

Sec. 9-1008. Loud and unseemly noise.

(a) It shall be unlawful for any person to willfully disturb any neighborhood or business in the City by making or continuing loud and unseemly noises, or by profanely cursing and swearing, or using obscene language. It shall further be unlawful for any person to willfully disturb any neighborhood or business within the city by the use of words which threaten or tend to threaten or incite physical violence, or which endanger or tend to endanger the health and safety of others within the city.

(b) On Bay Street and its sidewalks, bounded by Carteret and Charles Streets, noise generated by the unamplified human voice at a decibel level in excess of seventy (70) [decibels], measured by a Realistic® sound level decimeter, or its equivalent, (adjusted to "A" for weighing voice recordings and response selector on "slow") located fifty (50) feet from the source, between the hours of 10:00 a.m. and 6:00 p.m., Monday through Saturday, and between the hours of 12:00 noon and 6:00 p.m. on Sunday, shall be prima facie loud and unseemly noise (momentary peaks shall not exceed seventy-five (75) decibels). Upon determination that the volume of such unamplified human voice exceeds this decibel level, a police official shall first warn the offending individual(s) of the violation of his/her conduct. Continued measurement of the level of noise by the offending individual(s) exceeding this decibel level after such warning shall constitute prima facie evidence of willful violation of subsection (a).

(c) Except as within the Nighttime Music District as defined in subsection (d) below, the use of horns, radios, phonographs, amplifiers, loudspeakers, whistles, exhausts, pile drivers, blowers, or other devices not numerated here, but which cause loud or irritating noises, between the hours of 9:00 p.m. and 8:00 a.m., which are plainly audible from a distance of fifty (50) feet from its source, shall be considered prima facie evidence of a violation of subsection (a), unless such device was used as a danger warning or in some similar emergency or a permit has been granted by city council for same. As to properties located within the Nighttime Music District, as defined in subsection (d) below, the following shall apply: (1) the use of horns, radios, phonographs, amplifiers, loudspeakers, whistles, exhausts, pile drivers, blowers, or other devices not numerated here, but which cause loud or irritating noises, between the hours of 10:00 p.m. and 1:00 a.m. on Sunday through Thursday nights only, which are plainly audible from a distance of fifty (50) feet from its source, shall be considered prima facie evidence of violation of subsection (a); and (2) the use of horns, radios, phonographs, amplifiers, loudspeakers, whistles, exhausts, pile drivers, blowers, or other devices not numerated here, but which cause loud or irritating noises, between the hours of 1:00 a.m. and 7:00 a.m., which are plainly audible outside the exterior walls of the building containing its source, shall be considered prima facie evidence of a violation of subsection (a). Notwithstanding any time periods or other provisions of this section, sound (from any of the sources specified herein) which exceeds eighty-five (85) decibels (dB(C)) measured at any time at the property line of the establishment from which the music is being generated shall be considered prima facie evidence of a violation of subsection (a).

(d) *Nighttime Music District.* A Nighttime Music District is hereby established and shall include those parcels and properties and portions of those parcels and properties contained within the following boundaries: all those parcels of land encompassed by the tract bounded on the north by the southern right of way of Bay Street, on the west and the south by the highwater mark of the Beaufort River, and on the east by the western right-of-way of Carteret Street.

The Nighttime Music District is also delineated on the map which is incorporated in this chapter and shown on the next page.

(e) The loud playing of radios, phonographs, tape decks, amplifiers, and loudspeakers, and other sound devices in any public park, outdoor public place, or privately owned or controlled

courtyards or outdoor areas, including from vehicles, the sound and/or noise which is substantially audible to the distance of fifty (50) feet or more, shall be prima facie evidence of a violation of subsection (a). Notwithstanding any time periods or other provisions of this section, sound (from any of the sources specified herein) which exceeds eighty-five (85) decibels (dB(C)) measured *at any time* at the property line of the establishment from which the music is being generated shall be considered prima facie evidence of a violation of subsection (a).

(f) There shall be no violation under subsections (c) or (e) of this section for special events provided a permit is first obtained from the city.

(1962 Code, § 22-1; Ord. No. O-12-81, 7-28-81; Ord. No. O-15-91, 4-23-91; Ord. No. O-30-91, 10-22-91; Ord. No. O-23-94, 11-22-94; Ord. No. O-01-00, 1-11-00; Ord. No. O-06-00, 2-8-00; Ord. No. O-09-09, § 1, 3-24-09)

Cross references: Noise by sidewalk vendors, § 7-9008(13).