval
Suggested Action/ Motion Options	Move to Approve Ordinance Amending Chapter 46 of the City Code Relating to Noise
Strategic Focus Area	Livable Community
Strategic Plan Objective	LC3: Ensuring the City is a Community of Choice for Quality of Life
Anticipated Fiscal Impact	No Material Fiscal Impact

Summary of Information

On September 2nd, the City Council approved a five-year lease of City park land to provide back-of-the-house support for a 5,000-seat downtown amphitheater. The amphitheater will be located between Fifth and Sixth Streets to the south and north and Marshall and Spruce Streets to the east and west.

During early discussions between City staff and the ownership group, there was concern that the City's current noise ordinance was subjective and would create uncertainty for promoters who would produce concerts at the venue. These discussions considered the ordinances in Charlotte and Raleigh, which have downtown amphitheaters. Those ordinances established thresholds for sound amplification and distances for measuring sound and ensuring compliance. The guiding principle from the discussions was to develop an ordinance that is objective and enforceable.

City staff are aware of noise concerns in other areas of the city. Staff have reviewed the noise ordinances in other North Carolina cities, including Asheville, Charlotte, Durham, Greensboro, Raleigh, and Wilmington. Along with establishing enforceable

standards for the new amphitheater, staff have considered the following goals while developing proposed amendments to the noise ordinance:

- Standardize hours and sound levels
- Make definitions easier to understand
- Clarify rules for when/how a citation may be issued
- Update prohibitions and exceptions
- Consider a permitting process
- Clarify owner/occupant responsibility
- Add an appeal process

After reviewing the noise ordinances in other North Carolina cities, staff have developed the following amendments using the City of Asheville's ordinance as a model.

Establish sound level limits in the Central Business District (CBD), commercial areas, and industrial areas.

The following table sets the maximum decibel (dB(A)) limits for these areas.

Originating District – dB(A)	CBD	Commercial	Industrial
Monday – Thursday			
Daytime: 7:00 a.m. – 10:00 p.m.	72	65	70
Nighttime: 10:00 p.m. – 7:00 a.m.	67	57	65
Friday – Sunday			
Daytime: 7:00 a.m. – 12:00 a.m.	72	65	70
Nighttime: 12:00 a.m. – 2:00 a.m.	67	57	65
Nighttime: 2:00 a.m. – 7:00 a.m.	62	57	65

Sound measurement for compliance will be made on an A-weighting scale set on slow response using a Class 1 or Class 2 Sound Level Meter of a standard design and quality established by the American National Standards Institute. Measurement will take place at the boundary line of the complainant property owner closest to the source of the sound. Measurements will be taken at a minimum interval of one minute.

Certain venues, events, and activities will be exempted from the sound level limits, but owners and operators will be required to apply for a permit to exceed the limits.

The following list is not exhaustive, with additional exemptions noted in the ordinance amendments.

- Lawfully permitted fireworks displays
- Permitted parades or military ceremonies

- Events held at city or county recreation and parks facilities, public and private schools, and public assembly facilities with a seating capacity over 1,000, including amphitheaters and stadiums
- Railroad operations
- Aircraft operating out of Smith Reynolds Airport
- Events for which special event permits have been issued by the City
- Construction activity within certain times of the day
- Governmental vehicles carrying out official duties

A permit will be required to exceed the sound level limits established for the CBD and commercial areas. The permit will allow the owner or operator of the venue, event, or activity to exceed the sound level limit up to 85 dB(A) for no more than eight hours in duration. The permit will establish tiers to set the number of days within a twelve-month period that a venue, event, or activity can exceed the sound level limits.

The permit application will require the submission of the following information:

- Site plan showing stages, performance zones, audience seating, points of ingress/egress, and zoning for all abutting properties
- Date and time when venue, event, or activity will exceed sound level limit
- Contact information for person who can take action to manage the sound level
- Sound impact plan for venues, events, and activities that occur more than eight days within a twelve-month period
- Written certification that written notice will be provided to addresses located within 500 feet of the property line of the property where the sound will originate, at least one week prior to the permitted date(s)

Exceeding the sound level limits under the permit may occur between 10:00 a.m. and 11:00 p.m. Sunday through Thursday or 10:00 a.m. and 12:00 a.m. Friday and Saturday.

Violations of the permit requirements will be subject to suspension, revocation, and civil penalties. The ordinance amendments will provide for an appeal process in which permit applicants or holders can appeal in writing within ten business days of the decision being appealed. The appeal can be considered with or without a hearing, with a decision rendered within 30 business days of the receipt of the appeal.

The Office of Economic Development will administer the permitting process, with the Police Department responsible for enforcement.

The attached ordinance shows the proposed amendments to Chapter 46 of the City Code with additional language underlined and strike-through for removed language.

Attachments

- Ordinance Amending Chapter 46 Relating to Noise

- Map Showing Location of Central Business District, Commercial Areas, and Industrial Areas
- Presentation

Committee Action	
For:	Against:
Remarks:	