

**Report of the  
Local Government Attorneys of Virginia's  
Ad Hoc Committee  
on Noise Ordinances**

**September 2009**

**Approved by the LGA Board of Directors on August 28, 2009**

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## MEMORANDUM

**To:** Members of the Local Government Attorneys of Virginia, Inc.

**From:** Lawrence S. Spencer, Jr., and Tara A. McGee

**Date:** August 21, 2009

**Subject:** LGA Noise Ordinance Committee

Shortly after the Virginia Supreme Court's decision in *Tanner v. City of Virginia Beach*, the LGA established an ad hoc LGA Noise Ordinance Committee to provide guidance to local government attorneys faced with updating noise ordinances that used the "reasonable person" standard struck down in *Tanner*.

The Noise Ordinance Committee began its work by reviewing noise ordinances from around the state. The Committee's notes from that review are enclosed as the "Source Document." The Noise Ordinance Committee's "Committee Recommendations" are a distillation of the Source Document. The Committee Recommendations provide a "buffet" of different approaches and provisions that attorneys can consider when drafting or revising a noise ordinance.

The Committee has also produced short reference guides to other issues associated with noise ordinance enforcement: "Evidentiary Issues with Decibel-Based Ordinances" and "Noise Ordinances: Potential Issues with the Use of Civil Penalties."

The last enclosures are two noise ordinances that use different approaches. Virginia Beach's noise ordinance was adopted in May 2009; it is derived from Charlottesville's noise ordinance, and it provides for the use of decibel meters and as well as enumerated standards. Blacksburg's proposed noise ordinance will be adopted in September 2009. It does not use a decibel meter approach; instead it enumerates standards that prohibit noise in specified circumstances.

On behalf of the Noise Ordinance Committee, it is our pleasure to provide these materials to the membership of the LGA.

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## Summary of *Tanner v. City of Virginia Beach*<sup>1</sup>

In *Tanner v. City of Virginia Beach*, 277 Va. 432, 674 S.E.2d 848 (2009), the Supreme Court of Virginia considered an appeal regarding the noise ordinance in the City of Virginia Beach. The plaintiffs filed a complaint against the City in 2007, seeking a declaratory judgment that the ordinance was facially unconstitutional because of its vague nature. Despite finding that enforcement of the ordinance was “selective and uneven,” Judge Canada of the Circuit Court of the City of Virginia Beach ruled in favor of the City because the plaintiffs failed to show that the selective enforcement was motivated by a discriminatory purpose. The plaintiffs appealed the matter to the Supreme Court of Virginia, arguing that the ordinance was unconstitutional because business owners had to engage in guesswork to determine what sound levels violated the ordinance. The plaintiffs also asserted that several terms in the ordinance, including “unnecessary,” “loud,” and “disturbing” were purely subjective and unconstitutionally vague. *Tanner v. City of Virginia Beach*, 277 Va. 432, 438, 674 S.E.2d 848, 851 (2009).

In a unanimous decision written by Justice Keenan, the Supreme Court reversed the circuit court decision. The court focused on the vagueness of the statute as violating the Due Process Clause’s requirement of fair notice. The court noted that the City’s ordinance was not sufficiently precise so as to give fair warning that contemplated conduct was criminal. The court also noted several standards from case law concerning unconstitutionally vague statutes, including one stating that a law is unconstitutionally vague if people of “common intelligence must necessarily guess at [the] meaning and differ as to its application.” *Id.* at 439, 674 S.E.2d at 852 (citing *Connally v. General Construction Co.*, 269 U.S. 385, 391 (1926)). However, the court also noted that a vague ordinance “nevertheless may survive a vagueness challenge if the ordinance as a whole makes clear what is prohibited.” *Id.*

The court held that the City’s ordinance did not reach this standard. Justice Keenan concluded that the reach of the general descriptive terms contained therein depended on the “subjective tolerances, perceptions, and sensibilities of the listener.” *Id.* at 440, 674 S.E.2d at 853. The adjectives used in the City’s ordinance, such as “loud, disturbing and unnecessary” “are inherently vague because they require persons of average intelligence to guess at the meaning of those words. *Id.* The court further held that the references to “reasonable persons” and “persons of reasonable sensibilities” gave the police the authority to subjectively determine whether people would find the noise detrimental to their life or health. *Id.* The court held that this would lead to arbitrary enforcement, as police officers will have “differing perceptions regarding what levels of sound” offend the sensibilities of reasonable persons. *Id.* at 441, 674 S.E.2d at 853. Ultimately, this decision rested on the subjective and arbitrary nature of the enforcement of this statute. The court cited cases from other jurisdictions in holding that the imposition of criminal penalties cannot be based on these subjective standards. *Id.* (discussing *Thelen v. State*, 526 S.E.2d 60, 62 (Ga. 2000) and *Nichols v. City of Gulfport*, 589 So. 2d 1280, 1284 (Miss. 1991)).

The City further argued that, because a “reasonable person” standard is used throughout the criminal law, there were no problems with using a similar standard in its ordinance. *Id.* The

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<sup>1</sup> This portion of the report was written by Andrew Hill, a student at William & Mary Law School. The committee thanks him for his contribution.

court rejected this argument, holding that this situation, which deals with the notice requirement regarding the reach of a criminal statute, is not similar to the reasonable person standard in criminal law, which is used to determine police compliance with constitutional requirements. *Id.*

## Evidentiary Issues with Decibel-Based Ordinances

Decibel-based ordinances may be more difficult to enforce than ordinances that rely solely on “per se” violations. Decibel ordinances require the use of technical equipment, with close attention being paid to the actual method of measuring sound. Complications include ambient sound. Although more expensive sound level meters can distinguish ambient noise, law enforcement officers must be trained in the proper use of the meters. For additional information, see the Editor’s Commentary to the *IMLA Model Noise Ordinance Part Two: Decibel Standard*.

Decibel-based noise ordinances, or policies adopted pursuant to such ordinances, generally provide that the operator of the noise meter shall issue a certificate to indicate that (1) the sound level meter was operated in accordance with the manufacturer’s specifications; (2) the locality has on file a sworn report that states that the meter has been tested within a specific period of time (often, twelve months) and found to be accurate; (3) the location of the noise; (4) the name of the accused; (5) the date and time the reading was made; and (6) the decibel level reading. Many such ordinances also provide that such a certificate, when attested by the operator of the meter, shall be admissible in court in criminal or civil proceedings, and a copy of the certificate should be delivered to the accused upon request. Several localities, such as Charlottesville, have charter provisions which address certificate admissibility. See City of Charlottesville, Virginia Charter § 50.5.

Noise Ordinances  
Potential Issues with the Use of Civil Penalties

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Exclusive Remedy: It is not uncommon for the General Assembly to make civil penalties the exclusive remedy available to localities. If such enabling legislation is granted, it may be at the expense of losing other options – such as criminal punishment – for the enforcement of noise ordinances.

Ensure Payment to Locality: The enabling legislation must specifically state that payment of these civil penalties is to be directed toward the locality; otherwise the funds will go into the State Literary Fund.

Addressing *Tanner*: The use of civil penalties may present a more palatable punishment and lessen the burden of proof; however it may not serve to address the issues associated with the reasonable person standard set forth in *Tanner*.

Enforcement: A noise ordinance based upon civil penalties would most likely be enforced by codes compliance officers, whereas under the current noise ordinance scheme police officers are typically responsible for enforcement. This could present issues associated with scheduling. For example, while police officers are staffed around the clock, codes compliance officers are staffed according to the standard work week.

Collection: As in other areas of local government, it may be difficult to successfully collect civil penalties. For example, violators who are in town for vacation may present collection issues.

Prosecution: Localities must also consider the appropriate office to handle the prosecution of civil penalties – the locality's attorney or the Commonwealth's attorney.



## Committee Recommendations

It is the conclusion of the Noise Committee that noise ordinances post-Tanner need to have objective, rather than subjective, standards. Objective standards may take the form of (1) decibel measurements since those are the “objective” measuring devices for sound, (2) outright prohibitions of a certain type of noise (3) limitations on the times that such noise can be made (4) limitations on the distance at which sounds are audible.

The Noise Committee reviewed all of the localities’ pre-Tanner noise ordinances and created a summary of the enumerated noise standards that have objective standards (this source document is attached as Appendix C). From that source document, we created this document which is a summary of the types of noises regulated, the methods of regulation, and some exceptions you may want to consider.

This document contains a “buffet” of enumerated standards for the regulation of a wide variety of types of noises. In drafting or revising your localities’ noise ordinance, you can review and/or choose from this “a la carte” menu to suit your localities’ needs.

A few caveats, limitations, and warnings (We wouldn’t be lawyers if we didn’t include those!) about these recommendations.

**Bold type** – used within an ordinance to draw your attention to certain language, but the bold type doesn’t appear in the original.

**Property line** – several of the ordinances use a standard that measures sound from the property line, but that presents a challenging burden of proof in terms of later proving exactly where a property line is located. The Committee recommends that ordinances be written with measurements from the exterior of the building/structure or from the noise source instead.

**EXCEPTIONS** – identifies certain sounds or types of sounds that you may want to include as exceptions to your regulation or prohibition.

**\*Committee Note** – identifies a category of noise that you may want to consider regulating even though we don’t have a recommended ordinance.

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## Enumerated Standards

### 1. Sound Production or Reproduction

#### a. Production/Reproduction from Buildings/Vehicles

1. Distance or Decibel – [Any sound reproduction] at any time in such manner as to be plainly audible at either **the property line**, or 25 feet in the case of a motor vehicle, or if a measuring device is used, if it exceeds the ambient noise level at such points by five decibels on the A scale, shall be prima facie evidence of a violation of this section. Pulaski § 38-32(1)

2. Distance and/or Time – [Reproduction of a sound]...at a volume sufficient to be plainly audible across property boundaries **or through partitions common to two (2) residences within a building** (Franklin § 19-12 (b)(7)) or plainly audible at fifty (50) feet from such device. Roanoke County § 13-21(5); Chesapeake § 26-123 (10); Vinton § 34-26 (5); Blacksburg § 13-103 (a); prohibited from 11 p.m. to 7 a.m. Abingdon § 30-32 (b)(1); prohibited from 11 p.m. to 6 a.m. Bedford §14-13 (6); similar Berryville §11-3

3. Distance & Time -- No person shall, between the hours of 9:00 p.m. and 7:00 a.m. of the following day, play any musical device within 200 yards of any building of another occupied as living quarters: (i) while the musical device is outside of a building; (ii) while the musical device has the aperture of its sound box directed at and within ten feet of an outside opening to the building where the musical device is located; (iii) while a loudspeaker attachment to the musical device is on the outside of any building; (iv) while the loudspeaker attachment, if inside any building and the aperture of the loudspeaker attachment is directed at and within ten feet of any outside opening of the building where the loudspeaker is located; however, this section shall not be construed to affect the operation of any automobile radio when such radio is installed in an automobile and operated therefrom.

4. Distance – Credible testimony or other evidence of a sound generation which, to a person of normal hearing acuity, is plainly audible above the background noise level at a distance of one hundred twenty-five (125) feet or more from the source of the sound generation. Farmville § 16-10 (b) (2)

5. Distance & Time – Operating, playing or permitting the operation or playing of any radio, amplifier, television, record, tape or compact disc player, drum, musical instrument or similar device:

- i. Between the hours of 10:00 p.m. and 8:00 a.m. in such manner as to permit sound to be heard across a residential real property boundary or when the sound source is located **within or on the grounds of a dwelling complex** in such manner as to permit sound to be heard within any dwelling unit of the dwelling complex other than a dwelling unit from which such sound emanates; or

- ii. When the sound source is located within or upon a motor vehicle on or upon public right-of-way or public property or on the grounds of a dwelling complex and the sound can be heard more than 50 feet from its source. Williamsburg § 12-29(1)
6. **Decibel** – The permitting, operating or causing of any source of sound to create a sound level:
- (a) During nighttime. In a residential zone or within any residential building during and between the hours of 10:00 p.m. and 6:00 a.m. in excess of 65 dBA, measured at or inside the complainant's **property boundary**.
- (b) During daytime. In a residential zone or within any residential building during the hours between 6:00 a.m. and 10:00 p.m. in excess of 75 dBA, when measured at or inside the complainant's **property boundary**. Westmorland § 22-164(a)(7)
7. **Decibel** – No person shall operate or cause any source of sound in such a manner as to create a sound level in a residential zone during the hours between 10:00 P.M. and 6:00 A.M. in excess of 60 dBA when measured at the **property boundary** of the receiving land. Winchester § 17-7
8. **Prohibition** -- It shall be unlawful for any person to use any drum or other instrument or device of any kind for the purpose of attracting attention by the creation of noise within the town. **EXCEPTION:** This section shall not apply to any person who is a participant in a school band or duly licensed parade or event or authorized to engage in such conduct. Herndon § 26-239.
9. **EXCEPTION** – Noise or sound which customarily accompanies parades, sporting events, public functions or commemorative events except to the extent that such activities are subject to any required permits therefore. Franklin County **EXCEPTION** – The provisions of this subsection shall not apply to motor vehicles driven in a duly authorized parade. Franklin § 19-12 (c)(2).
10. **EXCEPTION** – Noise or sound which customarily accompanies activities conducted in any gymnasium, theater, swimming pool, stadium or similar sporting facility. Franklin. **EXCEPTION** – The provisions of this subsection shall not apply to motor vehicles driven in a duly authorized parade. Franklin § 19-12 (c)(3).
11. **Time** – Between the hours of 11:00 pm and 6:00am except while loading and unloading, the operating within a residentially zoned district of any parked heavy construction equipment, tractor trucks or trucks having a registered gross weight in excess or 7,500 pounds. Tappahannock § 22-34(6)
12. **EXCEPTION** – The use of a loudspeaker on a motor vehicle for making auction sales in highways directly in front of the property then being sold, and

entirely outside of the business districts of the county shall not be construed as a violation of this subsection when such use is limited strictly to the selling at auction of such property. Franklin County § 11-61 (b); Abingdon § 30-33 (a)(7)

13. **EXCEPTION** -- Use of loudspeaker for making auction sales on the property being sold, provided such use is for the sale of said property only. Abingdon § 30-33 (a)(8)

**b. Vehicle Horns/Warning Signals/Alarms/Sirens**

1. **Prohibition** -- Sounding a horn or other signaling device on any motor vehicle except as an emergency or danger warning signal. Prince William County § 14-5(1); Waynesboro § 38-12; Luray § 15-12 (c); Abingdon § 30-33; Arlington § 15-12 (d); Bedford § 14-14 (b)(1); Vinton § 34-26 (4); Williamsburg § 12-29 (3); Suffolk § 34-189 (3). **EXCEPTION** -- [such restrictions] shall not apply to motor vehicle alarms or other security devices, the emission of sound for purposes of alerting persons to the existence of an emergency, or the emission of sound in performance of emergency work. Prince William County § 14-5(9); Fredericksburg § 38-36 (10); Amherst § 10-29 (1)

2. **Prohibition** -- Sounding of any horn or signaling device of a motor vehicle, motorcycle, or boat...**EXCEPTION** -- Unless as a warning or navigational signal, and then only for a reasonable period of time. Poquoson § 34-33(c)(7)

3. **Distance** -- Failure to deactivate an alarm system plainly audible at fifty (50) feet from such alarm within a reasonable time... Roanoke County § 13-21(9). **EXCEPTION** - The emission of sound for the purpose of alerting persons to the existence of an emergency or to the emission of sound in the performance of emergency work. Roanoke County § 13-19(1)

4. **Prohibition** -- The sounding of any horn or signal device for the purpose of attracting another motorist's attention to traffic light changes or to indicate impatience during a traffic jam or to a slow-moving vehicle ahead. Hampton § 22-7 (a)(4)

5. **EXCEPTION** -- Fire alarms and burglar alarms, prior to the giving of notice and a reasonable opportunity for the owner or tenant in possession to turn off the alarm. Nelson County § 8-30

6. **EXCEPTION** -- The reasonable sounding of such devices [any bell, chime, whistle, siren, or similar device intended primarily for non-emergency purposes] by houses of religious worship, ice cream trucks, seasonal contribution solicitors or city officials while in the legitimate conduct of emergency or public safety business shall be exempt from the provisions of this section. Fredericksburg § 38-36 (3)

**c. Public Production/Reproduction/Advertising**

1. **Distance** – No reproduction unless the resultant noise shall be not clearly audible at a distance greater than 50 ft from structure, vehicle or source or sound / noise. Prince George County § 54-23(c)(3)

2. **Decibel** – The commercial and noncommercial use of radios; televisions; stereophonic sound systems; record, tape or compact disk players or other sound amplifying equipment shall be subject to the following regulations:

- a. The sound amplifying equipment shall be operated between the hours of 10:00 a.m. and 6:00 p.m. of each day.
- b. The maximum sound emanating from sound amplifying equipment shall not exceed a sound pressure level at the approximate boundary of the property line or the boundary of a public way of 40 decibels when measured four feet above the immediate surface area on the A scale, or plainly audible at such a point if no metering equipment is used, in any residential or multifamily zone in the town, or 60 decibels in any commercial or business zone. When an amplifier noise source can be identified and its noise measured in more than one district, the sound pressure level limits of the most restrictive district shall apply.
- c. In any event, the intensity of sound shall be so controlled that it will not be unreasonably loud, raucous, or disturbing or a nuisance to any person.

Pulaski § 38-33(7)(a)

3. **Time** – Using or operating a loudspeaker [et al.]...between the hours of 10:00 PM and 7:00 AM the following day. Roanoke County § 13-21(6); Chesapeake § 26-123 (1)

4. **Distance & Time** – The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound between the hours of 11:30 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located. Chesapeake § 26-123 (4)

5. **Prohibition** – The use of .... a device of any kind whatsoever whereby sound is cast on any highway to promote or advertise the sales of goods, wares or merchandise or for the purpose of advertising auction sales, sporting events or other businesses or things advertised thereby is strictly prohibited. Washington Co. § 38-31(b)

6. **Time** – Using or operating a loudspeaker or other sound amplification device in a fixed or movable position exterior to any building ... with the intent of providing service to an exterior area for the purpose of commercial advertising, giving instruction, information, directions, talks, addresses, lectures or providing entertainment to any persons ... between 9 p.m. and 7a.m. Vinton § 34-26(6)

7. **Prohibition** – The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any performance or event, show, sale or the display or advertisement of merchandise by the creation of noise. Waynesboro § 38-12 (Public Nuisance definition 7(1)), Warrenton § 11-19(13)

8. **Prohibition** – It shall be unlawful for any person to operate for commercial advertising purposes any loudspeaker or other like device or mechanism used to emit sound of any kind, which loudspeaker or other like device or mechanism is attached to or installed in any vehicle, when the vehicle is being driven, drawn, or parked along or upon the streets of the City. Winchester §17-9

## 2. **Residential**

### a. **Animal Noise**

**Prohibition** – Owning, keeping, possessing, or harboring any animal or animals which frequently or habitually howl, bark, meow, squawk or make such other noise as is plainly audible across **property boundaries** or through partitions common to two (2) persons within a building. Fairfax § 108-5-2 (b); Franklin § 19-12 (b)(8); farm animals other than dogs excluded Abingdon § 30-32 (b)(3); standard is across **real property boundary** or within a nearby dwelling unit Arlington § 15-7 (h); two persons instead of partition common to two residences Bedford § 14-14 (b)(3); **EXCEPTION:** dog excluded and does not apply to bona fide agricultural activity Blacksburg § 13-103 (1).

### b. **Landscaping/Gardening/Power Equipment**

1. **Time** – [when such activity is conducted] between the hours of 10:00 PM and 7:00 AM. Poquoson § 34-33(c)(6)

2. **Time** – Exempt during the hours of 6 a.m. – 10 p.m. – Noise emitted from gardening, lawn care, tree maintenance or removal and other landscaping or timbering activities, which noise is customarily emitted from such activities. Spotsylvania § 14-14(c)(1); similar Nelson County § 8-30

### c. **Air Horn / Air Gun\***

\***Committee Note** – We do not have a recommended ordinance, but note this category as a type of noise that may need to be regulated.

### d. **Explosives / Fireworks**

**Distance** -- Which create impulsive sound in such a manner as to permit sound to be heard across residential real property boundary or through partitions common to two dwelling units within a building, or on any public right-of-way or public property, between 10 p.m. and 8 a.m. Blacksburg § 13-103 (d)

### e. **Sport Shooting Ranges\***

**\*Committee Note** – We do not have a recommended ordinance, but note this category as a type of noise that may need to be regulated.

**f. Residential Trash Collection**

1. **Time** -- The collection of trash or refuse in residential districts between the hours of 9:00 p.m. and 6:00 a.m. the following day. Chesapeake § 26-123 (3)
2. **Time** -- The collection of trash, refuse or garbage in the residential and business zoning districts between the hours of 9 p.m. and 7 a.m. the following day. Franklin § 19-12 (b)(5)

**3. Noise Incident to Commercial or Industrial Business**

**a. Loading/Unloading/Opening Containers**

1. **Distance & Time** – Operating, loading or unloading any vehicle, including but not limited to trucks, or the opening and destruction of bales, boxes, crates and containers in the outdoors **in zones other than industrial** within 100 yards of a lawfully occupied dwelling between the hours of 10:00 PM and 6:00 AM. Prince William County § 14-5(3)
2. **Distance & Time** - - ...within a residential district or **within 300 feet of any hotel or motel** between the hours of 10:00 PM and 6:00 AM. Pulaski § 38-32(1)
3. **Distance & Time** – Loading or unloading trucks in the outdoors within 100 yards of a **residence** between 9 p.m. and 7 a.m. Vinton § 34-26 (3); Franklin § 19-12 (b)(5); between 11 p.m. and 6 a.m. Bedford § 14-13 (5)

**b. General Commercial or Industrial**

1. **EXCEPTION** – Noises resulting from normal operations of any industrial plant located within the town; noises resulting from the normal commercial operations in the town between the hours of 7 a.m. and 11 p.m. Altavista § 34-1 (b)(2) and (3)
2. **EXCEPTION** – Sound generated from any bona fide agricultural activity or agribusiness. Bedford § 14-15 (b)(c)
3. **EXCEPTION** – The production of agricultural, horticultural and forestall products, including sawmill operations. Hanover County § 16-5 (3)
4. **EXCEPTION** -- Use of intercoms or paging systems by businesses located in commercial areas, provided that the sound system is used for paging purposes only. Abingdon § 30-33 (a)(1)
5. **Prohibition** – Using, operating or permitting the operation of any loudspeaker, public address system, mobile sound vehicle or similar device



amplifying sound therefrom on a public right-of-way or public property for any commercial purposes. Williamsburg § 12-29

**c. Construction**

1. **Distance & Time** – Operating or causing to be operated between the hours of 10:00 PM and 6:00 AM on Saturdays, Sundays and legal holidays observed by county government any equipment used in construction, repair, alteration or demolition work on buildings, structures, alleys or appurtenances thereto in the outdoors in any residential district within 100 yards of a lawfully occupied dwelling. **EXCEPTION** – This section shall not apply to construction of public projects, the repair or maintenance work performed on such projects or work performed by private or public utility companies for the repair of facilities or restoration of services. Prince William County § 14-5(3)

2. **Time** -- Operating or causing to be operated any equipment used in construction, repair, alteration or demolition work on building, structures, streets, alleys or appurtenances thereto in the outdoors between the hours of 9:00 p.m. and 7:00 a.m. the following day. Franklin County § 19-12 (b)(1); 11 p.m. to 6 a.m. Bedford § 14-13 (2); similar, hours 7 p.m. to 7 a.m. and exception in case of emergency under permit granted by town manager Blacksburg § 13-103 (j); hours 7 a.m. and 8 p.m. except permitted by building official with certain standards for such permit in place Berryville § 11-13

3. **Time** – The erection, including excavation, demolition, alteration or repair, of any building in a residential or business district other than between the hours of 7am – 6pm on weekdays, **EXCEPTION:** in cases of urgent necessity in the interest of public safety, and then only with a permit from the proper town officials. Warrenton § 11-19(8)

4. **Decibel** – Notwithstanding any other provision of this article, between the hours of 7:00 a.m. and 8:00 p.m. Monday through Friday, construction, alteration or repair activities that are authorized by a valid city permit shall be allowed, if they meet [certain limitations, using dB measurements].

[Alternative] The erection, including excavation, demolition, alteration or repair of any building in a residential or business district, the performance of any work on a public utility, the performance of any work relating to road construction, and any [work on holidays], or other than between the hours of 7 a.m. and 8 p.m. M-F, is prohibited, except in cases of necessity in the interest of public health, safety and welfare, and then only with a permit from the CM. This prohibition does not apply to city employees or to contractors performing work in compliance with the terms and requirements of a city contract. Manasses § 58-38

5. **Time** – Operation of a chain saw, pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or other appliance between 7 p.m. and 7 a.m. Blacksburg § 13-103 (k); 8 p.m. to 7 a.m. Berryville § 11-14

6. **EXCEPTION** – To repair utility structures, bridges, streets or highways that pose a clear and imminent danger to life, health, or significant loss of property. Fredericksburg § 38-37 (2)

**d. Steam Whistle**

**Prohibition** -- The blowing of any steam whistle attached to any stationary boiler...**EXCEPTION** ...to give notice of the time to begin or stop work, or as a warning of danger. Portsmouth § 24-255(5); Warrenton § 11-19(5); Waynesboro § 38-12 (Public Nuisance definition 7(e)); Berryville § 11-11

**4. Vehicular/Mechanical**

**a. Unnecessary Sounds like Racing/Revvng**

1. **Prohibition** – The spinning, squealing of tires or revving of motor of any motor vehicle when starting from a stopped position, when shifting gears, when moving, or when coming to a stop or slowing the speed of the motor vehicle. Purcellville § 34-3(2)

2. **Decibel** – No person shall operate or cause to be operated a public or private motor vehicle or motorcycle on a public right-of-way at any time in such a manner that the sound level emitted by the motor vehicle or motorcycle when measured at a distance of fifty feet or more exceeds the level set forth in the following table (see code for table) ... **EXCEPTION** for vehicles engaged in interstate commerce. Winchester § 17-8

3. **Time** -- Running of diesel track truck engine, whether muffled or unmuffled, without a driver in the cab while engine is running between 11 p.m. and 7 a.m. Altavista § 34-1 (a)(6)

4. **Time** -- Running of accessory engine on trailer of the type commonly pulled by tractor trucks between 11 p.m. and 7 a.m. Altavista § 34-1 (a)(7)

5. **Prohibition** -- Running the propulsion engine of commercial motor vehicle for more than three minutes when vehicle is parked, left unattended, or stopped for other than traffic or maintenance reasons, except when propulsion engine provides auxiliary service other than heating or air conditioning. Arlington § 15-7(g)

**b. Out of Repair/Improperly Loaded Vehicle\***

\***Committee Note** – We do not have a recommended ordinance, but note this category as a type of noise that may need to be regulated.

**c. Exhaust Without Proper Muffler**

1. **Prohibition** -- No person shall drive and no owner of a motor vehicle shall permit or allow the operation of any vehicle on a highway unless it is

equipped with a [sufficient] exhaust system...in good working order.... An exhaust system shall not be deemed to prevent excessive or unusual noise if it permits the escape of noise in excess of that permitted by the standard factory equipment exhaust system of private passenger motor vehicles or trucks of standard make. Salem § 86-393(a)

2. **Prohibition** -- The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noises from such blower or fan are muffled and such engine is equipped with a muffler device sufficient to deaden such noise in a residential district. Chesapeake § 26-123(9)

3. **Prohibition** -- Using or operating any motor vehicle without factory-installed mufflers or their equivalent, on private property within a residential use district. Vinton § 34-26(7)

**d. Repair/Testing**

1. **Time** -- Repairing, rebuilding or modifying any motor vehicle or other mechanical equipment or device between the hours of 10:00 PM and 7:00 AM the following day in a manner so as to be plainly audible across property boundaries. Roanoke County § 13-21(2)

2. **Time** -- Repairing, rebuilding or modifying any motor vehicle or other mechanical device in residential zoning districts between the hours of 9 p.m. and 7 a.m. the following day. Franklin County § 19-12 (2); between 11 p.m. and 6 a.m. Bedford § 14-13(3)

**e. Recreational Motorized Vehicles Operating off Public Right-of-Way\***

\***Committee Note** -- We do not have a recommended ordinance, but note this category as a type of noise that may need to be regulated.

**f. Motorcycles [See limitations in enabling authority in Va. Code § 15.2-919]\***

\***Committee Note** -- We do not have a recommended ordinance, but note this category as a type of noise that may need to be regulated.

**g. Model Aircraft or Vehicles**

1. **Prohibition** -- Operating...any powered model aircraft in the outdoors during the nighttime. Any person desiring to use county parks or facilities to operate such aircraft at any time must first obtain permission from the park authority. Prince William County § 14-5(6)

2. **Time** -- Operating or permitting operation of powered model vehicles in the outdoors between 11 p.m. and 6 a.m. Bedford § 14-13 (4)

5. **Miscellaneous**

a. **Hooting & Hollering**

1. **Distance** -- Yelling, shouting, whistling or singing in such a manner as to permit sound to be heard across a residential real property boundary, or through partitions common to two dwelling units within a building. Louisa County § 51-3(5); Between hours of 10 pm and 8am. Blacksburg § 13-103(e).
2. **Prohibition** -- Yelling, shouting, hooting, whistling, or singing on the public street. Abingdon § 30-32(b)(4).

b. **Peddlers/Hawkers**

1. **Prohibition** -- It shall be unlawful for any person to solicit business or patronage by hawking, barking or any other kind of public outcry or any noise-making activity or device on the streets, alleys, sidewalks or other public places; provided, however, [EXCEPTION] that this section shall not apply to (1) a loudspeaker operated pursuant to a permit obtained as provided in Article II of this chapter; and (2) farmers, hucksters and others who offer for sale family supplies of a perishable nature grown and produced by them and not purchased by them for sale. Manassas § 6-5
2. **Prohibition** -- Selling anything by outcry during the nighttime. EXCEPTION Licensed entertainment events excluded. Arlington § 15-7(b).
3. **Prohibition** -- It shall be unlawful for any person within the town to sell anything by outcry within any area of the town. EXCEPTION The provisions of this section shall not be construed to prohibit the selling by outcry of merchandise, food and beverages at licensed sporting events, parades, fairs and other similar licensed public entertainment events. Herndon § 26-238.
4. **Prohibition** -- The use in, upon or attached to any motor vehicle operating on any highway of the county of any radio, phonograph, musical instrument, bell, whistle, loudspeaker, amplifier or device of any kind whatsoever whereby sound therefrom is cast upon any highway to promote or advertise the sale of goods, wares or merchandise, or for the purpose of advertising auction sales, sporting events or other businesses or things advertised thereby, is prohibited. Franklin County § 11-61(b).
5. **Time** -- Using or operating loudspeaker or other sound amplification device in a fixed or movable position exterior to any building, or mounted upon any vehicle or boat or mounted in building or vessels' interior with intent of providing service to an exterior area for purpose of commercial advertising, giving instructions, information, directions, talks, addresses, lectures, or providing entertainment to any persons or group on any private or public property, between 11pm and 6am. Bedford § 14-13(1).

c. **Excessive Noise in Proximity to Church, School, Courthouse or Hospital**

1. **Prohibition** – The creation of *any* noise disturbance within any school, court, public building, church or hospital or on the grounds thereof. Rocky Mount § 42-70(6)
2. **EXCEPTION** – Sound amplifying equipment used at public parks or recreation fields provided the operation of such equipment has been approved by the appropriate county department. Nelson County § 8-30; Abingdon § (a)(2)
3. **EXCEPTION** – Band performances or practices, athletic contests or practices and other school-sponsored activities on the grounds of public or private schools, provided that such activities have been authorized by school officials. Nelson County § 8-30
4. **EXCEPTION** – Religious or political gatherings and other activities protected by the First Amendment to the United States Constitution. Greene County § 38-34 (d)(6)
5. **EXCEPTION** – Noises played/made for call to worship between 9 a.m. and 9 p.m. Abingdon § 30-33 (a)(3)
6. **EXCEPTION** – Sounds part of bona fide religious service, observation or other such religious event. Bedford § 14-15 (b)(1)

6. **General Exceptions**

1. **EXCEPTION** – Activities for which the regulation of noise has been pre-empted by federal law; religious/political gatherings; movement of aircraft/trains in accordance with law; agricultural sounds; management/harvest of timber; animals; hunting
2. **EXCEPTION** – The striking of clocks. Louisa County § 51-5 (2); Bedford § 14-15 (b)(2)
3. **EXCEPTION** – Non-commercial public speaking and public assembly activities conducted on any public right-of-way or public property in accordance with applicable law. Nelson County § 8-30
4. **EXCEPTION** -- Noises resulting from events sanctioned by the town council taking place between 7am and 11pm. Altavista § 34-1(b0(1)).
5. **EXCEPTION** -- Method of applying to county manager for exemption or partial exemption – granted if potential danger to community outweighed by benefit to the public interest during period of exemption; compliance would produce serious hardship without equal or greater benefits to the public. These exemptions not to be granted for period to exceed one year, but there is a renewal process that can be utilized. Arlington § 15-12(a-c).

**ORD-3082**

**AN ORDINANCE TO REPEAL CITY CODE SECTION 33-17 AND ADD A NEW ARTICLE II, CONSISTING OF SECTIONS 23-63 THROUGH 23-73, TO CHAPTER 23 OF THE CITY CODE, PERTAINING TO NOISE**

**SECTION REPEALED: § 33-17**

**SECTIONS ADDED: §§ 23-63 to 23-73**

WHEREAS, excessive sound vibration and inadequately controlled noise are serious hazards to the public health, safety and welfare, and a source of annoyance to the populace; and

WHEREAS, the residents of and visitors to the City of Virginia Beach are entitled to an environment free from excessive sound vibration and inadequately controlled noise that may endanger their health or welfare, or degrade their quality of life, comfort, repose or peace; and

WHEREAS, it is the policy of the City of Virginia Beach to protect the health, safety and welfare of its residents and visitors and to promote an environment free from sound and noise disruptive of peace and good order; and

WHEREAS, it is the policy of the City of Virginia Beach to prevent excessive noise that may endanger the health or welfare, or degrade the quality of life, comfort, repose or peace of residents and visitors;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VIRGINIA BEACH, VIRGINIA:

That Section 33-17 of the City Code is hereby repealed, and a new Article II is added to Chapter 23 ("Offenses"), pertaining to noise restrictions, which shall read as follows:

**Chapter 23. OFFENSES – MISCELLANEOUS**

**ARTICLE I. MISCELLANEOUS OFFENSES**

**.....**

**ARTICLE II. NOISE**

**Sec. 23-63. Declaration of findings and policy.**

City council hereby finds and declares that excessive sound is a serious hazard to the public health, welfare, peace and safety and the quality of life; that a substantial body of science and technology exists by which excessive sound may be substantially abated; that the people have a right to and should be ensured an environment free from excessive sound that may jeopardize the public health, welfare, peace and safety or degrade the quality of life; and that it is the policy of the city to prevent such excessive sound.

**Sec. 23-64. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A-weighted sound level means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

Background noise level shall mean the aggregate of all sound sources impacting at the place where a specific sound generation is measured or evaluated, excluding the specific sound generation itself.

Decibel (dB) means a unit for measuring the volume of a sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals (twenty (20) micronewtons per square meter).

Emergency means any occurrence or set of circumstances involving actual or imminent physical injury or illness or property damage that requires immediate action.

Emergency work means any work performed for the purpose of preventing or alleviating the physical injury or illness or property damage threatened or caused by an emergency.

Gross vehicle weight rating (GVWR) means the value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating (GCWR), which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle, shall be used.

Instrument, machine or device means and refers to any musical instrument, radio, phonograph, compact disc player, cassette tape player, amplifier or any other machine or device for producing, reproducing or amplification of sound.

Motor carrier vehicle engaged in interstate commerce means any vehicle for which regulations apply pursuant to section 18 of the Federal Noise Control Act of 1972 (P.L. 92-574), as amended, pertaining to motor carriers engaged in interstate commerce.

Motorcycle means any motor vehicle designed to travel on not more than three (3) wheels in contact with the ground and any four-wheeled vehicle weighing less than five hundred (500) pounds and equipped with an engine of less than six (6) horsepower, excepting farm tractors.

Motor vehicle means any self-propelled device or device designed for self-propulsion, upon or by which any person or property is or may be drawn or transported upon a street or highway, except devices moved by human power or used exclusively upon stationary wheels or tracks.

Noise means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

Public area means any real property owned by the government, including, but not limited to, public rights-of-way, sidewalks, parks, and buildings.

Residential dwelling means any building or other structure in which one or more persons resides on a permanent or temporary basis, including, but not limited to, houses, apartments, condominiums, hotels, and motels.

Restaurant means any building or structure where in the normal course of business food or drink is available for eating on the premises, in consideration for payment. For purposes of this chapter, the term restaurant includes, but is not limited to, bars, lounges, taverns, coffee shops and cafes.

Sound means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

Sound generation means any conduct, activity or operation, whether human, mechanical, electronic or other, and whether continuous, intermittent or sporadic, and whether stationary or ambulatory in nature, which produces or results in an audible sound.

Sound level means the weighted sound pressure level obtained by the use of a sound level meter and the A-frequency weighting network, as specified in American National Standards Institute specifications for sound level meters.



Sound level meter means an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter and weighting networks used to measure sound pressure levels.

**Sec. 23-65. Administration and enforcement.**

The police department shall be responsible for enforcement of the noise control program established by this article and may be assisted by other city departments as required.

**Sec. 23-66. Violations.**

(a) Any person who violates any provision of this article shall be deemed to be guilty of a Class 3 misdemeanor for a first offense. Any person who violates a provision of this article within one (1) year after a previous conviction under this article shall be guilty of a Class 2 misdemeanor.

(b) The person operating or controlling a noise source shall be guilty of any violation caused by that source. If that cannot be determined, any owner, tenant, resident or manager physically present on the property where the violation is occurring is rebuttably presumed to be operating or controlling the noise source.

(c) In addition to and not in lieu of the penalties prescribed in this section, the city may apply to the circuit court for an injunction against the continuing violation of any of the provisions of this article and may seek any other remedy or relief authorized by law.

**Sec. 23-67. Exceptions.**

No provisions of this article shall apply to (1) the emission of sound for the purpose of alerting persons to the existence of an emergency; (2) the emission of sound in the performance of emergency work; (3) activities sponsored by the City; (4) activities authorized by a permit issued by the City; or (5) activities for which the regulation of noise has been preempted by federal law.

**Sec. 23-68. Use of sound level meters.**

The decibel level of any noise regulated by this article shall be measured by a sound level meter. In order to implement and enforce this article effectively, the chief of police shall promulgate standards and procedures for using and testing sound level meters used in the enforcement of this article.

**Sec. 23-69. Maximum sound levels and residential dwellings.**

(a) *Nighttime.* No person shall permit, operate or cause any source of sound to create a sound level that can be heard in another person's residential dwelling during the hours between 10:00 p.m. and 7:00 a.m. in excess of 55 dBA when measured inside the residence at least four (4) feet from the wall nearest the source, with doors to the receiving area closed and windows in the normal position for the season.

(b) *Daytime.* No person shall permit, operate or cause any source of sound to create a sound level in another person's residential dwelling during the hours between 7:00 a.m. and 10:00 p.m. in excess of 65 dBA when measured inside the residence at least four (4) feet from the wall nearest the source, with doors to the receiving area closed and windows in the normal position for the season.

(c) *Measurements in multifamily dwellings or mixed use structures.* In a structure used as a multifamily dwelling or a mixed use structure, the police department may take measurements to determine sound levels from common areas within or outside the structure or from other dwelling units within the structure, when requested to do so by the residential occupant in possession and control thereof. Such measurement shall be taken at a point at least four (4) feet from the wall, ceiling or floor nearest the noise source, with doors to the receiving area closed and windows in the normal position for the season.

(d) *Exemptions.* The following activities or sources of noise shall be exempt from the daytime prohibition set forth in subsection (b) of this section:

(1) Band performances or practices, athletic contests or practices and other school-sponsored activities on the grounds of public or private schools, colleges, or universities.

(2) Athletic contests and other officially sanctioned activities in city parks or facilities.

(3) Activities related to the construction, repair, maintenance, remodeling or demolition, grading or other improvement of real property.

(4) Gardening, lawn care, tree maintenance or removal, and other landscaping activities.

(5) Agricultural activities.

(6) Church bells, carillons, or calls to worship by other sound-producing devices.

(7) Religious or political gatherings to the extent that those activities are protected by the First Amendment to the United States Constitution.

(8) Public transportation, refuse collection and sanitation services.

**Sec. 23-70. Motor vehicle maximum sound levels; amplified sound from vehicles.**

(a) No person shall operate or cause to be operated a public or private motor vehicle or motorcycle on a public right-of-way at any time in such a manner that the sound level emitted by the motor vehicle or motorcycle, when measured at a distance of fifty (50) feet or more, exceeds the level set forth in the following table:

TABLE INSET:

<u>Vehicle Class</u>	<u>Sound level in dBA</u>	
	<u>Speed limit 35 MPH or less</u>	<u>Speed limit over 35 MPH</u>
<u>All motor vehicles of GVWR or GCWR of 6,000 lbs. or more</u>	<u>86</u>	<u>90</u>
<u>Any motorcycle</u>	<u>82</u>	<u>86</u>
<u>Any other motor vehicle or any combination of vehicles towed by any motor vehicle</u>	<u>76</u>	<u>82</u>

(b) This section shall not apply to any motor carrier vehicle engaged in interstate commerce.

(c) Notwithstanding any other provisions of this section or article, it shall be unlawful for any person to play or operate, or permit the playing, use or operation of, any radio, tape player, compact disc player, loud speaker or other electronic device used for the amplification of sound, which is located within a motor vehicle being operated or parked on public or private property within the city, including any public or private street or alley, in such a manner as to be audible to the human ear at a distance of one hundred (100) or more feet from the vehicle in which it is located.

The provisions of this subsection shall not apply to motor vehicles driven in a duly authorized parade, nor to motor vehicle alarms or other security devices, nor to the emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work.

**Sec. 23-71. Specific prohibitions.**

The following acts are declared to be violations of this article. This enumeration shall not be construed to limit, in any way, the general prohibitions contained in Section 23-69:

(a) *Vehicle horns, signaling devices and similar devices.* Sounding any horn, signaling device, or similar device on any automobile, motorcycle or other vehicle on any right-of-way or in any public space continuously or intermittently for more than ten

(10) consecutive seconds, except when the sounding of any such device is intended as a danger warning.

(b) *Non-emergency signaling devices.* Sounding or permitting the sounding of any amplified signal continuously or intermittently from any bell, chime, siren, whistle or similar device intended primarily for non-emergency purposes from any one location for more than ten (10) consecutive seconds in any hourly period; provided, however, that this subsection shall not apply to the sounding of such devices by religious uses or by public bodies or agencies for testing, traffic control or other public purposes.

(c) *Emergency signaling devices, security, burglar and fire alarms, etc.* Sounding or permitting the continuous or intermittent sounding outdoors of any emergency signaling device, or any security, burglar or fire alarm, siren, whistle, or similar device, including without limitation any motor vehicle security alarm, siren, whistle, or similar device, for a period in excess of ten (10) minutes in any residential area and fifteen (15) minutes in any other area, except in response to a burglary, attempted burglary, fire, or other emergency.

(d) *Audio and audio-visual devices, musical instruments, etc.* The playing of any television, boombox, stereo, phonograph, radio, tape player, compact disc player, MP3 player, video player, musical instrument, drum, or any other device that produces, reproduces or amplifies sound, including any such device in a motor vehicle, where the sound is plainly audible to any person other than the player(s) or operator(s) of the device and those who are voluntarily listening to the sound and is plainly audible and discernable at a distance of fifty (50) feet or more from the source of the sound; provided, however that the provisions of this subsection shall not apply to any outdoor performance, parade, gathering, dance, concert, show, sporting event, or other event sponsored by the city or for which the city has granted a permit.

(e) *Noise-sensitive areas.* The making of any unreasonably loud and raucous noise within two hundred (200) feet of any school, place of worship, court, hospital, nursing home, or assisted-living facility while the same is being used as such, that interferes with the workings of the institution.

(f) *Construction equipment.* The operation of any bulldozer, crane, backhoe, front loader, pile driver, jackhammer, pneumatic drill, or other construction equipment between the hours of 9:00 p.m. and 7:00 a.m. except when operated in the course of emergency work or as authorized by the City Manager.

#### **Sec. 23-72. Sound levels; restaurants.**

No person shall permit, operate or cause any source of sound to create a sound level emanating from a restaurant during the hours between 11:00 p.m. and 7:00 a.m. (1) in excess of seventy-five (75) dB(A) when measured from any public area, including but not limited to adjacent streets or sidewalks; or (2) that is plainly audible and

discernable at a distance of fifty (50) feet from any of the restaurant's external walls when measured from any property other than the property on which the restaurant is located.

**Sec. 23-73. Severability.**

A determination of invalidity or unconstitutionality by a court of competent jurisdiction of any clause, sentence, paragraph, section or part of this article shall not affect the validity of the remaining parts thereto.

Adopted by the Council of the City of Virginia Beach, Virginia, on the 12<sup>th</sup> day of May, 2009.

*Amended*

Ordinance 1537

AN ORDINANCE TO AMEND TOWN CODE SECTIONS 5-202, 13-100, 13-101, 13-102, 13-103, 13-104, 13-106 AND 13-108 REGARDING NOISE TO CONFORM TO STATE LAW

WHEREAS, excessive sound vibration and inadequately controlled noise are serious hazards to the public health, safety and welfare, and a source of annoyance to the populace;

WHEREAS, the residents of and visitors to the Town are entitled to an environment free from excessive sound vibration and inadequately controlled noise that may endanger their health or welfare, or degrade their quality of life, comfort, repose or peace;

WHEREAS, it is the policy of the Town to prevent excessive noise that may endanger the health or welfare, or degrade the quality of life, comfort, repose or peace of residents and visitors; and

WHEREAS, a recent decision by the Supreme Court of Virginia has made revisions to the Town's noise ordinance necessary to more precisely describe excessive noise that is prohibited.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Blacksburg:

1. That Chapter 13 of the Town Code is amended and reordained, as follows:

**Section 13-100. Declaration of policy.**

At certain levels, noise can be detrimental to the health, welfare, safety and quality of life of inhabitants of the town, and in the public interest noise should be restricted. Mass outdoor social gatherings, using amplified sound, in this town, unless subjected to coordination and planning efforts with the town, create *excessive noise disturbances* and related adverse effects for the citizens of this town. It is, therefore, the policy of the town to reduce, and eliminate where possible, *excessive noise disturbances* and related adverse conditions in the community, and to prohibit unnecessary, excessive, harmful and annoying noises from all sources subject to its police power.

**Section 13-101. Definitions.**

The following words, when used in this chapter, shall have the following respective meanings, unless the context clearly indicates a different meaning:

*“Excessive noise” means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans. Specific examples of prohibited excessive noise are set forth in section 13-103 of this chapter.*

“Mass outdoor social gathering” means a social event conducted outside or in a partially enclosed structure, on public or private land in the town, to which two hundred (200) or more people are invited or expected to attend, as licensees, invitees, or trespassers, or as people who happen to show up, or at which two hundred (200) or more people are actually in attendance.

This term may also be referred to as "the event."

Motor vehicle means a vehicle defined as a motor vehicle by § 46.2-100, Code of Virginia (1950), as amended.

~~Noise disturbance means any sound which by its character, intensity and duration:-~~

~~(1) Endangers or injures health or safety of persons within the town, or~~

~~(2) Annoys or disturbs reasonable persons of normal sensitivities within the town.~~

“Owner” means the person owning, controlling, or possessing land, premises, or personalty.

“Person” means any individual, partnership, corporation, association, society, club, group of people acting in concert, or organization. This term shall not include the federal, state, county, town, city, or local government, or any agency or institution thereof.

“Public property” means any real property owned or controlled by the town or any other governmental entity or institution.

*“Plainly audible” means any sound that can be heard clearly by a person using his or her unaided hearing faculties. When music is involved, the detection of rhythmic bass tones shall be sufficient to be considered plainly audible sound.*

“Public right-of-way” means any street, avenue, boulevard, highway, sidewalk or alley.

“Real property boundary” means the property line along the ground surface, and its vertical extension, which separates the real property owned by one (1) person from that owned by another person.

“Residential” has reference *refers* to single-unit, two-unit, and multi-unit dwellings, and residential areas of planned residential zoning district classifications, as set out in the zoning ordinance, Appendix A, Blacksburg Town Code, as amended.



“Sound” means an oscillation in pressure, particle displacement, particle velocity, or other physical parameter, in a medium with internal forces that cause compression and rarefaction of that medium, and which propagates at a finite speed. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

“Sound amplifying equipment” means any machine or device for the amplification of the human voice, music or any other sound. This term shall not include warning devices on authorized emergency vehicles, or horns or other warning devices on other vehicles used only for traffic safety purposes.

“Sponsor” means a person or persons who organizes, supports, specifically benefits from, or is in charge of a mass outdoor social gathering.

“Town manager” means the town manager or the chief of police, or their respective designees.

**Section 13-102. ~~Noise disturbance--Prohibited generally~~ *Excessive noise -- Punishments.***

Any person violating any of the provisions of this chapter shall be deemed guilty of a Class 2 misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than three hundred dollars (\$300.00) for the first offense, five hundred dollars (\$500.00) for the second offense within a twelve (12) month period, and one thousand dollars (\$1,000.00) for any subsequent offense within the same twelve (12) month period. Each day the violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

**Section 13-103. ~~Same--Specific prohibitions.~~**

Subject to the exceptions provided in section 13-104, any of the following acts, or the causing or permitting thereof, ~~among others,~~ is declared to be a ~~noise disturbance~~ *excessive noise*, constituting a Class 2 misdemeanor and a public nuisance, ~~but such enumeration shall not be deemed to be exclusive:~~

(a) Radios, television sets, musical instruments and similar devices. Operating, playing or permitting the operation or playing of any radio, television, record, tape or compact disc player, drum, musical instrument, or similar device:

(1) In such a manner as to permit sound to be heard across a residential real property boundary or through partitions common to two (2) dwelling units within a building; or

(2) In such a manner as to be plainly audible at a distance of fifty (50) feet *or more* from the building in which it is located; or

(3) When the sound is plainly audible at a distance of fifty (50) feet *or more* from its source ~~or otherwise creates a noise disturbance.~~

(b) Loudspeakers, public address systems and sound trucks. Using, operating or permitting the operation of any loudspeaker, public address system, mobile sound vehicle or similar device amplifying sound therefrom for any purpose between the hours of 10:00 p.m. and 8:00 a.m. in such a manner as to permit sound to be heard across a residential real property boundary, or through partitions common to two (2) dwelling units within a building.

(c) Horns, whistles, etc. Sounding or permitting the sounding of any horn, whistle or other auditory sounding device on or in any motor vehicle on any public right-of-way or public property, except as a warning of danger.

(d) Explosive, fireworks and similar devices. Using or firing any explosives, fireworks or similar devices which create impulsive sound in such a manner as to permit sound to be heard across a residential real property boundary or through partitions common to two (2) dwelling units within a building, or on any public right-of-way or public property, in either case between the hours of 10:00 p.m. and 8:00 a.m. An exception to the hours limitation of this subsection may be granted by town council through a fireworks permit.

(e) Yelling, shouting, etc. Yelling, shouting, whistling or singing between the hours of 10:00 p.m. and 8:00 a.m. in such a manner as to permit sound to be heard across a residential real property boundary or through partitions common to two (2) dwelling units within a building.

(f) Schools, public buildings, places of worship, and hospitals. The creation of any noise disturbance ~~within~~ *on the grounds of* any school, court, public building, place of worship, or hospital, ~~or on the grounds thereof~~ *in a manner that is plainly audible within such school, court, public building, place of worship or hospital and interferes with the operation of the institution.*

(g) Mass outdoor social gatherings. Using or causing to be used sound amplifying equipment for the purpose of producing music or entertainment for a mass outdoor social gathering, unless such use is registered with the town manager, as provided in section 13-106 below.

(h) Vehicles. Operation of a motor vehicle or operation of a motorcycle within the town ~~in a manner that creates a noise disturbance~~ *that creates mechanical or exhaust noise that is plainly audible at a distance of two hundred (200) feet or more from the vehicle.* Operation of

sound amplifying equipment in a motor vehicle at a volume sufficient to be plainly audible at a distance of ~~five~~ *one hundred* (~~50~~ *100*) feet from the vehicle.

(i) Defective vehicles. Operation of a motor vehicle or motorcycle so out of repair as to create a ~~noise disturbance~~ *mechanical or exhaust noise that is plainly audible at a distance of one hundred (100) feet from the vehicle.*

(j) Construction. The erection, including excavation, demolition, alteration, or repair of any building or improvement between the hours of 7:00 p.m. and 7:00 a.m., except in the case of emergency under a permit granted by the town manager. In considering the granting, conditioning, or denial of the permit, the town manager shall be guided by the following standards: (i) nature of the emergency; (ii) proposed extended hours of operation; (iii) duration of period of requested extended hours; (iv) character of the area surrounding the construction site; and (v) number of residential units which would be impacted by the extended hours of construction.

(k) Pneumatic hammer, chain saw, etc. The operation between the hours of 7:00 p.m. and 7:00 a.m. of any chain saw, pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or other appliance.

(l) Animals. The owning, keeping, or possessing of any animal or animals (except dogs, which are covered by Chapter 5, Article II of this Code) which frequently or habitually howl, bark, meow, squawk in such a manner as to permit sound to be heard across a residential real property boundary or through partitions common to two (2) dwelling units within a building. This subsection shall not apply to any bona fide agricultural activity.

(m) Large party public nuisance. A gathering of ten (10) or more people where the gathering is not contained within a structure, but spills outdoors into balconies, yards, common areas, parking lots, or other outdoor spaces, which creates *excessive noise disturbance as prohibited by this chapter*.

(n) Commercial vehicle and trash collection vehicle operation. Except in the Downtown Commercial Zoning District, the operation of a commercial vehicle or trash collection vehicle ~~within one hundred (100) yards of a residence,~~ between the hours of 10:00 p.m. and 7:00 a.m., in such a manner as to ~~create a noise disturbance~~ *be plainly audible at any residence one hundred (100) or more yards away*.

#### **Section 13-104. Same--Exceptions.**

Sections 13-102 and 13-103 shall have no application to any sound generated by any of the following:

- (1) Sound which is necessary for the protection or preservation of property or the health, safety, life or limb of any person.
- (2) Public speaking and public assembly activities conducted on any public right-of-way or public property.
- (3) Radios, sirens, horns, and bells on police, fire, or other emergency response vehicles.
- (4) Parades, fireworks displays, school-related activities, and other such public special events or public activities.

(5) Activities on or in municipal, county, state, United States, or school athletic facilities, or on or in publicly owned property and facilities.

(6) Fire alarms and burglar alarms, prior to the giving of notice and a reasonable opportunity for the owner or person in possession of the premises served by any such alarm to turn off the alarm.

(7) Religious services, religious events, or religious activities or expressions, including, but not limited to music, singing, bells, chimes, and organs which are a part of such service, event, activity, or expression.

(8) Locomotives and other railroad equipment, and aircraft.

(9) The striking of clocks.

(10) Military activities of the Commonwealth of Virginia or of the United States of America.

(11) Household tools, and lawnmowers, *and other lawn care equipment with manufacturer's recommended mufflers installed* ~~except those that create a noise disturbance,~~ between 8:00 a.m. and 10:00 p.m.

(12) Agricultural activities.

(13) Lawful discharge of firearms.

**Section 13-105. Sound amplifying equipment--Registration.**

(a) Except as provided in sections 13-104 and 13-106 of this chapter, no person shall use or cause to be used sound amplifying equipment in or over the town, unless such equipment is first registered with the town. Application for such registration shall be filed with the town manager at least 48 hours in advance of the use, and shall state the following, unless the element would not be applicable:

- (1) The name and address of the applicant.
- (2) The address of the place of business of the applicant.
- (3) The license number of any sound truck, or federal registration number of any aircraft, to be used by the applicant.
- (4) The name and address of the person who owns the sound amplifying equipment.
- (5) The name and address of the person having direct charge of the sound amplifying equipment.
- (6) The names and addresses of all persons who will use the sound amplifying equipment.
- (7) The location in the town in which sound amplifying equipment will be employed.
- (8) The proposed hours of operation, which shall not begin before 10:30 a.m. or extend past 8:00 p.m. of any day.
- (9) The proposed dates of operation.
- (10) A general description of sound amplifying equipment to be used.

(b) The town manager shall return to the applicant for registration under this section one copy of a complete application filed pursuant to subsection (a). This copy shall be considered as a certificate of registration, shall be filed in the office of the town clerk, shall be in the possession of the person operating the sound amplifying equipment, and shall be promptly displayed and shown to any police officer of the town upon request.

(c) In case of an emergency, or other circumstance calling for the immediate use of sound amplifying equipment, so that the 48-hour deadline set out in subsection (a) cannot be met, the town manager may waive the deadline using the following standards as applicable: the intensity or immediacy of the emergency or circumstance; lack of alternate means of applicant's accomplishing the same goals by complying with the deadline; and avoidance of nullifying the deadline by a repeated course of conduct. The waiver shall be in writing, shall address these standards as applicable, and shall be filed in the office of the town clerk.

**Section 13-106. Same--Permit for use for mass outdoor social gathering.**

(a) No person shall operate, cause to be operated, or permit the operation on any land of which that person is an owner or ~~an~~ on any land of which that person is in control, of any sound amplifying equipment in the town in connection with a mass outdoor social gathering; and no person shall sponsor a mass outdoor social gathering at which sound amplifying equipment is proposed to be used, or is used, unless a permit has first been obtained from the town for such use of sound amplifying equipment as provided in this section.

(b) Persons applying for a permit under this section at least 30 days prior to the event shall file with the town manager an application, in writing, giving the information required in



section 13-105(a) of this chapter, in addition to the following information, hereby ordained as substantive requirements of this chapter:

- (1) Evidence of plans to mitigate and limit the sound from the mass outdoor social gathering, so that the effects of the *excessive* noise disturbance are minimized or eliminated;
- (2) The name, address, and telephone number of the owner or owners of the site for the event;
- (3) The name, address, and telephone number of the sponsor or sponsors;
- (4) The name, address, and telephone number of a contact person representing the sponsor or owner, or both, who shall be available at the provided telephone number during the event and authorized to address problems related to the event that affect private citizens;
- (5) The proposed location of the event; the boundaries of the event site; and the land use characteristics of the area surrounding the site;
- (6) The expected number of persons to attend the event;
- (7) The date and beginning and ending times for the use of amplified sound, and the beginning and ending times of the event, which in both cases shall not precede 10:30 a.m. or exceed 10:00 p.m. of any day.
- (8) An indication that plans and provisions for the following have been addressed:  
provision of at least one toilet facility per 50 people; sufficient refuse containers; and provision of ample, designated parking areas, or arrangement for transporting attendees to and from a

remote parking area, or both, including if applicable, copies of written permission to use private property, not that of the owner of the site of the event or sponsor, for parking;

(9) Evidence that all town and state parking laws, and all town noise control laws, will be complied with;

(10) Evidence of plans to clean up the event site and surrounding area after the event;

(11) Evidence that notice of the event, and names, telephone numbers, and addresses of the owner, sponsor and contact person, have been given to representatives of any residential area that might be impacted by the mass outdoor social gathering.

(12) Evidence that the owner or sponsor has arranged for the presence during the mass outdoor social gathering of a sufficient (as determined by the town manager) number of monitors. The monitors shall aid the owner or sponsor in the resolution of any problems ~~erated~~ *created* by the event, including the conduct of objectionable activities by participants, and may report to the town ~~poliey~~ *police* any violations of the law that may take place during the event. Nothing in this subparagraph shall afford the monitors town or other police powers or create an agency relationship between the town and the monitors. Monitors shall be acting for the owner or sponsor of the mass outdoor social gathering.

(c) Upon receipt of a substantially completed registration form, as determined by the town manager, using the standards of this section and of section 13-105 of this chapter, the town manager shall immediately accept in writing the application.

(d) The town manager may negotiate with the applicant to lessen, adjust, or accommodate to the peculiarities of the situation, but not increase, the requirements of this

chapter, in order to achieve the goals and meet the standards of public safety, comfort, convenience, and welfare, by reducing or limiting *excessive* noise disturbances and other adverse effects from the mass outdoor social gathering. To this end, with the town manager's permission, the applicant may amend the applicant's application up to three days prior to the event.

(e) Upon the town manager's satisfaction that the applicant for the permit has met the standards of this section and of section 13-105 of this chapter, the town manager on behalf of the town shall issue a written permit called for under this section to the applicant and shall send a copy of the permit to the town clerk for filing.

(f) The applicant shall comply with the permit and with the terms of this chapter in the conduct of the mass outdoor social gathering and in the use of amplified sound for a mass outdoor social gathering. The permittee shall keep the permit in the permittee's possession during the mass outdoor social gathering and shall promptly display it to any police officer on request.

(g) In case of emergency, or other circumstance calling for the immediate conduct of a mass outdoor social gathering, so that the 30-day deadline set out in subsection (b) cannot be met, the town manager may waive the deadline using the following standards, as applicable: the intensity or immediacy of the emergency or circumstance; lack of alternate means of applicant's accomplishing these same goals by complying with the deadline; and avoidance of nullifying the deadline by a repeated course of conduct. The waiver shall be in writing, shall address these standards as applicable, and shall be filed in the office of the town clerk.

**Section 13-107. Reserved.**

**Section 13-108. Other enforcement.**

(a) Instead of the criminal enforcement of this chapter, the town may bring a suit for injunction, abatement, or other appropriate civil relief to remedy, correct, or abate a *excessive noise disturbance*.

(b) Citizens of the town believing that a *excessive noise disturbance* constituting a public nuisance exists may utilize the procedure set forth in § 48-1, et seq., Code of Virginia (1950), as amended, or any other legal civil or criminal remedies that may be available to them.

2. That this ordinance shall be effective upon its adoption.

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## Enumerated Standards

### 1. Sound Production or Reproduction

#### a. Production/Reproduction from Buildings/Vehicles

1. **Objective** - The operation of any such set, instrument, phonograph, amplifier, loudspeaker, machine or device between the hours of 11pm – 7am in such a manner as to be plainly audible beyond the property line on which the building, structure or vehicle is located shall be prima facie evidence of a violation of this section. Washington County § 30-33(1); West Point §38-6
2. **Objective** - Operating, playing or permitting the operation or playing of any radio, amplifier, television, record, tape or compact disc player, drum, musical instrument, or similar device in such a manner as to permit a disturbing and/or excessive sound to be heard across a residential real property boundary or when the sound source is located within a motor vehicle in or upon public right-of-way or public property and the sound can be heard more than fifty (50) feet from its source. Culpeper § 13-4 (1); Suffolk § 34-189 (1)(b)
3. **Objective** – [Any sound reproduction] at any time in such manner as to be plainly audible at either the property line, or 25 feet in the case of a motor vehicle, or if a measuring device is used, if it exceeds the ambient noise level at such points by five decibels on the A scale, shall be prima facie evidence of a violation of this section. Pulaski § 38-32(1)
4. **Objective** – [Reproduction of a sound]...at a volume sufficient to be plainly audible across property boundaries or through partitions common to two (2) residences within a building (Franklin § 19-12 (b)(7)) or plainly audible at fifty (50) feet from such device. Roanoke County § 13-21(5); Chesapeake § 26-123 (10); Vinton § 34-26 (5); Blacksburg § 13-103 (a); prohibited from 11 p.m. to 7 a.m. Abingdon § 30-32 (b)(1); prohibited from 11 p.m. to 6 a.m. Bedford §14-13 (6); similar Berryville §11-3.

Playing or permitting the playing of any radio, stereo, tape player, compact disc player, loud speaker or other electronic device or mechanical equipment used for the amplification of sound, which is located within a motor vehicle and which is audible from outside the motor vehicle at a distance of 50 feet or more. Waynesboro § 38-12(Public Nuisance definition 7(b)(2)). EXCEPTION: This provision shall not apply to sirens, loud speakers and emergency communications radios in public safety vehicles, nor shall it apply to motor vehicle alarms or other security devices.

5. **Objective** -- No person shall, between the hours of 9:00 p.m. and 7:00 a.m. of the following day, play any musical device within 200 yards of any building of another occupied as living quarters: (i) while the musical device is outside of a building; (ii) while the musical device has the aperture of its sound box directed at and within ten

feet of an outside opening to the building where the musical device is located; (iii) while a loudspeaker attachment to the musical device is on the outside of any building; (iv) while the loudspeaker attachment, if inside any building and the aperture of the loudspeaker attachment is directed at and within ten feet of any outside opening of the building where the loudspeaker is located; however, this section shall not be construed to affect the operation of any automobile radio when such radio is installed in an automobile and operated therefrom.

6. **Objective** – Operating, playing or permitting the operation or playing of any radio, amplifier, television, record, tape, or compact disc player, drum musical instrument, or similar device in such a manner or with such volume as to permit sound to be heard across a residential real property boundary; or when the sound source is located within a motor vehicle in or upon right-of-way or public property and the sound can be heard more than fifty feet from its source. Danville § 23-13.4 (1)
7. **Objective** – Operating or permitting the use, or operation of any radio receiving set, musical instrument, television, phonograph, or any other device for the production of sound between the hours of 11 p.m. and 7 a.m. the following day in such a manner as to be plainly audible across property boundaries or through partitions common to two persons within a building or plainly audible at fifty feet from such device when operated within a motor vehicle parked on a public right-of-way or in a public area. Fairfax County § 108-5-2 (a)
8. **Objective** – Credible testimony or other evidence of a sound generation which, to a person of normal hearing acuity, is plainly audible above the background noise level at a distance of one hundred twenty-five (125) feet or more from the source of the sound generation. Farmville § 16-10 (b) (2)
9. **Objective** – Between the hours of 11:00pm and 6:00am except while loading and unloading, the operating within a residentially zoned district of any parked heavy construction equipment, tractor trucks or trucks having a registered gross weight in excess of 7,500 pounds. Tappahannock § 22-34(6)
10. **Objective** – Operating, playing or permitting the operation or playing of any radio, amplifier, television, record, tape or compact disc player, drum, musical instrument or similar device:
  - (a) Between the hours of 10:00 p.m. and 8:00 a.m. in such manner as to permit sound to be heard across a residential real property boundary or when the sound source is located within or on the grounds of a dwelling complex in such manner as to permit sound to be heard within any dwelling unit of the dwelling complex other than a dwelling unit from which such sound emanates; or
  - (b) When the sound source is located within or upon a motor vehicle on or upon public right-of-way or public property or on the grounds of a

- dwelling complex and the sound can be heard more than 50 feet from its source. Williamsburg § 12-29(1)
11. **Objective** – The permitting, operating or causing of any source of sound to create a sound level:
    - (c) During nighttime. In a residential zone or within any residential building during and between the hours of 10:00 p.m. and 6:00 a.m. in excess of 65 dBA, measured at or inside the complainant's property boundary.
    - (d) During daytime. In a residential zone or within any residential building during the hours between 6:00 a.m. and 10:00 p.m. in excess of 75 dBA, when measured at or inside the complainant's property boundary.  
Westmorland § 22-164(a)(7)
  12. **Objective** – The permitting, operating or causing of any source of sound to create a sound level:
    - (a) Nighttime – In a residential zone ... between 10-6, in excess of 65dBA, measured at or inside the complainant's property boundary
    - (b) Daytime – In a residential zone ... between 6-10, in excess of 75dBA, when measured at or inside the complainant's property boundary.  
Tappahannock § 22-34(7)
  13. **Objective** – No person shall operate or cause any source of sound in such a manner as to create a sound level in a residential zone during the hours between 10:00 P.M. and 6:00 A.M. in excess of 60 dBA when measured at the property boundary of the receiving land. Winchester § 17-7
  14. **Objective** – No person within the city limits shall operate or permit the use or operation of any radio, tape player, compact disc player, or any other device which produces, reproduces, or amplifies sound in a motor vehicle, in such a manner that the sound can be heard more than fifty (50) feet from the motor vehicle. Winchester § 17-8.1
  15. **Objective** - It shall be unlawful for any person to use any drum or other instrument or device of any kind for the purpose of attracting attention by the creation of noise within the town. EXCEPTION: This section shall not apply to any person who is a participant in a school band or duly licensed parade or event or authorized to engage in such conduct. Herndon § 26-239.
  16. **Objective** – [Prohibition against] loudspeaker, PA system, mobile sound vehicle or similar device amplifying sound for any purpose between 10pm and 8am in such a manner as to permit sound to be heard across a residential real property boundary or through partitions common to two dwelling units within a building. Blacksburg § 13-103(b). EXCEPTION: Mass outdoor social gathering registered with town manager. Blacksburg § 13-103(g).
  17. **EXCEPTION** – Noise or sound which customarily accompanies parades, sporting events, public functions or commemorative events except to the extent that such activities are subject to any required permits therefore. Franklin County  
EXCEPTION – The provisions of this subsection shall not apply to motor vehicles driven in a duly authorized parade. Franklin § 19-12 (c)(2)
  18. **EXCEPTION** – Noise or sound which customarily accompanies activities conducted in any gymnasium, theater, swimming pool, stadium or similar



sporting facility. Franklin. **EXCEPTION** – The provisions of this subsection shall not apply to motor vehicles driven in a duly authorized parade. Franklin § 19-12 (c)(3)

19. **Objective** - The playing or operation or permitting the playing, use or operation, of any radio, tape player, loudspeaker or other electronic device used for the amplification of sound, which is located within a motor vehicle being operated on a public street, alley or other public place, and which is audible from outside the motor vehicle at a distance of 50 feet or more. Westmoreland § 22-164(a)(1)
20. **EXCEPTION** – The use of a loudspeaker on a motor vehicle for making auction sales in highways directly in front of the property then being sold, and entirely outside of the business districts of the county shall not be construed as a violation of this subsection when such use is limited strictly to the selling at auction of such property. Franklin County § 11-61 (b); Abingdon § 30-33 (a)(7)
21. **EXCEPTION** – Use of loudspeaker for making auction sales on the property being sold, provided such use is for the sale of said property only. Abingdon § 30-33 (a)(8)

**b. Vehicle Horns/Warning Signals/Alarms/Sirens**

1. **Objective** – Sounding a horn or other signaling device on any motor vehicle except as an emergency or danger warning signal. Prince William County § 14-5(1); Waynesboro § 38-12; Luray § 15-12 (c); Abingdon § 30-33; Arlington § 15-12 (d); Bedford § 14-14 (b)(1); Vinton § 34-26 (4); Williamsburg § 12-29 (3); Suffolk § 34-189 (3). **EXCEPTION** – [such restrictions] shall not apply to motor vehicle alarms or other security devices, the emission of sound for purposes of alerting persons to the existence of an emergency, or the emission of sound in performance of emergency work. Prince William County § 14-5(9); Fredericksburg § 38-36 (10); Amherst § 10-29 (1);
2. **Objective** – Sounding of any horn or signaling device of a motor vehicle, motorcycle, or boat...**EXCEPTION** – Unless as a warning or navigational signal, and then only for a reasonable period of time. Poquoson § 34-33(c)(7)
3. **Objective** – Failure to deactivate an alarm system plainly audible at fifty (50) feet from such alarm within a reasonable time... Roanoke County § 13-21(9).  
**EXCEPTION** - The emission of sound for the purpose of alerting persons to the existence of an emergency or to the emission of sound in the performance of emergency work. Roanoke County § 13-19(1)
4. **Objective** – The sounding or blowing of any horn or signal device on any automobile ... **EXCEPT** as a danger signal if another vehicle is approaching apparently out of control. Waynesboro § 38-12; Altavista §34-1 (a)(1); Arlington § 15-7 (a); Bedford § 14-14 (b)(1); Blacksburg § 13-103 (c); Franklin County § 19-12 (b)(6)

5. **Objective** - The sounding of such horns or similar devices [motor vehicle or motorcycle horns, signaling devices, and similar devices] as a danger or safety warning shall be exempt from the provisions of this section. Fredericksburg § 38-36 (2)
  6. **Objective** – Using, operating or permitting the operation of any loudspeaker, public address system, mobile sound vehicle or similar device amplifying sound therefrom on a public right-of-way or public property for any commercial purposes. Williamsburg § 12-29
  7. **Objective** – The sounding of any horn or signaling device within 15 feet of automobile, motorcycle or other vehicle on any street or public place of this county, except as a danger warning; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up. Tappahannock § 22-34 (1).
  8. The sounding of any horn or signal device for the purpose of attracting another motorist’s attention to traffic light changes or to indicate impatience during a traffic jam or to a slow-moving vehicle ahead. Hampton § 22-7 (a)(4)
  9. **EXCEPTION** – Fire alarms and burglar alarms, prior to the giving of notice and a reasonable opportunity for the owner or tenant in possession to turn off the alarm. Nelson County § 8-30
  10. **EXCEPTION** – The reasonable sounding of such devices [any bell, chime, whistle, siren, or similar device intended primarily for non-emergency purposes] by houses of religious worship, ice cream trucks, seasonal contribution solicitors or city officials while in the legitimate conduct of emergency or public safety business shall be exempt from the provisions of this section. Fredericksburg § 38-36 (3)
- c. Public Production/Reproduction/Advertising**

1. **Objective** – No reproduction unless the resultant noise shall be not clearly audible at a distance greater than 50 ft from structure, vehicle or source or sound / noise. Prince George County § 54-23(c)(3)
2. **Hybrid** – The commercial and noncommercial use of radios; televisions; stereophonic sound systems; record, tape or compact disk players or other sound amplifying equipment shall be subject to the following regulations:
  - a. The sound amplifying equipment shall be operated between the hours of 10:00 a.m. and 6:00 p.m. of each day.
  - b. The maximum sound emanating from sound amplifying equipment shall not exceed a sound pressure level at the approximate boundary of the property line or the boundary of a public way of 40 decibels when measured four feet above the immediate surface area on the A scale, or plainly audible at such a point if no metering equipment is used, in any

residential or multifamily zone in the town, or 60 decibels in any commercial or business zone. When an amplifier noise source can be identified and its noise measured in more than one district, the sound pressure level limits of the most restrictive district shall apply.

- c. In any event, the intensity of sound shall be so controlled that it will not be unreasonably loud, raucous, or disturbing or a nuisance to any person.

Pulaski § 38-33(7)(a)

3. **Objective** – Using or operating a loudspeaker [et al.]...between the hours of 10:00 PM and 7:00 AM the following day. Roanoke County § 13-21(6); Chesapeake § 26-123 (1)
4. **Objective** – The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound between the hours of 11:30 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located. Chesapeake § 26-123 (4)
5. **Objective** – The use of .... a device of any kind whatsoever whereby sound is cast on any highway to promote or advertise the sales of goods, wares or merchandise or for the purpose of advertising auction sales, sporting events or other businesses or things advertised thereby is strictly prohibited. Washington Co. § 38-31(b)
6. **Objective** – Using or operating a loudspeaker or other sound amplification device in a fixed or movable position exterior to any building ... with the intent of providing service to an exterior area for the purpose of commercial advertising, giving instruction, information, directions, talks, addresses, lectures or providing entertainment to any persons ... between 9 p.m. and 7a.m. Vinton § 34-26(6)
7. **Objective** – The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any performance or event, show, sale or the display or advertisement of merchandise by the creation of noise. Waynesboro § 38-12 (Public Nuisance definition 7(l)), Warrenton § 11-19(13).
8. **Objective** – The use of any mechanical loudspeaker or amplifier EXCEPT by special permission of the city council. Waynesboro § 38-12 (Public Nuisance definition 7(m))
9. **Objective** – Using, operating or permitting the operation of any loudspeaker, public address system, mobile sound vehicle or similar device amplifying sound therefrom on a public right-of-way or public property for any commercial purposes. Williamsburg § 12-29(2)
10. **Objective** – It shall be unlawful for any person to operate for commercial advertising purposes any loudspeaker or other like device or mechanism used to emit sound of any kind, which loudspeaker or other like device or mechanism is attached to or

installed in any vehicle, when the vehicle is being driven, drawn, or parked along or upon the streets of the City. Winchester §17-9

11. **Objective** – It shall be unlawful for any person to use any machine or device for the production or reproduction of sound which is cast upon public streets or lands for the purpose of commercial advertising or of attracting attention of the public to any building, structure, or activity during the nighttime. Winchester § 17-9

## 2. **Residential**

### a. **Animal Noise**

1. **Objective** – Owning, keeping, possessing, or harboring any animal or animals which frequently or habitually howl, bark, meow, squawk or make such other noise as is plainly audible across property boundaries or through partitions common to two (2) persons within a building. Fairfax § 108-5-2 (b); Franklin § 19-12 (b)(8); farm animals other than dogs excluded Abingdon § 30-32 (b)(3); standard is across real property boundary or within a nearby dwelling unit Arlington § 15-7 (h); two persons instead of partition common to two residences Bedford § 14-14 (b)(3); dog excluded and does not apply to bona fide agricultural activity Blacksburg § 13-103 (l).

### b. **Landscaping/Gardening/Power Equipment**

1. **Objective** – [when such activity is conducted] between the hours of 10:00 PM and 7:00 AM. Poquoson § 34-33(c)(6)
2. **Objective** – Exempt during the hours of 6 a.m. – 10 p.m. – Noise emitted from gardening, lawn care, tree maintenance or removal and other landscaping or timbering activities, which noise is customarily emitted from such activities. Spotsylvania § 14-14(c)(1); similar Nelson County § 8-30

### c. **Air Horn / Air Gun\***

\***Committee Note** – We do not have a recommended ordinance, but note this category as a type of noise that may need to be regulated.

### d. **Explosives / Fireworks**

1. **Objective**– Using or firing any explosives, fireworks or similar devices which create impulsive sound so as to create a noise disturbance across a residential real property boundary or on any public right of way or public property between the hours of 10 p.m. and 8 a.m. Roanoke § 21-207(4)
2. **Objective** - Which create impulsive sound in such a manner as to permit sound to be heard across residential real property boundary or through partitions common to two dwelling units within a building, or on any public right-of-way or public property, between 10 p.m. and 8 a.m. Blacksburg § 13-103 (d)

### e. **Sport Shooting Ranges\***

**\*Committee Note** – We do not have a recommended ordinance, but note this category as a type of noise that may need to be regulated.

**f. Residential Trash Collection**

1. **Objective** - The collection of trash or refuse in residential districts between the hours of 9:00 p.m. and 6:00 a.m. the following day. Chesapeake § 26-123 (3)
2. The collection of trash, refuse or garbage in the residential and business zoning districts between the hours of 9 p.m. and 7 a.m. the following day. Franklin § 19-12 (b)(5)
3. Collect refuse with a refuse vehicle during nighttime. Arlington § 15-7 (f)

**3. Noise Incident to Commercial or Industrial Business**

**a. Loading/Unloading/Opening Containers**

1. **Objective** – when such activity is conducted between the hours of 10:00 PM and 7:00 AM, within 100 feet of any residential sleeping area. Poquoson § 34-33(c)(3)
2. **Objective** – Operating, loading or unloading any vehicle, including but not limited to trucks, or the opening and destruction of bales, boxes, crates and containers in the outdoors in zones other than industrial within 100 yards of a lawfully occupied dwelling between the hours of 10:00 PM and 6:00 AM. Prince William County § 14-5(3)
3. **Objective** – ...within a residential district or within 300 feet of any hotel or motel between the hours of 10:00 PM and 6:00 AM. Pulaski § 38-32(1)
4. **Objective** – Loading or unloading trucks in the outdoors within 100 yards of a residence between 9 p.m. and 7 a.m. Vinton § 34-26 (3); Franklin § 19-12 (b)(5); between 11 p.m. and 6 a.m. Bedford § 14-13 (5)
5. **Distance and Time** – Conducting such loading, unloading, opening or destruction operations between the hours of 11 p.m. and 7 a.m. in such a manner as to be plainly audible beyond the property line where the loading or unloading is being conducted shall be prima facie evidence of a violation of this section. Washington County § 30-33 (2)

**b. General, Commercial or Industrial**

1. EXCEPTION – Noises resulting from normal operations of any industrial plant located within the town; noises resulting from the normal commercial operations in the town between the hours of 7 a.m. and 11 p.m. Altavista § 34-1 (b)(2) and (3)
2. EXCEPTION – Sound generated from any bona fide agricultural activity or agribusiness. Bedford § 14-15 (b)(c)

3. **EXCEPTION** – The production of agricultural, horticultural and forestall products, including sawmill operations. Hanover County § 16-5 (3)
4. **Objective** - Use of intercoms or paging systems by businesses located in commercial areas, provided that the sound system is used for paging purposes only. Abingdon § 30-33 (a)(1)

**c. Construction**

1. **Objective** – [when such activity is conducted] between the hours of 10:00 PM and 7:00 AM. **EXCEPTION** – Construction activities directly connected with the abatement of an emergency situation. Poquoson § 34-33(c)(4)
2. **Objective** – Operating or causing to be operated between the hours of 10:00 PM and 6:00 AM on Saturdays, Sundays and legal holidays observed by county government any equipment used in construction, repair, alteration or demolition work on buildings, structures, alleys or appurtenances thereto in the outdoors in any residential district within 100 yards of a lawfully occupied dwelling. **EXCEPTION** – This section shall not apply to construction of public projects, the repair or maintenance work performed on such projects or work performed by private or public utility companies for the repair of facilities or restoration of services. Prince William County § 14-5(3)
3. **Objective** – Operating or causing to be operated any equipment used in construction, repair, alteration or demolition work on building, structures, streets, alleys or appurtenances thereto in the outdoors between the hours of 9:00 p.m. and 7:00 a.m. the following day. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom. Chesapeake §§ 26-123 (2) and (5)
4. **Objective** - Operating or causing to be operated any equipment used in construction, repair, alteration or demolition work on building, structures, streets, alleys or appurtenances thereto in the outdoors between the hours of 9:00 p.m. and 7:00 a.m. the following day. Franklin County § 19-12 (b)(1); 11 p.m. to 6 a.m. Bedford § 14-13 (2); similar, hours 7 p.m. to 7 a.m. and exception in case of emergency under permit granted by town manager Blacksburg § 13-103 (j); hours 7 a.m. and 8 p.m. except permitted by building official with certain standards for such permit in place Berryville § 11-13
5. **Objective** – Between the hours of 11:00 p.m. and 6:00 a.m. except while loading and unloading, the operating within a residentially zoned district of any parked heavy construction equipment, tractor trucks or trucks (as defined by Code of Virginia, §

64.1-2, effective January 1, 1990) having a registered gross weight in excess of 7,500 pounds. Tappahannock § 22-34(a)(6).

6. **Objective** – Engaging in, or operating or causing to be operated any equipment used, in the construction, repair, alteration or demolition of buildings, streets, alleys or appurtenances thereto between the hours of 9pm and 7am the following day. Vinton § 34-26(1)
7. **Objective** – The erection, including excavation, demolition, alteration or repair, of any building in a residential or business district other than between the hours of 7am – 6pm on weekdays, EXCEPT in cases of urgent necessity in the interest of public safety, and then only with a permit from the proper town officials. Warrenton § 11-19(8)
8. **Objective** – The erection (including excavation), demolition, alteration or repair of any building other than operations conducted between the hours of 7am-7pm, Monday through Saturday, EXCEPT in case of emergency or urgent necessity in the interest of public health and safety. Washington County § 30-33(4)
9. **Hybrid** – The operation between the hours of 7pm and 7am of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise. Washington County § 30-33(5)
10. **Objective** – The erection, including excavation, demolition, alteration or repair of any building in a residential or business district other than between the hours of 7am and 6pm, EXCEPT in cases of urgent necessity in the interest of public safety, and then only with a permit form the proper city officials. Waynesboro § 38-12
11. **Objective** – Between the hours of 11:00 p.m. and 6:00 a.m., except while loading and unloading, the operating within a residentially zoned district of any parked heavy construction equipment, tractor trucks or trucks (as defined by Code of Virginia, § 64.1-2, effective January 1, 1990) having a registered gross weight in excess of 7,500 pounds. Westmoreland § 22-164(a)(6)
12. **Objective** - Notwithstanding any other provision of this article, between the hours of 7:00 a.m. and 8:00 p.m. Monday through Friday, construction, alteration or repair activities that are authorized by a valid city permit shall be allowed, if they meet [certain limitations, using dB measurements].

[Alternative] The erection, including excavation, demolition, alteration or repair of any building in a residential or business district, the performance of any work on a public utility, the performance of any work relating to road construction, and any [work on holidays], or other than between the hours of 7 a.m. and 8 p.m. M-F, is prohibited, except in cases of necessity in the interest of public health, safety and

welfare, and then only with a permit from the City Manager. This prohibition does not apply to city employees or to contractors performing work in compliance with the terms and requirements of a city contract. Manasses § 58-38.

[Alternative] Get a permit from the police chief. He can grant the exemption from the chapter prohibitions, if he finds that (a) the noise does not endanger the public health, safety or welfare; or (b) compliance with the provisions of this chapter would cause a serious hardship without producing an equal or greater benefit to the public. The chief shall consider the time of day the noise will occur; the duration of the noise, the loudness of the noise (in relation to certain dB levels in a table), whether the noise will be intermittent or continuous, and such other matters as are reasonably related to the impact of the noise on the health, safety and welfare of the community and the degree of hardship that may result from the enforcement of this chapter. [Other provisions regarding revocability, time periods and appeals.] Manasses Park § 15-10.

13. Operation of a chain saw, pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or other appliance between 7 p.m. and 7 a.m. Blacksburg § 13-103 (k); similar, 8 p.m. to 7 a.m. Berryville § 11-14.
14. EXCEPTION – To repair utility structures, bridges, streets or highways that pose a clear and imminent danger to life, health, or significant loss of property. Fredericksburg § 38-37 (2)

**c. Steam Whistle**

1. **Objective** - The blowing of any steam whistle attached to any stationary boiler...EXCEPTION...to give notice of the time to begin or stop work, or as a warning of danger. Portsmouth § 24-255(5); Warrenton § 11-19(5); Waynesboro § 38-12 (Public Nuisance definition 7(e)); Berryville § 11-11

**4. Vehicular/Mechanical**

**a. Unnecessary Sounds like Racing/Revvng**

1. **Objective** – The spinning, squealing of tires or revving of motor of any motor vehicle when starting from a stopped position, when shifting gears, when moving, or when coming to a stop or slowing the speed of the motor vehicle. Purcellville § 34-3(2)
2. **Objective** – No person shall operate or cause to be operated a public or private motor vehicle or motorcycle on a public right-of-way at any time in such a manner that the sound level emitted by the motor vehicle or motorcycle when measured at a distance of fifty feet or more exceeds the level set forth in the following table (see code for table) ... EXCEPT for vehicles engaged in interstate commerce. Winchester § 17-8



3. **Objective** - Running of diesel track truck engine, whether muffled or unmuffled, without drive in the cab while engine is running between 11 p.m. and 7 a.m. Altavista § 34-1 (a)(6)
4. **Objective** - Running of accessory engine on trailer of the type commonly pulled by tractor trucks between 11 p.m. and 7 a.m. Altavista § 34-1 (a)(7)
5. **Objective** - Running the propulsion engine of commercial motor vehicle for more than three minutes when vehicle is parked, left unattended, or stopped for other than traffic or maintenance reasons, except when propulsion engine provides auxiliary service other than heating or air conditioning. Arlington § 15-7 (g)

**b. Out of Repair/Improperly Loaded Vehicle**

1. **Hybrid** - Prohibitions related to the operation of a motor vehicle, within town on public or private property: make, continue to make, or cause to be made, a noise disturbance within the town; vehicle so out of repair as to cause prohibited noises; unnecessarily racing the motor; unnecessarily retarding the spark; gaining speed unnecessarily quickly; coming to an unreasonably quick stop so as to grind brakes and/or screech tires; off road operation creating unnecessary noise plainly audible across property boundaries; horn, etc. except as a warning; use of radio, etc. within the town so as to be plainly audible from 50 ft of vehicle; and noise produced by exhaust system is louder than that produced by standard factory exhaust system for that vehicle. Abingdon § 30-32(a)(2)(a-j). Some of these prohibitions also found in Berryville § 11-7(d).

**c. Exhaust Without Proper Muffler**

1. **Objective** - No person shall drive and no owner of a motor vehicle shall permit or allow the operation of any vehicle on a highway unless it is equipped with a [sufficient] exhaust system...in good working order.... An exhaust system shall not be deemed to prevent excessive or unusual noise if it permits the escape of noise in excess of that permitted by the standard factory equipment exhaust system of private passenger motor vehicles or trucks of standard make. Salem § 86-393(a)
2. **Objective** - The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom. Chesapeake § 26-123 (5); Danville § 23-13.4 (8); Suffolk § 34-189 (b);
3. **Objective** - The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noises from such blower or fan are muffled and

such engine is equipped with a muffler device sufficient to deaden such noise in a residential district. Chesapeake § 26-123 (9)

4. **Objective** - Using or operating any motor vehicle without factory-installed mufflers or their equivalent, on private property within a residential use district. Vinton § 34-26(7)
5. **Hybrid** - The exhaust of every internal combustion engine used on any motor boat on the waters within the city shall be effectively muffled by equipment ... Virginia Beach § 6-109(a)
6. **Hybrid** - The discharge into the open air of the exhaust from any steam engine, stationary internal combustion engine or motorboat engine except through a muffler or other device which will effectively prevent loud or explosive noises there from. Warrenton § 11-19(6)
7. **Hybrid** - The discharge into the open air of the exhaust from any steam engine, stationary internal combustion engine, motorboat engine or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom. Waynesboro § 38-12; Franklin County § 19-12 (3)

**d. Repair/Testing**

1. **Objective** – It shall be unlawful to repair, modify or test any motor vehicle or other mechanical device in the outdoors between 9:00 PM and 7:00 AM of the following day. Purcellville § 34-3(3)
2. **Objective** – Repairing, rebuilding or modifying any motor vehicle or other mechanical equipment or device between the hours of 10:00 PM and 7:00 AM the following day in a manner so as to be plainly audible across property boundaries. Roanoke County § 13-21(2)
3. **Hybrid** – Repairing, rebuilding or modifying any motor vehicle or other mechanical device between the hours of 9 p.m. and 7 a.m. in a manner as to be plainly audible across property lines. Vinton § 34-36 (2)
4. **Objective** - Repairing, rebuilding or modifying any motor vehicle or other mechanical device in residential zoning districts between the hours of 9 p.m. and 7 a.m. the following day. Franklin County § 19-12 (2); between 11 p.m. and 6 a.m. Bedford § 14-13 (3)

**e. Recreational Motorized Vehicles Operating off Public Right-of-Way\***

\***Committee Note** – We do not have a recommended ordinance, but note this category as a type of noise that may need to be regulated.

**f. Motorcycles\***

**\*Committee Note** – We do not have a recommended ordinance, but note this category as a type of noise that may need to be regulated.

**g. Model Aircraft or Vehicles**

1. **Objective** – Operating...any powered model aircraft in the outdoors during the nighttime. Any person desiring to use county parks or facilities to operate such aircraft at any time must first obtain permission from the park authority. Prince William County § 14-5(6)
2. **Objective** - Operating or permitting operation of powered model vehicles in the outdoors between 11 p.m. and 6 a.m. Bedford § 14-13 (4)

**5. Miscellaneous**

**a. Hooting & Hollering**

1. **Objective** – Any unreasonably loud or raucous conversation, yelling, shouting, whistling or singing that is plainly audible across property boundaries or through partitions common to two dwelling units within a building. Chesapeake § 26-123 (12); or in any public place, Franklin § 19-12 (b)(9)
2. **Objective** - Yelling, shouting, whistling or singing in such a manner as to permit sound to be heard across a residential real property boundary, or through partitions common to two dwelling units within a building. Louisa County § 51-3(5); Between hours of 10pm and 8am. Blacksburg § 13-103(e).
3. **Objective** - Yelling, shouting, hooting, whistling, or singing on the public street. Abingdon § 30-32(b)(4).

**b. Peddlers/Hawkers**

1. **Objective** - It shall be unlawful for any person to solicit business or patronage by hawking, barking or any other kind of public outcry or any noise-making activity or device on the streets, alleys, sidewalks or other public places; **EXCEPTION:** that this section shall not apply to (1) a loudspeaker operated pursuant to a permit obtained as provided in Article II of this chapter; and (2) farmers, hucksters and others who offer for sale family supplies of a perishable nature grown and produced by them and not purchased by them for sale. Manassas § 6-5.
2. **Objective** - Selling anything by outcry during the nighttime. Licensed entertainment events excluded. Arlington § 15-7(b).
3. **Objective** - It shall be unlawful for any person within the town to sell anything by outcry within any area of the town. **EXCEPTION:** The provisions of this section shall not be construed to prohibit the selling by outcry of merchandise, food and beverages at licensed sporting events, parades, fairs and other similar licensed public entertainment events. Herndon § 26-238.

4. **Objective** - The use in, upon or attached to any motor vehicle operating on any highway of the county of any radio, phonograph, musical instrument, bell, whistle, loudspeaker, amplifier or device of any kind whatsoever whereby sound therefrom is cast upon any highway to promote or advertise the sale of goods, wares or merchandise, or for the purpose of advertising auction sales, sporting events or other businesses or things advertised thereby, is prohibited. Franklin County § 11-61(b).
  5. **Objective** - Unlawful for any person to operate any loudspeaker or communication system, for advertising purposes, whereby the sound therefrom may be heard beyond the boundary lines of the property upon which such loudspeaker or communication system is located. Hopewell § 3-4(a).
  6. **Objective** - Using or operating loudspeaker or other sound amplification device in a fixed or movable position exterior to any building, or mounted upon any vehicle or boat or mounted in building or vessels' interior with intent of providing service to an exterior area for purpose of commercial advertising, giving instructions, information, directions, talks, addresses, lectures, or providing entertainment to any persons or group on any private or public property, between 11pm and 6am. Bedford § 14-13(1).
  7. **Objective** - Use, operation or permitting the use or operation, without a permit from the town, of any radio receiving set, musical instrument, phonograph, tape player, CD player, loudspeaker, sound amplified, or other machine or device for the production or reproduction of sounds which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure. Altavista § 34-1(a)(3). During the nighttime. Arlington § 15-7(c).
- c. **Excessive Noise in Proximity to Church, School, Courthouse or Hospital**
1. **Objective** – The creation of *any* noise disturbance within any school, court, public building, church or hospital or on the grounds thereof. Rocky Mount § 42-70(6)
  2. EXCEPTION – Sound amplifying equipment used at public parks or recreation fields provided the operation of such equipment has been approved by the appropriate county department. Nelson County § 8-30; Abingdon § (a)(2)
  3. EXCEPTION – Band performances or practices, athletic contests or practices and other school-sponsored activities on the grounds of public or private schools, provided that such activities have been authorized by school officials. Nelson County § 8-30
  4. EXCEPTION – Religious or political gatherings and other activities protected by the First Amendment to the United States Constitution. Greene County § 38-34 (d)(6)
  5. EXCEPTION – Sounds emanating from place of worship; sound generated from school of county sponsored athletic or recreational event; and sound generated by/emanating from private or commercial firearms shooting range. Amherst § 10-29 (2-4)

6. EXCEPTION – Noises played/made for call to worship between 9 a.m. and 9 p.m. Abingdon § 30-33 (a)(3)
7. EXCEPTION – Sounds part of bona fide religious service, observation or other such religious event. Bedford § 14-15 (b)(1)
8. Religious services, religious events or religious activities, including, but not limited to, music, bells, chimes and organs, which are a part of such religious activities. Nelson County § 8-30.

**6. General Exceptions**

1. EXCEPTION – Activities for which the regulation of noise has been pre-empted by federal law; religious/political gatherings; movement of aircraft/trains in accordance with law; agricultural sounds; management/harvest of timber; animals; hunting. Nelson County.
2. EXCEPTION – The striking of clocks. Louisa County § 51-5 (2); Bedford § 14-15 (b)(2)
3. EXCEPTION – Non-commercial public speaking and public assembly activities conducted on any public right-of-way or public property in accordance with applicable law. Nelson County § 8-30
4. Noises resulting from events sanctioned by the town council taking place between 7am and 11pm. Altavista § 34-1(b0(1)).
6. Method of applying to county manager for exemption or partial exemption – granted if potential danger to community outweighed by benefit to the public interest during period of exemption; compliance would produce serious hardship without equal or greater benefits to the public. These exemptions not to be granted for period to exceed one year, but there is a renewal process that can be utilized. Arlington § 15-12(a-c).
6. Protection or preservation of property or person; emergency response vehicle; public speaking/public assembling in public ROW or on public property; parades, etc, activities on or in publicly owned property and facilities. Blacksburg § 13-104.