



Locust City Council Meeting

Agenda

Joel Huneycutt Community Room

7:00 PM

August 8, 2024

Mayor

Council Members

Mayor Steve Huber

Mayor Pro-Tem Larry Baucom, Mandy Watson, Roger Hypes, Harry Fletcher, Mike Haigler, Barry Sims, and Rusty Efird

- | | | |
|---------------------|--|----------------|
| Call to Order: | 1. Call to Order | Mayor Huber |
| | 2. Presentation of Colors, Prayer | Mayor Huber |
| | 3. Adopt Agenda | |
| | 4. Minutes - adopt July 11, 2024 | Amy Furr |
| | • July 11, 2024 | |
| Reports: | 5. Financial Reports | |
| | • Monthly Report - July 2024 | |
| | • Purchase Orders | |
| | 6. Mayor's Report | Mayor Huber |
| | • Stanly County Family YMCA Presentation | |
| Department Reports: | 7. Manager's Report | Cesar Correa |
| | • Coley Store Water Line RFQ | |
| | • Update on Town Center Traffic | |
| | 8. Administration/HR | Harry Fletcher |
| | 9. Parks | Mandy Watson |
| | 10. Facilities | Barry Sims |
| | 11. Public Works | Larry Baucom |
| | • Wastewater Flow Report | |
| | 12. ABC, Economic Development & Small Business Support | Rusty Efird |
| | 13. Public Safety | Roger Hypes |
| | • Monthly Report | |
| | 14. Planning & Zoning | Mike Haigler |
| | • Monthly Report | |

- Public Hearing: Dr. Martin Site Plan Revision
- Schedule Public Hearing: Frances Estates Conditional Rezoning
- Public Hearing: Noise Ordinance Update

15. Public Comment Period:

16. Board Closing Comments

17. Executive Session

18. Adjourn

Next Scheduled Council Meeting - September 12, 2024



Locust City Council

Meeting Minutes

Joel Huneycutt Community Room

7:00 PM

July 11, 2024

Mayor
Council Members

Mayor Steve Huber
Mayor Pro-Tem Larry Baucom, Mandy
Watson, Roger Hypes, Harry Fletcher, Mike
Haigler, Barry Sims, and Rusty Efird

1. Call to Order

Mayor Tem Pro Larry Baucom called the meeting to order at 7:01pm

2. Presentation of Colors, Prayer

Mayor Pro Tem Larry Baucom led in the Pledge of Allegiance and Council Member Rusty Efird gave the invocation

3. Adopt Agenda

M/S/A Council Members Harry Fletcher and Barry Sims (6-0)
Motion to excuse Mayor Huber and Council Member Roger Hypes

M/S/A Council Members Harry Fletcher and Barry Sims (6-0)
Motion to adopt the agenda as presented

4. Minutes - adopt June13, 2024

M/S/A Council Members Harry Fletcher and Barry Sims (6-0)
Motion to approve the June 13, 2024 minutes

June 13, 2024

5. Financial Reports

City Manager Cesar Correa and Finance Director Stephania Morton have been busy working on closing out the fiscal year. We are happy to report that we are finishing with a very strong fiscal year end reporting. I anticipate presenting finalized/closed books during the August meeting. Revenues exceed expenditures in the General Fund by \$740,605.26 and this is after the \$1.2M payment for the new Parks & Recreation property we purchased in June. Please know that this surplus amount will increase upwards of \$1M. We are still missing 1 small property tax check as well as 2 sales tax checks that will be journal entries by our auditors. We are currently showing that expenditures exceed revenues in the Wastewater Fund by \$1,996,282.95 but please know that the Wastewater Fund did not operate in a deficit for FY 24-25. We are working with our auditors, who will put together the final journal entries to clean up the books. We have revenue scheduled to be received in FY 24-25 that is part of our NC State sewer project appropriation. The auditors will reflect that as realized revenue for our FY 23-24 budget. Once it's all settled, the Wastewater Fund will reflect a surplus to be transferred to fund balance reserves. We don't know what that amount is yet. The Locust ABC store finished another strong year with realized revenues just in 1% excess of prior year. For the very first time, not including mixed-beverage purchases, the retail component sold over \$4M. City Manager Cesar Correa presented a System Development Fee – Capital Reserve Resolution to Council. This resolution is passed every July to account for the SDF proceeds we received in FY 23-24. By law, we are only able to spend these funds on projects identified in the SDF study. We entered FY 23-24 with a balance of \$1,114,856.62, and accrued an additional \$244,050.00 in FY 23-24. We also spent \$921,493.35 for the North Basin Sewer Improvements as planned. Our remaining balance, entering FY 24-25 is \$437,413.27.

M/S/A Council Members Harry Fletcher and Rusty Efird (6-0)
Motion to adopt the System Development Fee Capital Reserve Resolution

Monthly Report - June 2024

System Development Fees - Capital Reserve Resolution

6. Mayor's Report

Nothing to report at this time. Mayor Pro Tem Larry Baucom thanked City Manager Cesar Correa and staff for all their hard work.

7. Manager's Report

Purchase orders and year-end budget amendments were approved. City Manager Cesar Correa reminded those of you whose Council terms are expiring and any resident who is interested, that the Stanly County Board of Elections began accepting filings on 7.5.2024 and it will run until Friday 7.19.2024 at noon. City Manager Cesar Correa gave a Land Use plan update. This capital project was discussed during our budget retreat in March. It's an opportunity to review our current Land Use Plan from 2014, and to make appropriate changes and updates to it. By law, we are required to "reasonably" update this plan in order to maintain our land development regulations. I had an opportunity to price the work with 2 different consultants. Because the cost of the project is expected to be less than \$50,000 it qualifies as a Mini-Brooks Act exemption in NC purchasing laws. It essentially means that we are able to select a consultant, without the need of a Request for Qualifications. I contacted Benesch, who recently completed our Parks & Rec Master Plan, and Centralina who recently completed Stanly County's Land Use Plan. My recommendation to City Council is to award the contract to Centralina. They completed this project for Stanly County about 18 months ago, and they are familiar with our area/demographics. As part of the County's project, they had to collect public input in Locust and they met with all City Managers in Stanly County. I believe that this knowledge and established working relationship will be advantageous to the completion of this project. The proposed cost for the Land Use Plan Update is \$49,200.

Another reason for recommending Centralina is that they have an anticipated start date of August 1st.

Earlier this year you received a petition from Mr. Lloyd to amend the noise ordinance to become stricter for the Brew Room. Chief Shew and I have talked about this quite a bit, and he recently helped me with tasking officers in completing field contacts to document the levels of noise during Friday/Saturday evening hours when live music and karaoke is playing. We found that decibel readings in front city hall were in compliance with the allowable decibel readings in the ordinance. However, we still feel that some changes to the ordinance may be in order. In particular, we think we need to include a new section for the regulation of noise in Locust Town Center. Town Center is a mixed-use area, and the individual commercial/residential regulations currently included in our ordinance don't provide for proper regulation of noise in Town Center. City Manager Cesar Correa presented a draft ordinance for review updating the noise regulations, specifically in town center. A public hearing needs to be set for the August 8th meeting.

Public Works Director Tim Flieger and I had an opportunity to work with AWCK to put together a sketch for proposed changes to Town Center traffic. The proposal is that a portion of Harrison Lane in front of the Library becoming 1-way. This will require additional pavement markings, stop bars, and new signage. We looked at the possibility of reconfiguring parking along this section of Harrison Lane to create additional parking. However, it would not meet the required separation between parking spaces for fire protection. Also working with Mr. Flieger and AWCK for the Market St and USPS connection, we were able to identify the layout and anticipated budget for this improvement. The cost, which is very conservative, comes at \$134,000. The quote does not include design and engineering. I met with Matthew Harris who reviewed the layout with me, and is in agreement to provide the City with the appropriate right of way for the connection. If Council wishes to proceed with this improvement we could use our FY 24-25 Powell Fund allocation or fund balance reserves for the construction of this project. City Manager Cesar Correa thanked the staff for all they do.

M/S/A Council Members Harry Fletcher and Rusty Efird (6-0)
Motion to approve purchase orders

M/S/A Council Members Harry Fletcher and Michael Haigler (6-0)
Motion to approve budget amendments

M/S/A Council Members Harry Fletcher and Michael Haigler (6-0)
Motion to award contract to Centralina Regional Council to update the Land Use Plan

M/S/A Council Members Harry Fletcher and Michael Haigler (6-0)
Motion to set a public hearing for August 8, 2024 to update the noise ordinance to include town center residential and mixed use

M/S/A Council Members Michael Haigler and Harry Fletcher (6-0)
Motion to approve traffic plan update to town center, Harrison road and additional stop signs at Market St and Ray Kennedy Dr

M/S/A Council Members Harry Fletcher and Michael Haigler (6-0)
Motion to approve USPS connection to Market St and proceed with the project

Land Use Plan Update - Contract Award

Noise Ordinance - Update

Town Center Traffic Improvements

USPS & Market Street Connector

Purchase Orders

Budget Amendments

8. Administration/HR

Nothing to report at this time

9. Parks

Fall sports registration is underway. July 20th, next summer concert 6-9pm.

10. Facilities

The latest Senior Center floor plan was presented for approval. Once Council approves the plan, the architects will complete the final design, and then we can advertise and accept bids.

M/S/A Council Members Barry Sims and Harry Fletcher (6-0)

Motion to approve design and floor plan for Senior Center

Senior Center - Floor Plan Approval

11. Public Works

Flow report was reviewed by Council Member Larry Baucom.

Monthly Wastewater Flow Report - June 2024

12. ABC, Economic Development & Small Business Support

Council Member Rusty Ebird reviewed the great year that the ABC Store had this past fiscal year. Also that QT closed on their property earlier this week. Zaxby's is looking to begin construction any moment now. And lastly Riley's Dog Retreat received their CO, and is scheduled to open mid-July.

13. Public Safety

City Manager Cesar Correa reviewed the Monthly police department statistics. June Officer of the month was SRO Daniel Longtin.

Monthly Public Safety Report

14. Planning & Zoning

Council Member Michael Haigler reviewed the monthly report. Also, During the June 27th Planning & Zoning Board meeting, Dr. Jason Martin presented a site-plan change request for his 2nd new facility off Professional

Park Drive. After grading the site for the 1st property, they had to raise the first building to accommodate grade. They now need to add a retaining wall to accommodate the 2nd building. In addition, they will be expanding their parking lot and adding about 8 new spots. P&Z Board unanimously presented a favorable recommendation. We will ask you to please schedule a public hearing for the August 8th meeting for Dr. Martin's site plan change.

M/S/A Council Members Michael Haigler and Harry Fletcher (6-0)

Motion to set public hearing for conditional re-zoning request from Jason Martin, Locust Property Holdings, LLC for August 8, 2024

Monthly Report - June 2024

Schedule Public Hearing - Site Plan Change Dr. Martin

15. Public Comment Period:

No one signed up to speak

16. Board Closing Comments

Things are looking good in the City. Thank you to all who came out to the meeting. Thank you to City Manager Cesar Correa and the staff for being good stewards of the City's money.

17. Adjourn

M/S/A Council Members Harry Fletcher and Barry Sims (6-0)

Motion to adjourn at 8:16pm

Amy Furr, City Clerk

Stephen Huber, Mayor



CITY OF LOCUST

FINANCIAL SUMMARY REPORT - July 31, 2024

FISCAL YEAR ENDING 6/30/2025

GENERAL FUND

	ACTUAL FY '22/'23	CURRENT BUDGET	ACTUAL 6/30/2025	Y-T-D % COLLECTED
REVENUES				
PROPERTY TAXES	\$ 2,475,800	\$ 2,200,000	\$ -	0.00%
VEHICLE TAXES/DMV VEHICLE FEES	\$ 48,124	\$ -	\$ -	0.00%
FRANCHISE TAXES	\$ 227,819	\$ 230,000	\$ -	0.00%
SALES TAXES	\$ 1,598,424	\$ 1,225,000	\$ -	0.00%
CABLE VISION FRANCHISE	\$ 20,399	\$ 21,000	\$ -	0.00%
SOLID WASTE	\$ 278,501	\$ 265,000	\$ -	0.00%
BUSINESS REGISTRATION/PERMITS	\$ 91,170	\$ 10,000	\$ 5,800	58.00%
POWELL FUND	\$ 145,838	\$ 165,500	\$ -	0.00%
ALL OTHER REVENUES	\$ 1,048,095	\$ 648,000	\$ 60,132	9.28%
	\$ 5,934,171	\$ 4,764,500	\$ 65,932	1.38%

	ACTUAL FY '22/'23	CURRENT BUDGET	ACTUAL 6/30/2025	Y-T-D % SPENT
EXPENDITURES				
GENERAL ADMINISTRATION GOV'T	\$ 654,148	\$ 808,500	\$ 92,717	11.47%
CENTRAL SERVICES	\$ 74,203	\$ 81,750	\$ 4,461	5.46%
PUBLIC SAFETY	\$ 1,474,518	\$ 1,960,500	\$ 222,100	11.33%
PUBLIC WORKS	\$ 689,175	\$ 528,450	\$ 34,402	6.51%
POWELL FUND/STREETS	\$ 142,311	\$ 308,600	\$ 16,878	5.47%
SANITATION	\$ 512,840	\$ 500,000	\$ 269	0.05%
PARKS & RECREATION	\$ 471,788	\$ 575,700	\$ 42,168	7.32%
CONTRIBUTION TO WASTE WATER FUND	\$ -	\$ -	\$ -	0.00%
CAPITAL PROJECT FUND	\$ -	\$ -	\$ -	0.00%
ECONOMIC DEVELOPMENT	\$ -	\$ 1,000	\$ -	0.00%
TRANSFER TO WASTE WATER	\$ -	\$ -	\$ -	0.00%
DEBT SERVICE	\$ -	\$ -	\$ -	0.00%
GENERAL FUND RESERVE	\$ -	\$ -	\$ -	0.00%
	\$ 4,018,982	\$ 4,764,500	\$ 412,996	8.67%
Y-T-D FUND BALANCE INCREASE	\$ 1,915,189	\$ -	\$ (347,064)	

Sales Tax Revenue Summary

ABC Income Summary

July 2024 not yet received

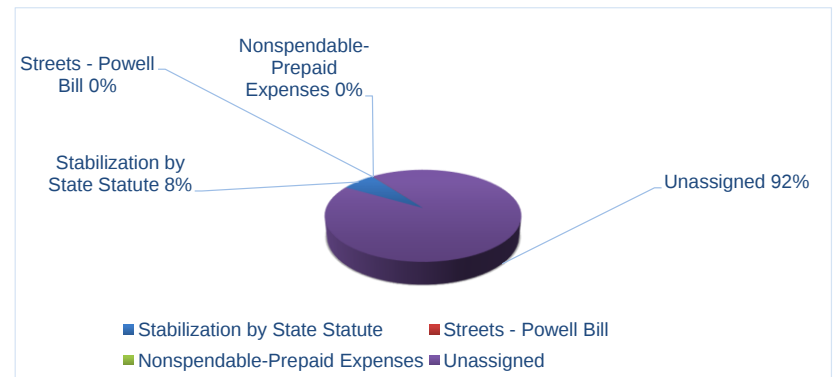
WASTE WATER FUND

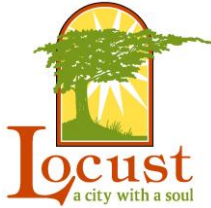
	ACTUAL FY '22/'23	CURRENT BUDGET	ACTUAL 6/30/2025	Y-T-D % COLLECTED
REVENUES				
MISC INCOME	\$ 330	\$ 1,000	\$ 120	12.00%
INTEREST INCOME	\$ 75,741	\$ 10,000	\$ 4,776	47.76%
NEW DEV SEWER TAP FEES	\$ 532,500	\$ -	\$ -	0.00%
AVAILABILITY FEES	\$ 128,790	\$ 115,000	\$ 10,110	#DIV/0!
USER FEES	\$ 1,523,239	\$ 1,115,000	\$ 140,229	12.58%
SYSTEM DEVELOPMENT FEE	\$ 535,000	\$ 225,000	\$ 51,300	8.79%
FUND BALANCE RESERVES	\$ -	\$ -	\$ -	0.00%
WASTEWATER RESERVES	\$ -	\$ -	\$ -	0.00%
OTHER FEE INCOME	\$ 200	\$ -	\$ -	0.00%
	\$ 2,795,800	\$ 1,466,000	\$ 206,535	14.09%

	ACTUAL FY '22/'23	CURRENT BUDGET	ACTUAL 6/30/2025	Y-T-D % SPENT
EXPENDITURES				
ADMINISTRATION	\$ 314,790	\$ 304,100	\$ 46,253	15.21%
WASTE COLLECTION & TREATMENT	\$ 540,144	\$ 1,161,900	\$ 68,866	5.93%
CAPITAL PROJ - N BASIN PS	\$ (0)	\$ -	\$ 928,777	0.00%
TRANSFER CAPITAL RESERVE	\$ -	\$ -	\$ -	#DIV/0!
DEBT SERVICE	\$ -	\$ -	\$ -	0.00%
	\$ 854,934	\$ 1,466,000	\$ 1,043,896	71.21%
Y-T-D FUND BALANCE INCREASE	\$ 1,940,866	\$ -	\$ (837,361)	0.00%

GENERAL FUND INVESTMENT POSITIONS

Total Fund Balance	6/30/2023
Stabilization by State Statute	\$ 391,830
Streets - Powell Bill	\$ 5,794
Nonspendable-Prepaid Expenses	\$ -
Unassigned	\$ 5,582,234
Subtotal	\$ 5,979,858





City of Locust
Post Office Box 190
Locust, North Carolina 28097-0190
(704) 888-5260

Purchase Order Requests - 8/8/2024

Purchase Request # 5418

Vendor: Jet Vac Sewer Equipment

For: Work Site Lights

Amount: \$ 1,400.00

Charge Code: 061-005-07400-53108 WW – Equipment

Remaining Budget: \$ 200.00

Purchase Request # 5422

Vendor: Grainger

For: Hand Tools/Supplies

Amount: \$ 1,141.19

Charge Code: 011-005-04400-53100 PW – Supplies \$285.30

Remaining Budget: \$ 3,110.86

Charge Code: 011-005-04500-53100 Streets – Supplies \$285.30

Remaining Budget: \$ 3,058.06

Charge Code: 011-005-06000-53100 Parks – Supplies \$285.30

Remaining Budget: \$ 3,505.30

Charge Code: 061-005-07400-53100 WW – Supplies \$285.29

Remaining Budget: \$ 39,663.83

Purchase Request # 5435

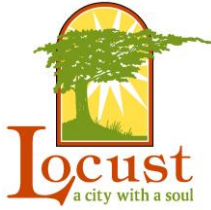
Vendor: Repair N Service

For: Police Dept. L742 – 2020 Dodge Durango Fuel Pump/Inspection

Amount: \$ 1,190.78

Charge Code: 011-005-04300-53105 Police – Fleet Maintenance

Remaining Budget: \$ 59,462.83



City of Locust
Post Office Box 190
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Purchase Order Requests - 8/8/2024

Purchase Request # 5437

Vendor: Game Time

For: Replacement parts for Park Slide

Amount: \$ 1,119.57

Charge Code: 011-005-06000-53520 Park – Facility Maintenance

Remaining Budget: \$ 17,978.22

Purchase Request # 5439

Vendor: Gopher Utilities

For: WW Station BHVS #1 Electric Controls Sewer Pump

Amount: \$ 15,481.83

Charge Code: 061-005-07400-54103 WW – Emergency Expenses

Remaining Budget: \$ 14,518.17

Purchase Request # 5440

Vendor: Covalen

For: WW System Maintenance LP Main Grinder Pump Replacement

Amount: \$ 2,850.00

Charge Code: 061-005-07400-54103 WW – Emergency Expense

Remaining Budget: \$ 11,668.17

Purchase Request # 5447

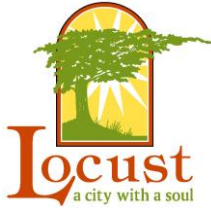
Vendor: KWA Performance Industries

For: Four Training Pistols and Accessories

Amount: \$ 1,125.48

Charge Code: 011-005-04300-53108 Police – Equipment

Remaining Budget: \$ 1,908.62



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Purchase Order Requests - 8/8/2024

Purchase Request # 5448

Vendor: Brio Live

For: Band Deposit for Concert on 8/17/2024

Amount: \$ 1,425.00

Charge Code: 011-005-06000-53109 Park – Program Services

Remaining Budget: \$ 31,698.92

Purchase Request # 5449

Vendor: Live 365 Entertainment

For: Remaining band fee for concert on 8/17/2024

Amount: \$ 1,425.00

Charge Code: 011-005-06000-53109 Park – Program Services

Remaining Budget: \$ 30,273.92

Purchase Request # 5450

Vendor: Jeremy Adams

For: Deposit for band fee for September concert

Amount: \$ 1,250.00

Charge Code: 011-005-06000-53109 Park – Program Services

Remaining Budget: \$ 29,023.92

Locust Wastewater
Monthly Metering

Monthly Wastewater Flow Recordings

<u>Date</u>	<u>Time</u>	<u>Meter</u>	<u>Daily Total</u>	<u>Recorded Rain Fall(")</u>
Monday, July 1, 2024	11:59:59 PM	321803.4	321803.4	
Tuesday, July 2, 2024	11:59:59 PM	625331.8	303528.4	
Wednesday, July 3, 2024	11:59:59 PM	937612.7	312280.9	
Thursday, July 4, 2024	11:59:59 PM	1238516.1	300903.4	0.02
Friday, July 5, 2024	11:59:59 PM	1539121.4	300605.3	0.02
Saturday, July 6, 2024	11:59:59 PM	1842305.5	303184.1	0.09
Sunday, July 7, 2024	11:59:59 PM	2163586.1	321280.6	0.17
Monday, July 8, 2024	11:59:59 PM	2485828.6	322242.5	0.37
Tuesday, July 9, 2024	11:59:59 PM	2798085.2	312256.6	
Wednesday, July 10, 2024	11:59:59 PM	3108418.0	310332.8	
Thursday, July 11, 2024	11:59:59 PM	3413935.8	305517.8	
Friday, July 12, 2024	11:59:59 PM	3733728.9	319793.1	0.25
Saturday, July 13, 2024	11:59:59 PM	4067931.4	334202.5	
Sunday, July 14, 2024	11:59:59 PM	4406822.7	338891.3	0.18
Monday, July 15, 2024	11:59:59 PM	4727464.3	320641.6	0.15
Tuesday, July 16, 2024	11:59:59 PM	5095094.0	367629.7	1.40
Wednesday, July 17, 2024	11:59:59 PM	5427638.4	332544.4	0.01
Thursday, July 18, 2024	11:59:59 PM	5734356.8	306718.4	0.25
Friday, July 19, 2024	11:59:59 PM	6061982.1	327625.3	0.13
Saturday, July 20, 2024	11:59:59 PM	6413085.9	351103.8	0.48
Sunday, July 21, 2024	11:59:59 PM	6891647.8	478561.9	1.54
Monday, July 22, 2024	11:59:59 PM	7386765.6	495117.8	0.18
Tuesday, July 23, 2024	11:59:59 PM	7745210.0	358444.4	0.07
Wednesday, July 24, 2024	11:59:59 PM	8097654.4	352444.4	
Thursday, July 25, 2024	11:59:59 PM	8564632.5	466978.1	1.30
Friday, July 26, 2024	11:59:59 PM	8957251.9	392619.4	0.02
Saturday, July 27, 2024	11:59:59 PM	9314823.8	357571.9	
Sunday, July 28, 2024	11:59:59 PM	9671382.6	356558.8	
Monday, July 29, 2024	11:59:59 PM	10182334.5	510951.9	1.68
Tuesday, July 30, 2024	11:59:59 PM	10593947.0	411612.5	0.07
Wednesday, July 31, 2024	11:59:59 AM	10981396.1	387449.1	
Monthly Total			10981396.1	8.38
Daily Average		354238.58		



JULY 2024 SUMMARY

JULY 2024

CATEGORY	AMOUNT
Total Incident Reports Recorded	95*
Business And Neighborhood Patrols	2,762
Arrest Charges Made	47
Citation Charges Issued	181
Traffic Crashes Reported	27

***Incident Reports Recorded Do Not Include All Calls For Service Attended
And Does Not Include Traffic Stops**

July 2024 Officer of the Month



Officer D. Caleb Whitley

July 2024

- 335 Field Contacts
- 48 Traffic Stops
- 20 Incident Reports
- 26 Citation Charges Issued
- 8 Arrest Charges Made

“Caleb is improving as an officer with every shift and I can always rely on him to be an officer with a positive attitude, a good approach with the public, and he does anything asked of him without question. He is a fantastic representative for our department.” - Chief Jeff B. Shew



City of Locust
Post Office Box 190
Locust, North Carolina 28097-0190
(704) 888-5260

**ORDINANCE NO. 2024-02: AN ORDINANCE AMENDING
TITLE IX: GENERAL REGULATIONS, CHAPTER 90: PUBLIC NUISANCES
OF THE CITY OF LOCUST CODE OF ORDINANCES
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOCUST, NORTH CAROLINA:**

Section 1: Section 90.16 “Prohibited Acts” is amended to read as shown in the attached Exhibit A, which is incorporated and made a part of this ordinance.

Section 2: Section 90.17 “Outdoor amplification, music and noise at commercial and otherwise business establishments” is amended to read as shown in the attached Exhibit B, which is incorporated and made a part of this ordinance.

Section 3: Section 90.18 “Unreasonable sound amplification and unreasonably loud noise from/at/near residential properties” is amended to read as shown in the attached Exhibit C, which is incorporated and made a part of this ordinance.

Section 4: Title IX: General Regulations, Chapter 90: Public Nuisances is amended to include “Section 90.19 Noise Control in Locust Town Center” is amended to read as shown in the attached Exhibit D, which is incorporated and made a part of this ordinance.

Section 5: Section 90.19 “Exceptions” is amended to read as shown in the attached Exhibit E, which is incorporated and made a part of this ordinance.

Section 6: Section 90.99 “Penalty” is amended to read as shown in the attached Exhibit F, which is incorporated and made a part of this ordinance.

Section 7: This ordinance shall become effective as of August 8, 2024.

Adopted this 8th day of August 2024.

Mayor, Steve Huber

ATTEST:

Amy Furr, City Clerk

Exhibit A:

§ 90.16 PROHIBITED ACTS.

The following acts, among others, are declared to be excessive, unnecessary, and unreasonably loud or disturbing noise in violation of this chapter, but shall not be deemed to be an exclusive enumeration.

(A) The sounding of any horn, signal device, or any other sound making device (excluding engines) on any automobile, motorcycle, bus, or other vehicle or conveyance while in motion or otherwise stationary. For vehicle motor/engines, the utilization of the motor/engine of a vehicle in a manner that is not consistent with its normal operation, starting or stopping, would be prohibited if the sound making device is being utilized as a danger or warning signal it shall not be considered as a violation of this section. Utilization of a sound making device that is normally recognized as a danger or warning signal but is utilized for what is deemed as an unnecessary and unreasonable period of time is considered a violation of this section.

(B) The use of any siren or siren-like device upon any vehicle other than police, fire, or other authorized emergency vehicles.

(C) The keeping of any animal or bird which, by causing frequent or long continued noise, between the hours of 9:00PM and 6:00AM shall disturb the comfort and repose of any person in the vicinity of the noise.

(D) The use of any automobile, motorcycle, or other vehicle or conveyance so out of repair, overloaded, or utilizing equipment or accessories that as a result creates a loud or unnecessary grating, grinding, rattling, or any other noise deemed as excessive, unnecessary, unreasonably loud or disturbing. This also includes the use of any automobile, motorcycle or other vehicle or conveyance operated in such a manner as to cause squealing or screeching of tires or causing tires to propel rock or gravel.

(E) The construction, alteration, repair, excavation, and/or demolition of any building or structure within a residential or business area other than between the hours of 7:00 a.m. and 9:00 p.m. on weekdays (Monday-Friday) and 8:00 a.m. and 9:00 p.m. on weekends (Saturday-Sunday). Exceptions to this section is provided in the case of urgent necessity in the interest of public safety or by issuance of an applicable permit by the Planning and Zoning/Code Administrator.

~~(F) The creation, production, or emission of any noise deemed to be excessive, unnecessary, unreasonably loud or disturbing emanating from any person, residence, business, or device including but not limited to vehicles, conveyances, or equipment adjacent to or in the vicinity of any school, institution of learning, or medical facility while the same are in session or open for activity. Schools, institutions of learning, and medical facilities would be identifiable by signs designating them as such and/or if already previously approved or accepted as such facilities.~~

~~—(G) The creation, production, or emission of any noise deemed to be excessive, unnecessary, unreasonably loud or disturbing emanating from any person, residence, business, or device including but not limited to vehicles, conveyances, or equipment adjacent to or in the vicinity of any place of assembly. Places of assembly would be identifiable by signs designating them as such or if already previously approved or accepted as such places.~~

(H) The use of any mechanical loudspeakers, amplifiers, or similar equipment on trucks, or other moving vehicles or conveyances for advertising or other purposes unless previously approved by license/permit received from the Chief of Police or if deemed necessary in the interest of public safety.

(I) Any noise deemed to be in violation of § 90.17 and/or 90.18 utilizing approved time periods and/or decibel measurements ~~and/or the standards applied regarding what a reasonable person would believe and/or plainly audible noise at a distance of 50 feet or less from complaining party.~~

(Ord. passed 6- -2016) Penalty, see § 90.99

Exhibit B:

§ 90.17 OUTDOOR AMPLIFICATION, MUSIC AND NOISE AT COMMERCIAL AND OTHERWISE BUSINESS ESTABLISHMENTS.

(A) Superseding any additional verbiage and parts in this section, it shall be unlawful for any commercial or otherwise business establishment, or the employees and/or patrons of any commercial establishment that is adjacent or in the vicinity of residential properties to emit any unreasonably loud and raucous noise from the premises of the commercial establishment, including any outdoor area which is part of or under the control of the establishment, which is plainly audible at a distance of 50 feet or less from any residential property, between the hours of 10:00 p.m. and 7:00 a.m. Sunday through Thursday and 11:00 p.m. and 7:00 a.m. on Friday and Saturday.

(B) (1) It shall be unlawful for any commercial or otherwise business establishment (including but not limited to restaurants, bars, or nightclubs) to operate or to allow the operation of any sound amplification equipment, music, or any other sound producing equipment out of doors or directed out of doors other than during the times listed below and at or below the maximum decibel (db(A)) level allowed:

(a) 80 db(A) Sunday through Thursday between 7:00 a.m. and 10:00 p.m.;

(b) 60 db(A) Sunday through Thursday between 10:00 p.m. and 27:00 a.m. the following day;

(c) 80 db(A) Friday and Saturday between 7:00 a.m. and 11:00 p.m.;

(d) 60 db(A) Friday and Saturday between 11:00 p.m. and 27:00 a.m. the following day. ~~2) A commercial or otherwise business establishment may be cited for violating this section if the authorized enforcing official determines that the sound being produced is unreasonably loud and disturbing to the quiet enjoyment and use of another commercial or otherwise business establishment or residentially occupied property using a standard of what a reasonable person would believe, or the standard applied to plainly audible noise, or the measurement of decibel level above what is listed as acceptable, in addition to taking into consideration the day of week and time of day.~~

(C) A commercial or otherwise business establishment may also be cited for violation of this section if noise is deemed to be unreasonably loud or disturbing per verbiage set forth in § 90.18(B).

(D) The decibel limits (db(A)) prescribed in this section shall be measured utilizing the A-weighting scale on a sound level meter of standard design and quality having characteristics established by the American National Standards Institute. ~~The measurement of noise by a sound level meter does not supersede the standards applied to what a reasonable person would believe or what is considered plainly audible noise in regards to noise disturbing to a residentially occupied property and is considered as an additional tool that may be utilized to show a violation has occurred.~~

(E) For measurement of decibel limits prescribed in this section, measurements shall be taken at or beyond the property line of the commercial or otherwise business property at which the sound is being generated (complainee). For purposes of measurement, the back of the curb, the outside edges of driveways, fences, hedges, or other physical features commonly associated with property boundaries are presumed to be at a point which is at or beyond the property line. Per division (C) above, sound measurement guidelines regarding sound

measurement from at or beyond the property line of the party making a complaint of a violation of this section (complainant) is provided in § [90.18](#)(D).

(Ord. passed 6- -2016) Penalty, see § [90.99](#)

Exhibit C:

§ 90.18 UNREASONABLE SOUND AMPLIFICATION AND UNREASONABLY LOUD NOISE FROM/AT/NEAR RESIDENTIAL PROPERTIES.

(A) Superseding any additional verbiage and parts in this section, it shall be unlawful for any residential properties, the occupants and visitors of any residential property, or any other pedestrian that is adjacent or in the vicinity of residential properties to emit any unreasonably loud and raucous noise from the premises of the residence, including any area considered to be the curtilage of the residence, or if adjacent or in the vicinity of a residential property, which is plainly audible at a distance of 50 feet or less from any residential property between the hours of 8:00 p.m. and 7:00 a.m. Sunday through Thursday and 9:00 p.m. and 7:00 a.m. on Friday and Saturday.

(B) (1) It shall be unlawful for any residential property, the occupants and visitors of any residential property, or any other pedestrian to operate or to allow the operation of any sound amplification equipment, music or any other sound producing equipment indoors, out of doors, directed out of doors, or adjacent to or in the vicinity of a residential property other than during the times listed below and at or below the maximum decibel (db(A)) level allowed:

- (a) 60 db(A) Sunday through Thursday between 7:00 a.m. and 8:00 p.m.;
- (b) 50 db(A) Sunday through Thursday between 8:00 p.m. and 7:00 a.m. the following day;
- (c) 60 db(A) Friday and Saturday between 7:00 a.m. and 9:00 p.m.;
- (d) 50 db(A) Friday and Saturday between 9:00 p.m. and 7:00 a.m. the following day.

~~(2) A resident, guest, visitor of a residence, or other pedestrian adjacent to or in the vicinity of an occupied residential property or a commercial or otherwise business establishment may be cited for violating this section if the authorized enforcing official determines that the sound being produced is unreasonably loud and disturbing to the quiet enjoyment and use of an adjacent or in the vicinity commercial or otherwise business establishment or residentially occupied property. Using a standard of what a reasonable person would believe, or the standard applied to plainly audible noise, or the measurement of decibel level above what is listed as acceptable, in addition to taking into consideration the day of week and time of day.~~ Commercial or otherwise business establishments adjacent to or in the vicinity of an occupied residential property may also be considered to be in violation of this section per § 90.17(C).

(C) The decibel limits (db(A)) prescribed in this section shall be measured utilizing the A-weighting scale on a sound level meter of standard design and quality having characteristics established by the American National Standards Institute. ~~The measurement of noise by a sound level meter does not supersede the standards applied to what a reasonable person would believe or what is considered plainly audible noise in regards to noise disturbing to a residentially-occupied property and is considered as an additional tool that may be utilized to show a violation has occurred.~~

(D) For measurement of decibel limits prescribed in this section, measurements shall be taken at or beyond the property line of the residential property of the party that initiated the complaint (complainant). For purposes of measurement, the back of the curb, the outside edges of driveways, fences, hedges, or other physical features commonly associated with property boundaries are presumed to be at a point which is at or beyond the property line.

(Ord. passed 6- -2016) Penalty, see § 90.99

Exhibit D:

§ 90.19 NOISE CONTROL IN LOCUST TOWN CENTER

(A) This section aims to regulate noise in Locust Town Center to ensure a harmonious environment for both residential and commercial occupants. It specifically addresses the control of music, amplified sound, and other noise sources to maintain an acceptable noise level that respects the comfort and well-being of residents.

(B) Under the 2014 Land Use Plan, Locust Town Center is recognized as a mixed-use community encompassing residential, commercial, and recreational properties. The noise regulations herein apply to all properties within this designated area.

(C) The maximum allowable noise levels in Locust Town Center shall be:

(a) 80 db(A) Sunday through Thursday between 8:00 a.m. and 10:00 p.m.;

(b) 60 db(A) Sunday through Thursday between 10:00 p.m. and 8:00 a.m. the following day;

(c) 80 db(A) Friday and Saturday between 8:00 a.m. and 11:00 p.m.;

(d) 60 db(A) Friday and Saturday between 11:00 p.m. and 8:00 a.m. the following day.

(D) For measurement of decibel limits prescribed in this section, measurement shall be taken at or beyond the property line of the residential property, excluding mixed-use buildings, of the party that initiated the complaint (complainant). For purposes of measurement, the back of the curb, the outside edges of driveways, fences, hedges or other physical features commonly associated with property boundaries are presumed to be at a point which is at or beyond the property line.

Exhibit E:

§ 90.2019 EXCEPTIONS.

The following producers of sound and/or noise are considered as exceptions and not in violation of the guidelines set forth in §§ [90.16](#), [90.17](#), and [90.18](#) within reason. The following exceptions should not be considered as an exclusive enumeration.

(A) Public safety personnel or other entities deemed as first responders when responding to an emergency call or engaged in other official business.

(B) Persons engaged in a lawful procession, assemblies, parade or community event previously approved by the city. Lawful processions and assemblies are only considered as exceptions if they do not violate any other established city ordinance or North Carolina General Statutes.

(C) The operator of a public utility vehicle, when utilizing two-way communications equipment.

(D) The activation of a theft or fire alarm signal device provided the activation of said device is not in violation of any other established ordinance or in violation of any North Carolina General Statutes.

(E) Sound emanating from scheduled and approved outdoor athletic events.

(F) Construction operations from 7:00 a.m. to 9:00 p.m. Monday to Friday and 8:00 a.m. to 9:00 p.m. Saturday and Sunday for which building permits have been issued or construction operations not requiring permits; providing all equipment is operated in accord with the manufacturer's specifications and with all standard equipment manufacturer's mufflers and noise-reducing equipment in use and in proper operating condition.

(G) Noise of safety signals, warning devices, emergency pressure relief valves, and all church bells provided it is not considered in violation of § [90.16](#)(A).

(H) Unamplified and amplified sound at street fairs or other similar events conducted, sponsored or approved by the city.

(I) Unamplified and amplified sound at community concerts or other similar events, conducted, sponsored, or approved by the city.

(J) All noises coming from the normal operations of properly equipped aircraft (not including scale model aircraft or drone like devices).

(K) Lawn mowers, lawn care equipment, and agricultural equipment used between 7:00 a.m. and 9:00 p.m. when operated with all of the manufacturer's standard mufflers and noise-reducing equipment in use and in proper operating condition.

(L) Any activities or producers of sound or noise that are authorized or approved through any other established city ordinances.

(Ord. passed 6- -2016)

Exhibit F:

§ 90.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § [10.99](#).

(B) In addition to the remedies provided in §§ [90.02](#) through [90.04](#), any violation of the terms of §§ [90.01](#) through [90.04](#) shall subject the violator to the penalties and remedies, either criminal or civil or both, as set forth in § [10.99](#).

(C) Authorization to record, log, investigate, and enforce violations of §§ [90.16](#), [90.17](#), and [90.18](#) is given to the Planning and Zoning/Code Administrator, City Administrator, sworn officers with the Police Department, or other persons designated by the City Administrator.

(D) Any person, owner/operator of a vehicle, conveyance, or device, commercial establishment or owner/operator of any commercial establishment in violation of any section in this chapter for which no specific penalty is prescribed shall be subject to § [10.99](#).

(E) Violations of §§ [90.16](#), [90.17](#), and [90.18](#) shall constitute either a misdemeanor in violation of G.S. § 14-4 or, at the election of the city, shall subject the offender to a civil penalty upon the issuance of a citation for the violation as hereinafter provided.

(F) In the event that a civil penalty is issued for violations of §§ [90.16](#), [90.17](#), or [90.18](#), if the prescribed penalty is not paid it may be recovered by the city in a civil action in the nature of debt.

(G) Unless otherwise provided by a specific provision of any city ordinance or in this section, the civil penalty for violation of § [90.16](#) or § [90.18](#) (excluding commercial or otherwise business establishment deemed to be in violation of § [90.18](#)(B) as well as § [90.17](#)) shall be for an amount not to exceed \$50 for each violation and each time any single violation occurs, it may be considered as a separate violation.

(H) Specific to commercial and otherwise business establishments, the owners and/or operators of the establishment, establishment management and/or employees, shall be responsible and liable for any violations of §§ [90.15](#) through [90.19](#) by patrons or guests of the establishment.

(I) Specific to commercial and otherwise business establishments, violations of §§ [90.17](#) ~~through~~ and [90.18](#)(B) may be subject to either civil or criminal penalties or both.

(J) Specific to commercial and otherwise business establishments, upon receipt of a complaint alleging a violation or the observance of a violation of §§ [90.17](#) and/or [90.18](#)(B), an authorized official as set forth in division (C) above shall investigate and confirm the violation. Upon any confirmed violation, at the discretion of the authorized investigating official a verbal or written warning of the violation with the request for abatement may be issued or may be disregarded in lieu of civil and/or criminal penalties.

(K) Specific to commercial and otherwise business establishments, within any 30-day period upon confirmation of any first penalized violation (not including violations where a warning was issued) as established in §§ [90.17](#) and/or [90.18](#)(B), an authorized official may issue the offender as noted in § [90.99](#)(H) a civil penalty in the amount of \$100. In the event of subsequent violations within any 30-day period, then the civil penalty shall be increased for each additional violation up to the third penalized violation. Subsequent violations beyond the third within any 30-day period may be charged as a misdemeanor in violation of G.S. § 14-4, upon conviction,

be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$500 and/or imprisonment not to exceed 30 days.

(L) Specific to commercial and otherwise business establishments in violation of §§ [90.17](#) and/or [90.18\(B\)](#), the date of the first penalized violation shall establish the beginning date for the initial 30-day period. The next violation within that 30-day period shall be considered the second violation. Any violations that follow within that 30-day period shall be numbered sequentially. The penalty shall be:

(1) Any violation: Verbal or written warning at discretion of authorized official.

(a) First penalized violation: \$100 civil penalty.

(Starts 30-day period)

(b) Second penalized violation: \$200 civil penalty.

(c) Third and subsequent penalized violations: \$300 civil penalty OR misdemeanor.

(2) Once the 30-day period has run from the first penalized violation, the next penalized violation shall be considered to be a first penalized violation for the purposes of establishing a new 30-day period.

(M) Specific to commercial and otherwise business establishment violations of § [90.17](#) or § [90.18\(B\)](#), violators that are issued a civil written code and ordinance violation notice citation must pay the fine issued on that citation within 72 hours of the issue date and time, which penalty may provide for an additional \$50 delinquency charge for each 72-hour period thereafter upon nonpayment until paid in full.

(N) Specific to violations of § [90.16](#) or § [90.18](#) (excluding commercial or otherwise business establishment deemed to be in violation of § [90.18\(B\)](#) or § [90.17](#)), the owners and/or apparent operators of the noise making equipment, device, or entity, or established adult or parental residents or owner of the offending residential property shall be responsible and liable for any violations of these sections or for any violations of these sections by any juveniles or guests under their control.

(O) Specific to violations of § [90.16](#) or § [90.18](#) (excluding commercial or otherwise business establishment deemed to be in violation of § [90.18\(B\)](#) or § [90.17](#)), upon receipt of a complaint alleging a violation or the observance of a violation of these aforementioned sections, an authorized official as set forth in division (C) above shall investigate and confirm the violation. Upon any confirmed violation, at the discretion of the authorized investigating official a verbal or written warning of the violation with the request for abatement may be issued or may be disregarded in lieu of civil and/or criminal penalties.

(P) Specific to violations of § [90.16](#) or § [90.18](#) (excluding commercial or otherwise business establishment deemed to be in violation of § [90.18\(B\)](#) or § [90.17](#)), violators that are issued a civil written code and ordinance violation notice citation must pay the fine issued on that citation within 15 days of the issue date and time, which penalty may provide for an additional \$50 delinquency charge for each 15-day period thereafter upon nonpayment until paid in full.

(Q) At the discretion of the authorized investigating official, any violation of § [90.16](#) or § [90.18](#) (excluding commercial or otherwise business establishment deemed to be in violation of § [90.18\(B\)](#) or § [90.17](#)) may be charged as a misdemeanor in violation of G.S. § 14-4, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$500 and/or imprisonment not to exceed 30 days.

(R) The City Attorney, or their designee, is authorized to file suit on behalf of the city to collect any unpaid citations and any delinquency charge, and the Planning and Zoning/Code Administrator, or their designee, is authorized to verify and sign complaints on behalf of the city in such suits. If litigation is required to recover the penalties and delinquency charges, the City Attorney or their designee in addition to the penalties and delinquency charges may recover reasonable attorney's fees and other costs incurred in bringing the action and collecting the judgment.

(S) *Remedies.* This chapter may also be enforced through equitable remedies including but not limited to nuisance abatement procedures as issued by a court of competent jurisdiction.