

ARTICLE VI. - NOISE^[5]

Footnotes:

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Cross reference— *Sound truck for advertising, § 18-136 et seq.*

Sec. 34-186. - 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 noise from all sources subject to its police power.

(Code 1976, § 18-7.1(a); Ord. No. 37-93, 6-16-1993)

Sec. 34-187. - 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:

Motor vehicle means every vehicle defined as a motor vehicle by Code of Virginia, § 46.2-100.

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 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, that separates the real property owned or leased by one person from that owned or leased by another person.

Residential has reference to single-family, two-family and multifamily zoning district classifications (RR, R-1, R-2, R-3, R-6, R-10, R-16 or R-24), pursuant to chapter 98 of this Code.

Sound means an oscillation in pressure, particle displacement, particle velocity, or other physical parameter, in a medium with internal forces that causes compression and rarefactions 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.

(Code 1976, § 18-7.1(b); Ord. No. 37-93, 6-16-1993; Ord. No. 10-O-003, 1-6-2010)

Cross reference— Definitions generally, § 1-2.

Sec. 34-188. - 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 excessive noise.

(Ord. No. 37-93, 6-16-1993; Ord. No. 10-O-003, 1-6-2010)

Sec. 34-189. - Specific prohibitions.

Subject to the exceptions provided in section 34-190, any of the following acts, or the causing or permitting of such acts, among others, is declared to be excessive noise constituting a class 2 misdemeanor and a public nuisance:

- (1) *Radios, television sets, musical instruments, 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. In such manner or with such volume as to permit sound to be heard across a residential real property boundary; or across a commercial real property boundary; or through partition walls common to two dwelling units within a building; or that is plainly audible at a distance of 50 feet or more from the building in which it is located; or that is plainly audible at a distance of 50 feet or more from its source; or
 - b. 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 50 feet from its source.
- (2) *Loudspeakers, public address systems, sound trucks.* Using, operating or permitting the operation of any loudspeaker, public address system, mobile sound vehicle or similar device amplifying sound therefrom:
 - a. On a public right-of-way or public property for any commercial property for any commercial purpose; or
 - b. For any noncommercial purpose between the hours of 10:00 p.m. and 8:00 a.m. such that the sound can be heard across a residential real property boundary; or across a commercial real property boundary; or through partition walls common to two dwelling units within a building; or that is plainly audible at a distance of 50 feet or more from the building in which it is located; or that is plainly audible at a distance of 50 feet or more from its source.
- (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) *Yelling, shouting, etc.* Yelling, shouting, whistling or singing between the hours of 10:00 p.m. and 8:00 a.m. so as to permit the sound to be heard across a residential real property boundary; or across a commercial real property boundary; or through partition walls common to two dwelling units within a building; or that is plainly audible at a distance of 50 feet or more from the building in which it is located; or that is plainly audible at a distance of 50 feet or more from its source; or on a public right-of-way or public property.
- (5) *Schools, public buildings, churches, hospitals.* The creation of any excessive noise within any school, institution of learning, court, public building, church or hospital, or on their grounds thereof or on any adjacent street.
- (6) *Animals.* Keeping any animal that, by causing frequent or long-continued noise, that can be heard across a residential real property boundary; or across a commercial real property boundary; or through partition walls common to two dwelling units within a building; or that is plainly audible at a distance of 50 feet or more from the building in which it is located; or that is plainly audible at a distance of 50 feet or more from its source.
- (7) *Vehicles.* Using any automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise that is plainly audible at a distance of 50 feet or more from its source.
- (8) *Exhaust noises.* Discharging into the open air the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, or motorboat engine except through a muffler or other device that will effectively prevent loud or explosive noises from such engine.
- (9)

Commercial or industrial business. Operating, loading or unloading any vehicle, including, but not limited to, trucks, or the opening of bales, boxes, crates or containers in the outdoors in zones other than industrial within 100 yards of a lawfully occupied dwelling between the hours of 10:00 p.m. and 6:00 a.m.

- (10) *Construction noise.* Operating or causing to be operated between the hours of 10:00 p.m. and 6:00 a.m., any equipment used in the construction, repair, alteration or demolition work on buildings, structures, alleys, or appurtenances thereto in the outdoors in any zoning district within 100 yards of a lawfully occupied dwelling. 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 the restoration of services.

(Code 1976, § 18-7.1(d)(1)—(6); Ord. No. 37-93, 6-16-1993; Ord. No. 10-O-003, 1-6-2010)

Sec. 34-190. - Exceptions.

Sections 34-188 and 34-189 shall have no application to any sound generated by any of the following:

- (1) Sound necessary for the protection or preservation of property or the health, safety, life or limb of any person.
- (2) Any speech protected by the laws of the United States or the state.
- (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 a 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 his 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 that are a part of such service, event or activity.
- (9) Locomotives and other related railroad equipment and aircraft.
- (10) The striking of clocks.

(Code 1976, § 18-7.1(d)(7); Ord. No. 37-93, 6-16-1993)

Secs. 34-191—34-220. - Reserved.