Noise Ordinance Review:

One Year Implementation Update

Ben Woody, Development Services Director
Todd Justice, Noise Administrator

September 27, 2022

THE CITY OF ASHEVILLE

Presentation Outline

- Background
- Complaint and Response Data
- What is Working Well
- Challenges

THE CITY OF ASHEVILLE

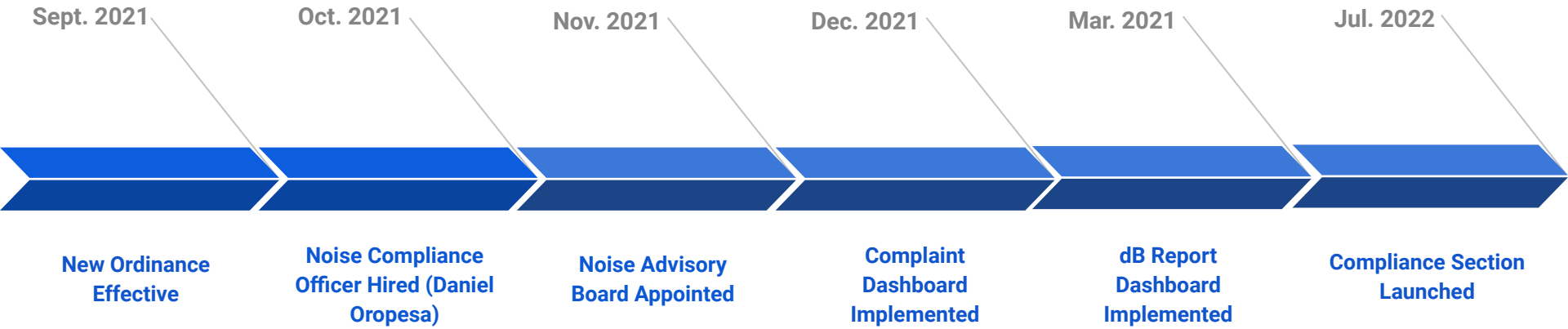
Key Takeaways

- The overall number of noise complaints generally remains consistent with the previous five years.
- As part of Reimagining Public Safety, noise ordinance enforcement shifted from APD to DSD.
- In the past year DSD closed 71% of the total noise complaints.
  - APD still responded to some after hours complaints.
- Chronic complaints and violations have decreased due to objective decibel standards, clear prohibitions, and staff outreach efforts.
- Business operations that adjoin residential areas can comply with the decibel standards but still generate a high number of complaints.
- Subjective noise disturbance standards in public space presents compliance challenges for staff.

THE CITY OF ASHEVILLE

Background

- DSD was tasked with revising the Noise Ordinance in Spring 2019
- Extensive stakeholder engagement
- Revised ordinance adopted July 2021 and implemented September 15, 2021



Background

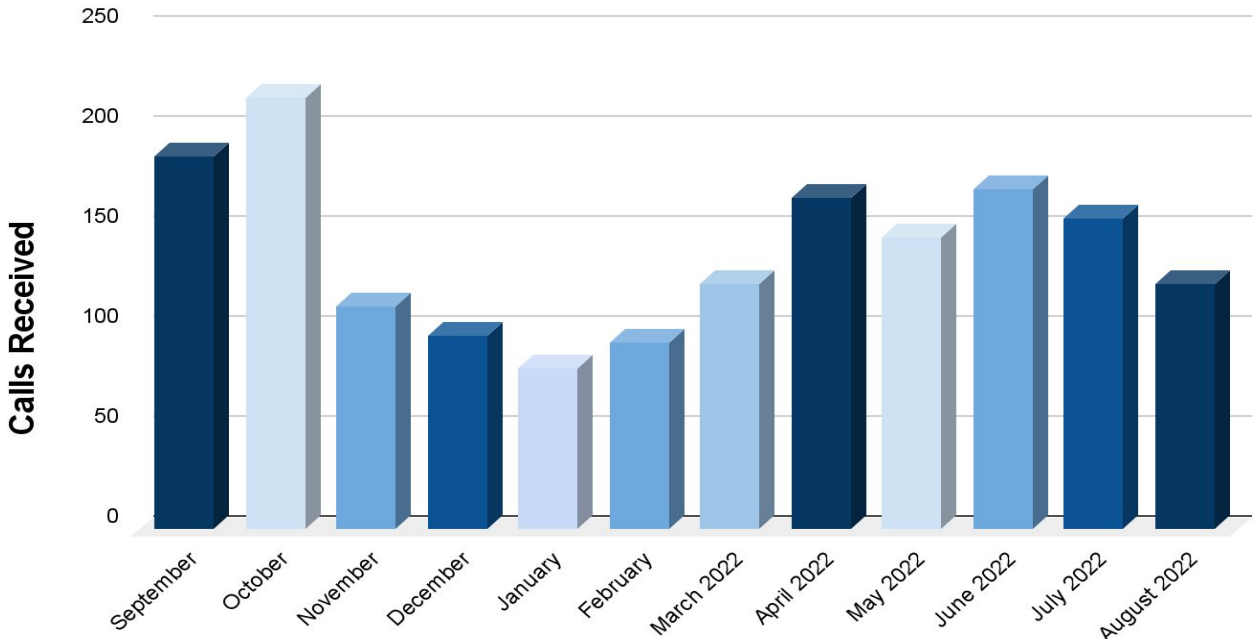
Complaint Filed	Complaint Logged	Complaint Investigated	Data Shared
• Asheville App • APD non-emergency phone line • Online complaint form • Email • Phone call • Text	• Complaints logged to single source • Trends tracked by staff	• Field Investigation • Appropriate contact/action taken • Close Code updated	Available Online: • Noise Data • Sound Reports • Noise data and sound reports are publicly available online (Link: dB Dashboard) (Link: Noise Complaint Dashboard)

THE CITY OF ASHEVILLE

Total Noise Complaints

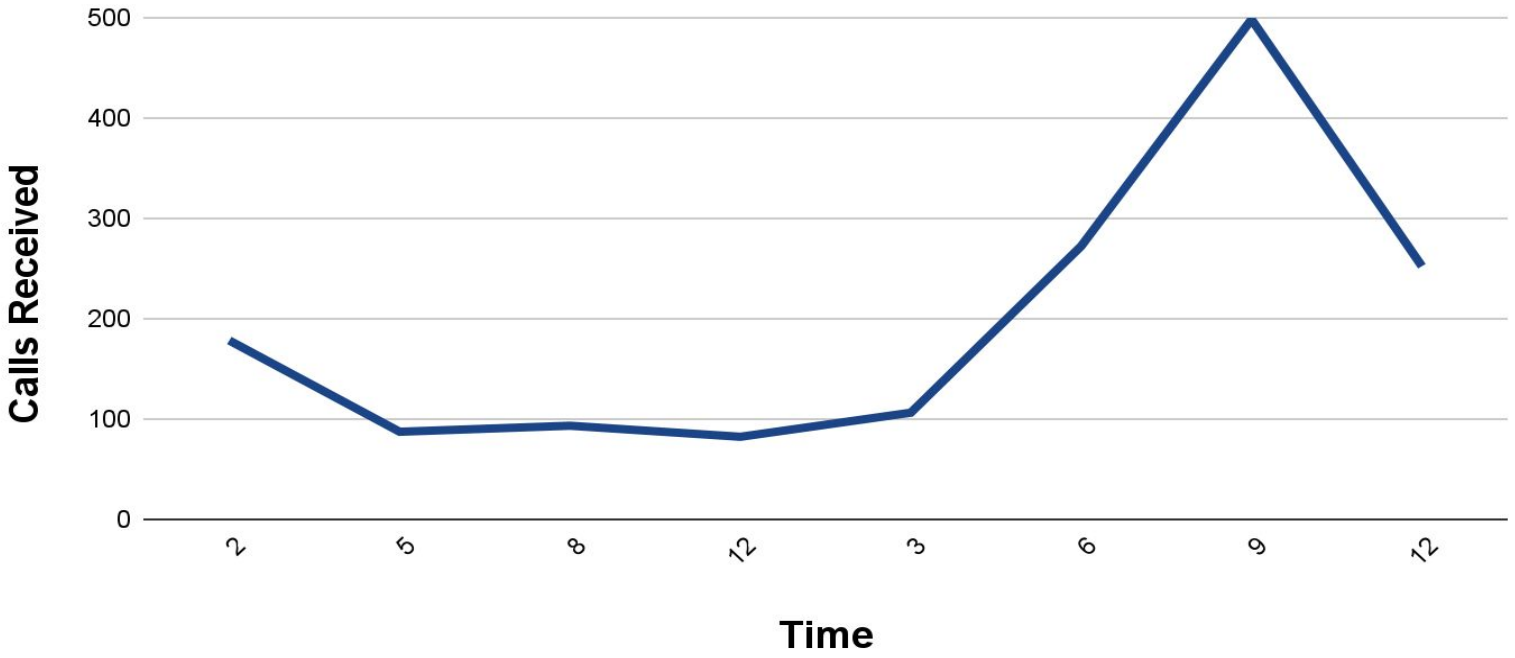
Total Complaints by Year				
Sept. 2017 - Aug. 2018	**Sept. 2018 - Aug. 2019**	**Sept. 2019 - Aug. 2020**	**Sept. 2020 - Aug. 2021**	**Sept. 2021 - Aug. 2022**
1,511	1,872	1,753	1,439	1,671

Noise Complaints by Month



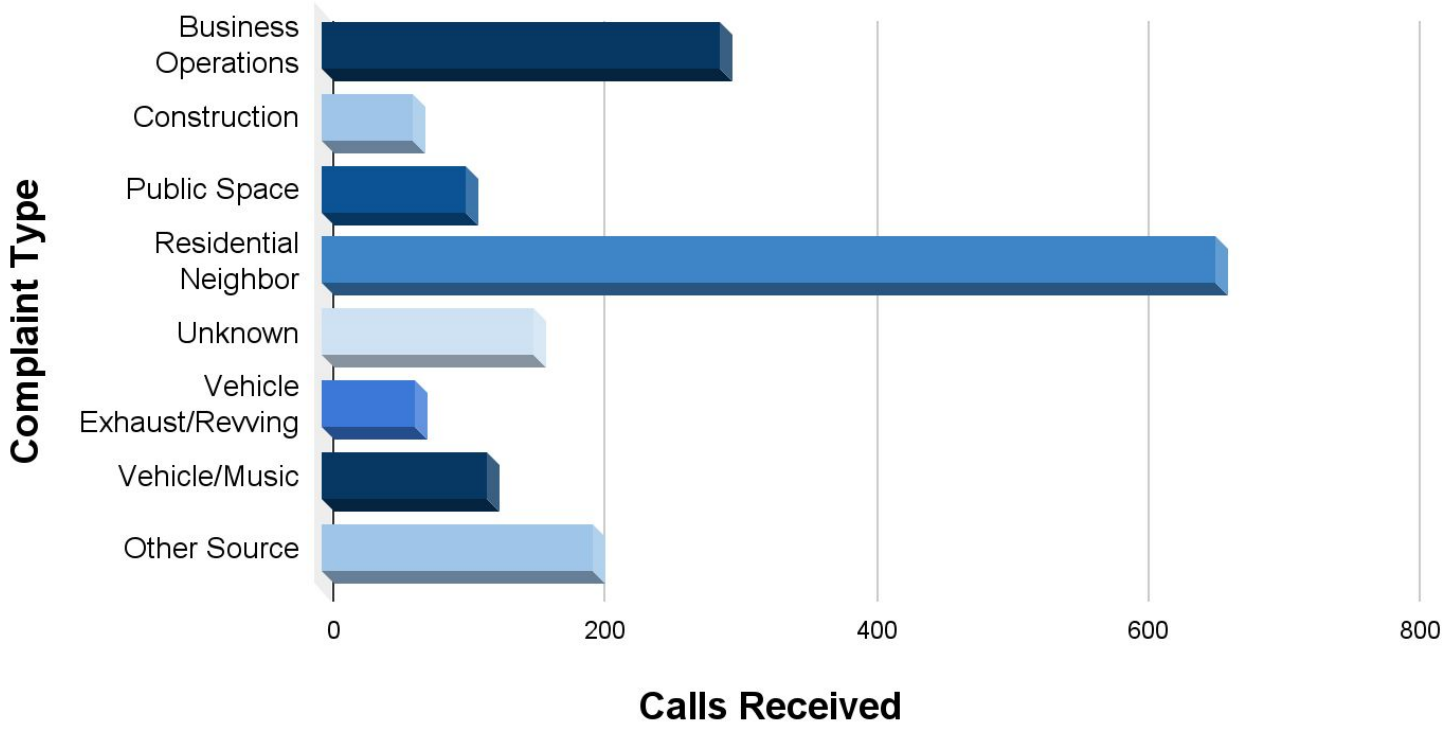
Sept. 1, 2021 - Aug. 31, 2022

Noise Complaints by Time



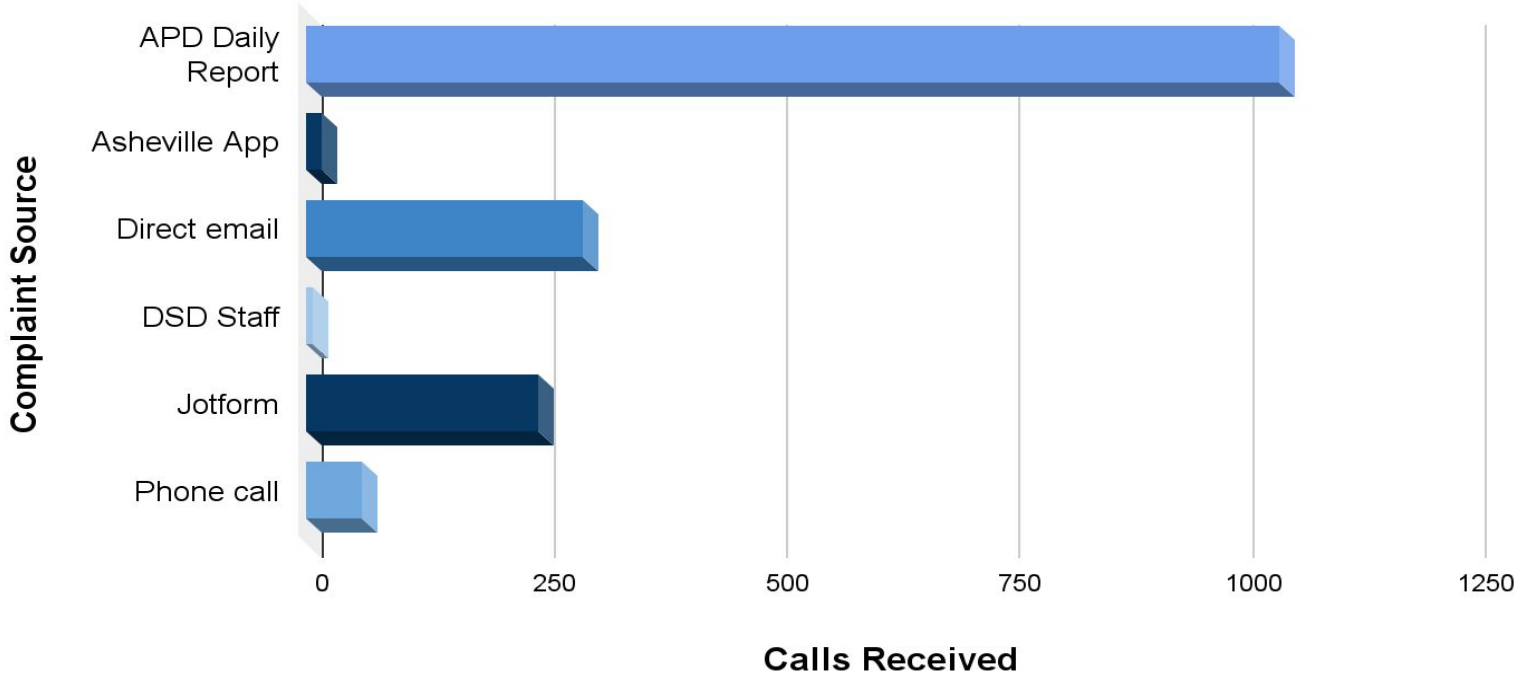
Sept. 1, 2021 - Aug. 31, 2022

Noise Complaints by Type



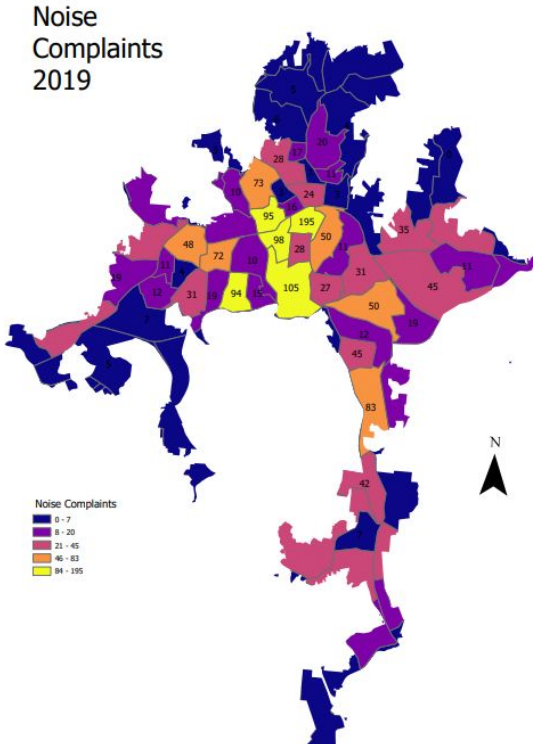
Sept. 1, 2021 - Aug. 31, 2022

Noise Complaints by Source

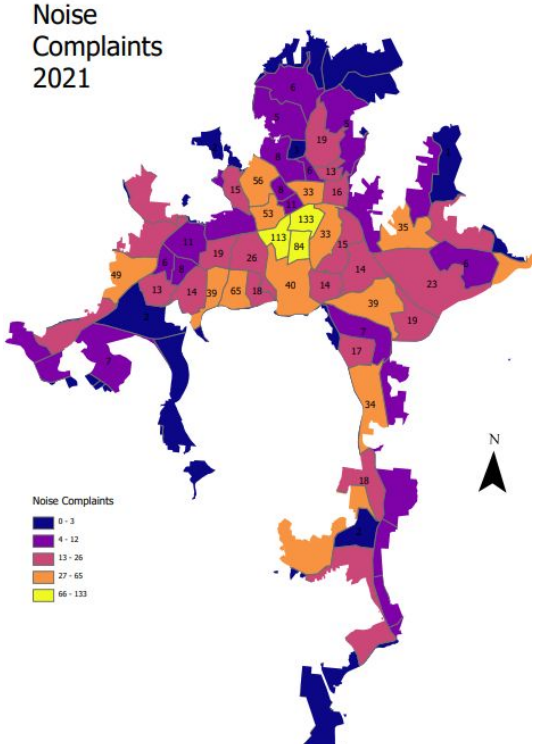


Sept. 1, 2021 - Aug. 31, 2022

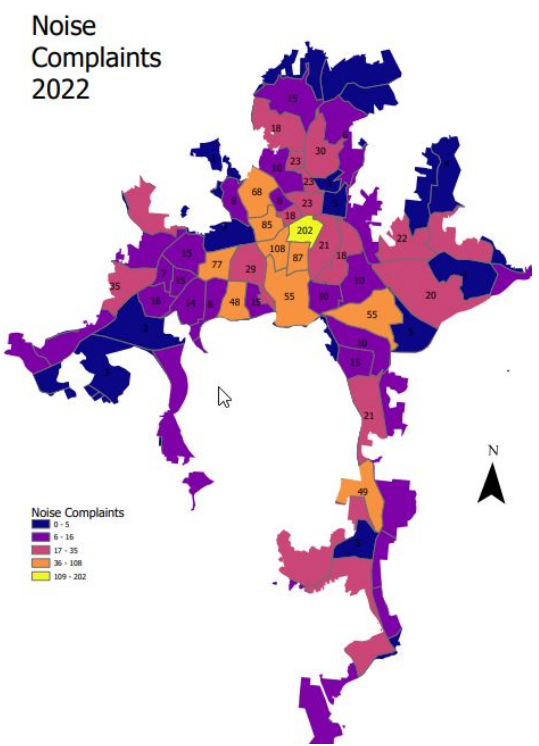
Noise Complaints by Geography



Sept. 2018 - August 2019



Sept. 2020 - August 2021



Sept. 2021 - August 2022

Noise Complaints by Geography

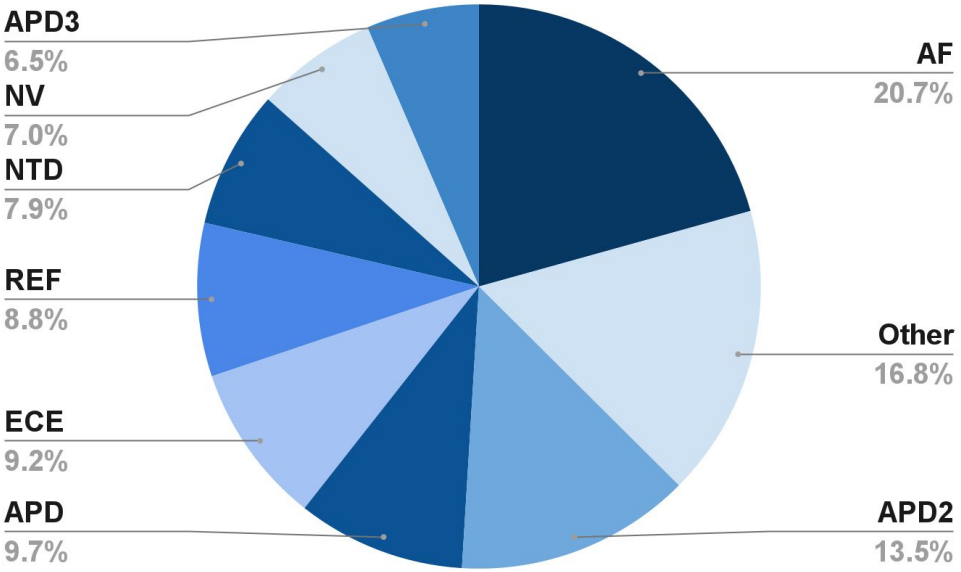
	Sept. 2018 - Aug. 2019	Sept. 2020 - Aug. 2021	Sept. 2021- Aug. 2022
Downtown	195	133	202
WECAN, Aston Park, South French Broad, Bartlett Arms	98	113	108
South Slope, Lee Walker Heights	28	84	87
Montford, Hillcrest	95	53	85
Burton Street, Brucemont/Louisiana, Falconhurst	72	19	77
East/West Asheville, Pisgah View	94	65	48
Montford, Klondyke	73	56	68
South French Broad, Livingston Heights, Erskine-Walton	105	40	55

THE CITY OF ASHEVILLE

Noise Complaints by Closure Code

Description	Close Code	Calls Received
Complaint resolved	AF	332
Other Closure Code	Other	269
Law Enforcement Agency Function	APD2	217
Handled by APD in the field	APD	155
Contacted complainant	ECE	148
Reference other complaint	REF	141
No activity for over 30 days	NTD	127
No violation at this time	NV	112
No Contact Information Available	APD3	104
	TOTAL*	**1605**

*** Complaints in the process of being investigated will change over time**



Sept. 1, 2021 - Aug. 31, 2022

Noise Complaints: Role of APD

- **APD's role since Noise Compliance Program launched in Sept. 2021:**
  - Continue as primary response to afterhours (after 9:00 p.m.) noise complaints as available and when safety protocols are required
  - **29%** of complaints closed by APD
  - **24%** fewer noise complaints received through the non-emergency line than previous year*

Complaint Closure by Dept. Sept 1 2021- Aug 31 2022	
DSD Closed	**71%**
APD Closed	**29%**

Non-Emergency Line Received Complaints	
Sept 1 2020 - Aug 31 2021	1,366
Sept 1 2021 - Aug 31 2022	1,045
% Decrease *	**24%**

What is Working Well

- **Ordinance and Program Administration**
  - Multiple methods to file a complaint
  - Using data to identify, track, and follow-up on noise complaints
- **Ordinance Compliance from Businesses Operations**
  - Reduction of chronic complaints and/or violations
  - Investigative response and sound level fieldwork request
  - Sound exceedance permits as an educational and compliance tool
- **Outreach and Education to Multifamily Developments**
  - Reduction in repeat complaints
  - Staff established relationships with 64 apartment complexes
- **Ordinance Elements**
  - **Clear prohibitions** on the time, day, and location of construction, waste-haulers, medical/educational facilities, and fireworks.
  - The application of **objective decibel standards**.

THE CITY OF ASHEVILLE

Challenges

- **Ordinance and Program Administration**
  - Every complaint is investigated, but not necessarily a violation
  - Public expectation of staff availability and response times
  - Complaints of a criminal nature are sometimes filed as noise complaints (illegal activities, domestic violence, etc.)
- **Ordinance Compliance with Subjective Standards**
  - **Downtown Amplification**
    - ⇀ Most individuals voluntarily comply; however, compliance is difficult when an individual is unwilling to cooperate
  - **Motor Vehicle Violations**
    - ⇀ Typically limited to absence of muffler or modified exhaust system
    - ⇀ Ability of city personnel to enforce as a noise violation
- **Ordinance Elements**
  - **Commercial and Industrial Districts abutting Residential Districts**
    - ⇀ Ordinance does not establish transition standards for business operations that abut a residence (e.g., Haywood Road)

THE CITY OF ASHEVILLE

Next Steps

- Continue to assess the noise ordinance and program to determine its effectiveness.
- Increase community education efforts and targeted enforcement strategies to address current challenges.
- Work with the Noise Advisory Board to develop recommended changes to current standards.
- Provide regular updates (every 12 -18 months) to City Council

THE CITY OF ASHEVILLE

Key Takeaways

- The overall number of noise complaints generally remains consistent with the previous five years.
- As part of Reimagining Public Safety, noise ordinance enforcement shifted from APD to DSD.
- In the past year DSD closed **71%** of the total noise complaints.
  - APD still responded to some after hours complaints.
- Chronic complaints and violations have decreased due to objective decibel standards, clear prohibitions, and staff outreach efforts.
- Business operations that adjoin residential areas can comply with the decibel standards but still generate a high number of complaints.
- Subjective noise disturbance standards in public space presents compliance challenges for staff.

THE CITY OF ASHEVILLE