



**CITY OF SOUTHPORT
BOARD OF ALDERMEN
EMERGENCY MEETING AGENDA**
113 W. MOORE STREET
July 26, 2023
10:00 AM

Agenda

Please turn off all cell phones

Meetings are open to the public. Face masks and social distancing may be used at the discretion of each individual. The Board of Aldermen reserve the right to make changes to this policy, as needed to help prevent the spread of the Coronavirus.

If you are not able to attend the Board of Aldermen meetings in person, the meeting will be available for you to watch via live-stream on the City of Southport website (<https://cityofsouthport.com/board-of-aldermen-meetings/>), Facebook page, and YouTube channel.

- A. Call to Order**
- B. Invocation**
- C. Pledge of Allegiance**
- D. Approval of Agenda**
- E. Agenda**
 - 1. Draft Noise Ordinance Amendment
- F. Mayor's Comments**
- G. Board Comments**
- H. Adjourn**

**AN ORDINANCE AMENDING CHAPTER 9. OF THE CITY OF SOUTHPORT CODE OF
ORDINANCES AS IT PERTAINS TO NOISE**

BE IT ORDAINED, by the Board of Aldermen of the City of Southport that Chapter 9, Article II, Division 3 of the Code of Ordinances entitled “Noise” is hereby amended to the following:

CHAPTER 9.

Division 3. Noise

Sec. 9-91. Statement of Policy; Definitions.

It is the goal of the City of Southport to maintain a peaceful community while recognizing that certain noises are generated by the economic and recreational activity of our lively community. The City of Southport hopes to encourage such activity but ensure that there are time periods which residents can rest and expect peaceful enjoyment of their residences, undisturbed by unacceptable levels or types of noise.

Reasonable-reference to the normal expectations for sound during normal waking hours versus the normal expectations for sound during normal sleeping hours. A higher level of sound is acceptable during the day and a lower level of sound acceptable during the night. A higher level of noise should be expected and tolerated within a commercial district and a lower level of noise should be expected in a residential district within the City.

Reasonable Person-one who is fair and sensible. Although enforcement of this chapter shall often be the result of a complaint received by the City, in each instance, the City of Southport police officer or Code Enforcement officer shall separately determine, whether the noise in questions is at a “reasonable” level pursuant to the provisions of Division 3.

Disturbing-perceived by a person of ordinary sensibilities as interrupting the normal peace and calm of an area.

Unreasonably Loud Noise- noise which is loud, raucous, and disturbing which unreasonably obstructs, disturbs, injures, or endangers the comfort, health, peace, or safety of reasonable persons of ordinary sensibilities.

Sec. 9-92. General Prohibition

(A.) It shall be unlawful for any person, firm, or corporation to make, allow, continue, or assist in making any:

- 1). unreasonably loud noise;
- 2). any noise which unreasonably disturbs, injures, or endangers the comfort, health, safety, or peace of reasonable person of ordinary sensibilities within the jurisdictional area of the City; or
- 3). Any noise which is so harsh, prolonged, unnatural, or unusual in time or place as to cause unreasonable discomfort to any person to any person with ordinary sensibilities residing, working, or visiting in the area.

(B.) Factors for determining the unreasonableness of a noise includes, but not limited to, the following:

- 1). The proximity of the sound to sleeping facilities;
- 2). The land use, nature, and zoning of the area from which the sound emanates from and the area where it is received;
- 3). The time of day or night that the sound occurs;
- 4). The duration of the sound; and
- 5). Whether the sound is recurrent, intermittent, or constant.

Sec. 9-93. Noises Specifically Prohibited.

(A.) The noises listed are specifically prohibited:

- 1). Noises intended to disturb;
- 2). Horns, sirens, or signaling devices;
- 3). Television sets, radios, musical instruments, amplification devices;
- 4). Yelling, shouting, and the like;
- 5). Frequent, constant, or continual noise from any animal;
- 6). Vehicles and watercraft;
- 7). Loading, unloading, or waste disposal;
- 8). Alarms for vehicles or homes;
- 9). Compression release engine braking (air brakes); and
- 10). Any other unreasonably loud noise as determined by a reasonable person with ordinary sensibilities.

(B). Noises Prohibited at Certain Times. The following noises are declared to be in violation of Chapter 9. Article II. Division 3 if generated between the hours of 9:00 p.m.- 7:00 a.m. on Sunday-Thursday nights, and 11:00 p.m.-7:00 a.m. on Friday-Saturday nights, or as otherwise stated below. This is not an all-inclusive list.

- 1). Outdoor use of television sets, radios, or music amplification devices.
- 2). Indoor use of musical instruments, amplification devices, and the like.
- 3). Yelling, shouting and the like.
- 4). Parties.
- 5). Fireworks.

6). Vehicles.

7). Loading or unloading commercial vehicles.

8). Construction activity. Demolition, alteration, repair of any residential or commercial building is only permitted between the hours of 7:00 a.m. and 6:00 p.m. Monday through Saturday. No construction activity may take place on the following holidays: Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day, and New Year's Day.

9). Refuse Pickup. Noise generated by municipal vehicles and trash pickup operators shall be prohibited prior to 6:00 a.m.

(C.) Any noise or sound that is clearly audible at a distance of 500 feet from the property line of the property or location originating the sound.

(D.) During adverse weather or other emergency events, the City Manager, after notifying the Board of Aldermen, may modify the start and ending times for outside private contractors to work.

Sec. 9-94. Noises Generally Exempt from This Chapter.

The following noises and activities are exempt from the provisions of this division unless they produce a risk of serious or unnecessary bodily harm:

(A.) City work. The sounds produced by City vehicles, employees and contractors engaged in critical or emergency duties, or the normal daily operations of the City, except as provided in Section 9-93(b)(9).

(B.) Community events. The noise and sounds occurring from a non-recurring community event, government event, or institutional entity (church, school, hospital).

(C.) Sporting events. The noise and sounds generated from a sporting event held at a school, or City-owned property.

(D.) Ordinary use of power tools. The ordinary use of noise-causing tools such as a lawnmower, weed-trimmer, chainsaw, as long it complies with Sec. 9-93. B.8.

(E.) Emergency work and equipment. Noises occurring for the purpose of alleviating physical trauma or property damage. This includes the operation of generators and emergency service vehicles.

(F.) Safety signals. Noise of safety signals, warning devices, including lightning detectors, provided the signals are used for promoting public health and safety.

Sec. 9- 95. Responsible Parties; Notice of Violation.

(A.) Any person who creates or assists in creating any violation of this chapter may be issued a civil citation and will be held liable for penalties as defined in Sec. 9-95. (B.).

1.) This includes the person, or group of people, who creates the noise, but also any person that owns, manages, leases, occupies, or operates any location in which the noise is generated.

(B.) Any person, group of people, business, or organization that is found in violation of this ordinance and has been issued a civil citation, is subject to the following penalty schedule:

1 st Noise Violation	\$50.00
2 nd Noise Violation	\$100.00
3 rd Noise Violation	\$200.00

(C.) In addition to the penalties provided for above, the City may enforce the provisions of this Division by any appropriate equitable remedies.

(D.) This Division may be enforced by the City's Police Department, Code Enforcement officer, and/or by any employees of the City as designated by the City Manager.

(E.) Violations and penalties issued pursuant to the provisions of this Section may be appealed to the Chief of Police and City Manager by filing a written appeal with the City Clerk within thirty (30) days of the date of the citation. The Chief of Police and City Manager shall hear from the appellant and the employee or officer that issued the violation and/or penalty in a hearing. Based upon statements provided, the Chief of Police and City Manager shall have the power to affirm, modify, or reverse the violation or penalty and shall provide their decision in writing to the appellant entity no later than ten (10) business days following the date of the hearing.

NOW, THEREFORE, BE IT ORDAINED by the City of Southport Board of Aldermen that the proposed Code of Ordinances amendment of Chapter 9, Article II, Division 3. Noise, is hereby adopted and shall become effective immediately. All provisions of any City ordinance or resolution in conflict with this Ordinance are hereby repealed.

The foregoing Ordinance, having been submitted to a vote, received the following vote, and was duly adopted this the 13th day of July 2023.

Ayes: _____

Noes: _____

Absent or Excused: _____

Joseph P. Hatem, M.D., M. P. H.
Mayor, City of Southport

Dorothy Dutton, Asst City Manager/Clerk