THE CITY OF ASHEVILLE

Staff Report

Asheville City Council: February 24, 2026

Subject: Amendment to the City's Noise Ordinance Prohibitions

Staff Resources: Brad Branham, City Attorney / Ben Woody, Assistant City Manager

Action Requested: Adoption of amendment to Section 10-85 of the Code of Ordinances regarding prohibited acts related to noise regulation.

Background:

- The City Asheville currently regulates noise in Chapter 10, Article IV of the City Code of Ordinances.
- Specific noise related prohibitions are outlined in Sec. 10-85.
- The City has received a legal challenge related to the current ordinance language.
- This proposed amendment will add additional language to Sec. 10-85 of the City's Code of Ordinances to further clarify prohibition number (2), which regulates amplified sound.
- This amendment will remove ambiguity in the existing ordinance, and enhance the legal defensibility of the provision with language which has been judicially upheld.

Vendor Outreach Efforts:
- Not Applicable

Council Goal(s):
- A Well Planned and Livable Community

Committee(s):
- N/A

Pro(s):
- Adds clarity and legal defensibility to the City's ordinance while maintaining existing prohibition.

Con(s):
- May increase allowance for some noises in limited circumstances.

Fiscal Impact:
- This action requires no City resources and has no fiscal impact.

Suggested Motion:

- Move to approve the amendment to Chapter 10, Article IV, Section 10-85 of the Code of Ordinances to further specify the prohibition on amplified sound as more particularly described in the proposed amendment included with the staff report.

Attachment(s):
- Proposed Amended Ordinance

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 10, ARTICLE IV, SEC. 10-85 OF THE CODE OF ORDINANCES SPECIFYING PROHIBITED ACTIVITIES ASSOCIATED WITH NOISE REGULATION

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-184, the Asheville City Council may adopt ordinances regulating noise; and

WHEREAS, the Asheville City Council has previously adopted a comprehensive noise ordinance in Chapter 10, Article IV, of the City of Asheville Code of Ordinances; and

WHEREAS, Section 10-85 of Chapter 10, Article IV, specifies specific prohibitions associated with noise producing activity; and

WHEREAS, Subsection (2) of Section 10-85 currently restricts amplified sound within certain areas of the City; and

WHEREAS, the City Council now desires to further clarify this prohibition in order to enhance the legal defensibility of the provision.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Chapter 10, Article IV, Section 10-85 of the Code of Ordinances of the City of Asheville is hereby amended as follows:

1. Repeal Section 10-85 in its entirety and replace it with the following:

Sec. 10-85. Prohibitions.

Unless otherwise allowed by this chapter, no person shall engage in any of the following enumerated activities:

(1) The intentional projection of sound from any amplified device or apparatus making or reproducing sounds onto adjoining or neighboring properties for the purpose of attracting attention by creation of noise to any business, location, performance, show, event, sale, or display, except sounds emitted by Mobile Sound Vehicles during daytime hours.

(2) Producing, or causing to be produced amplified sound within 150 feet of the property line of a public school where classes or other educational activities are occurring, or a medical clinic that is open or otherwise caring for patients, when such sound is clearly audible at more than 150 feet from the sound amplifying device For purposes of clarity, it is expressly noted that this prohibition does not apply to sounds originating from public schools or medical clinics themselves, as such sounds are already subjected to decibel limitations under section 10-83 of the City Code.

(3) Operating any motor vehicle with a non-functional or absent muffler-exhaust and/or noise control system;

(4) Using unmuffled engine compression brakes except when required due to an

emergency driving situation;

(5) Sounding any natural or amplified signal from any bell, horn, chime, siren, whistle or similar device intended primarily for non-emergency or non-safety purposes for more than five minutes in any hourly period;

(6) Operating a front-end loader for refuse collection in any Residential District or within 100 feet of a Residential District between the hours of 7:00 p.m. and 7:00 a.m.;

(7) Operating a front-end loader for refuse collection in a CBD between the hours of 7:00 p.m. and 5:00 a.m.

Read, approved, and adopted this 24th day of February, 2026.

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City Clerk Mayor

Approved as to form:

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City Attorney