

# Noise Ordinance - Construction Hours Update

# Noise Ordinance

## **Sec. 16-92. - Prohibited noise generally.**

Any noise of such character, intensity or duration which substantially interferes with the comfortable enjoyment of persons of ordinary sensibilities occupying, owning or controlling nearby properties, or persons making use of public properties for their intended purposes, is hereby declared to be unlawful and to be a nuisance, and is prohibited.

**Sec. 16-100(d)** defines day-time as the hours between 7 am and 10 pm.

# Noise Ordinance Exemptions

## **Sec. 16-95. - Exemptions.**

The following noises shall be exempt from the prohibitions of section 16-92, even when they cause a disturbance:

1. Other code provisions notwithstanding, the sound produced by construction machinery, heavy duty equipment, and machines and equipment used for construction, repair, cleaning and maintenance of buildings, streets, or public or private premises when operated between the hours of 7:00 a.m. and 9:00 p.m. Such devices shall nevertheless be subject to the administrative stop order provisions of section 16-98.

## **Sec. 16-98. - Administrative stop orders.**

The city manager or his designee may issue administrative stop orders to prohibit temporarily or to reschedule activities otherwise exempt under section 16-95 from the prohibitions of this division, when the continuation of the activity imposes a great hardship or substantial and aggravating inconvenience upon persons reasonably occupying or utilizing nearby premises, provided such administrative stop order is not used to prohibit completely an otherwise lawful activity and the city manager or his designee gives due consideration to balancing the hardships involved.

# Current GVL Requirement

| Location           | Construction Noise regulated within Noise Ordinance |  | Construction Activities Restricted to certain days and times |    | Construction Noise Exemption from Regulation |         |           | Special Conditions During Restricted Hours                | Notes |
|--------------------|---|--|--|----|--|---------|-----------|---|-------|
|                    |   |  |  |    | Times  | Days    |           |   |       |
| City of Greenville | Yes   |  |  | No | 7:00 AM                                      | 9:00 PM | 7 Days/wk | Special exception can be made by city manager or designee |       |

# Background

Issue is noise caused by construction activities:

- City does not want to penalize or set hours into play that prohibit “quiet” construction activities, i.e. trimming electrical, paint, etc. outside of the set hours.
- Research other communities and how they approach construction activity noise.
- Return to City Council after meeting with Neighborhood Presidents with suggested approach based on feedback received and research.

# Proposed Modification

| Location                      | Construction Noise regulated within Noise Ordinance |  | Construction Activities Restricted to certain days and times |    | Construction Noise Exemption from Regulation |        |                   | Special Conditions During Restricted Hours                | Notes   |
|-------------------------------|---|--|--|----|--|--------|-------------------|---|---|
|                               |   |  |  |    | Times  | Days   |                   |   |   |
| City of Charleston            | Yes   |  |  | No | 7:00 AM                                      | 7:00pm | Monday-Friday     | No loud or repetitive noises on Sunday                    | Special exemptions may be made for concrete pouring but impacted residents have to be notified and application must be filed. |
|                               |   |  |  |    | 9:00 AM                                      | 7:00pm | Saturday          |   |   |
| City of Greenville (Proposed) | Yes   |  |  | No | 7:00 AM                                      | 9:00pm | Monday-Friday     | Special exception can be made by city manager or designee | Special exemptions may be made for concrete pouring but impacted residents have to be notified and application must be filed. |
|                               |   |  |  |    | 9:00 AM                                      | 7:00pm | Saturday & Sunday |   |   |

# Neighborhood Presidents

## Meeting with Neighborhood Presidents:

- Met to discuss the issue Thursday evening, 7/16/20
- Presidents met with respective residents and shared the PowerPoint, provided by the City for their use, over the following month and reported results back to the city
- Unanimous response back from Presidents, after meeting presentations with their residents, was preference for the Charleston, SC model

# Feedback

- Questions
- Discussion
- Other Input