

ARTICLE VII. - NOISE CONTROL^[5]

Footnotes:

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Cross reference— *Unlawful use of sound equipment in buildings or other premises, § 21-42.*

Charter reference— *Authority of city to prevent unnecessary noise, § 2(16).*

Sec. 21-204. - Declaration of policy.

At certain levels, noise can be detrimental to the health, welfare, safety and quality of life of inhabitants of the city, and in the public interest noise should be restricted. It is, therefore, the policy of the city to reduce noise in the community and to prohibit unnecessary, excessive and annoying noises from all sources subject to its police power.

(Ord. No. 30533, § 1, 5-20-91)

Sec. 21-205. - Definitions.

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

Motor vehicle means every vehicle defined as a motor vehicle by section 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 the health or safety of persons within the city, or annoys or disturbs persons within the city; and
- (2) Can be heard clearly by a person using his or her unaided hearing faculties. Specific examples of prohibited noise disturbances are set forth in section 21-207 of this Code.

Public property means any real property owned or controlled by the city or any other governmental entity.

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 to single-family, multifamily and residential mixed density zoning district classifications.

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 finite speed. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

(Ord. No. 30533, § 1, 5-20-91; Ord. No. 37350, § 3, 4-3-06; Ord. No. 38657, § 1, 12-7-09)

Sec. 21-206. - Noise disturbances—Prohibited generally.

It shall be a Class 2 misdemeanor and a public nuisance for any person to willfully make, permit, continue or cause to be made, permitted or continued any noise disturbance, including those set forth in section 21-207.

(Ord. No. 30533, § 1, 5-20-91; Ord. No. 38657, § 1, 12-7-09)

Sec. 21-207. - Same—Specific prohibitions.

Subject to the exceptions provided in section 21-208, any of the following acts, or the causing or permitting thereof, among others, is declared to be a noise disturbance constituting a Class 2 misdemeanor and a public nuisance, but such enumeration shall not be deemed to be exclusive:

- (1) Radios, television sets, musical instruments and similar devices. 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 a manner as to permit sound to be heard across a residential real property boundary;
 - b. 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; or
 - c. Between the hours of 8:00 a.m. and 10:00 p.m. in such a manner as to permit sound to be heard on residential property more than fifty (50) feet from the boundary line of its source.
- (2) *Loudspeakers, public address systems and sound trucks.*
 - a. 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 purpose; or
 - b. Using, operating or permitting the operation of any loudspeaker, public address system, mobile sound vehicle or similar device amplifying sound therefrom for any noncommercial purpose between the hours of 10:00 p.m. and 8:00 a.m. such that the sound therefrom creates a noise disturbance across a residential real property boundary.
- (3) *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.
- (4) *Explosives, fireworks and similar devices.* Using or firing any explosives, fireworks or similar devices which create impulsive sound so as to create a noise disturbance across a real property boundary or on any public right-of-way or public property between the hours of 10:00 p.m. and 8:00 a.m.
- (5) *Yelling, shouting, etc.* Yelling, shouting, whistling or singing between the hours of 10:00 p.m. and 8:00 a.m. so as to create a noise disturbance across a residential real property boundary or on a public right-of-way or public property.
- (6) *Schools, public buildings, churches and hospitals.* The creation of any noise disturbance within any school, court, public building, church or hospital or on the grounds thereof.

(Ord. No. 30533, § 1, 5-20-91; Ord. No. 37673, § 1, 2-5-07)

Sec. 21-208. - Same—Exceptions.

Sections 21-206 and 21-207 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) Any speech of any kind.
- (3) Noncommercial public speaking and public assembly activities conducted on any public right-of-way or public property for which a permit has been issued by the city.
- (4) Radios, sirens, horns and bells on police, fire or other emergency response vehicles.
- (5) Parades, fireworks, school-related activities and other special events or activities for which a permit has been issued by the city, within such hours as may be imposed as a condition for the issuance of the permit.

- (6) Activities on or in municipal and school athletic facilities and on or in publicly owned property and facilities, provided that such activity has been authorized by the owner of such property or facilities or its agent.
- (7) Fire alarms and burglar alarms, prior to the giving of notice and a reasonable opportunity for the owner or tenant in possession of the premises served by any such alarm to turn off the alarm.
- (8) Religious services, religious events or religious activities, including, but not limited to music, bells, chimes and organs which are a part of such service, event or activity.
- (9) Locomotives and other railroad equipment and aircraft.
- (10) The striking of clocks.

(Ord. No. 30533, § 1, 5-20-91)