

# Noise Ordinances





# Intent of Noise Ordinance Revisions

The intent of any noise ordinance should be to protect, preserve and promote the public health, safety and welfare by minimizing the exposure of citizens to the physiological and psychological harm of excessive noise.

Noise produced by human activities has been increasingly recognized as a serious and growing environmental and health problem. Noise pollution has been implicated in a variety of health disorders, ranging from stress and hypertension to permanent hearing loss.

City Code must be objective, reasonable, and clear

City Code must be tailored to fit the enforcement needs of the community as a whole while remaining constitutionally legal

-----Should include input from citizens and the police department

City Code must be enforceable



# Key Facts to Remember

The Code of Virginia does nothing to regulate stereo noise coming from vehicles.

The Code of Virginia does not currently allow law enforcement officers to stop a vehicle for a defective (loud) muffler as the primary offense.

## EXAMPLE OF CODE SECTION LANGUAGE:

46.2-1049 (Exhaust) This code section specifically states: “No law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.”

This is the same language used in the Code of Virginia for expired inspection stickers, seat belt usage, defective or inoperable lights, and window tint.

Applying the same principal to stereo noise from a vehicle (secondary violation enforcement only) is a logical and reasonable approach.

§ 15.2-980. (Effective October 1, 2021) Civil penalties for violations of noise ordinances.

Any locality may, by ordinance, adopt a uniform schedule of civil penalties for violations of that locality's noise ordinance. This provision shall not apply to noise generated in connection with the business being performed on industrial property. Civil fines will not exceed \$250 for the first offense and \$500 for each subsequent offense.



# Commonly Utilized Definitions to Remember

**Property Boundary:** An imaginary line along the ground surface, and its vertical extension, which separates the real property owned, leased or otherwise legally controlled by one (1) person from that owned, leased or otherwise legally controlled by another person, including intra-building real property divisions. (Inter means existing between, while intra means within or on the inside)

**Residential** 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.

**Public Property:** Any real property owned or controlled by the City or any other governmental entity.

**Public Right-of-Way:** Any street, avenue, boulevard, highway, sidewalk or alley.

**Sound:** 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.

**Noise:** Any audible sound which annoys or disturbs humans or is unwanted or which causes or tends to cause an adverse psychological or physiological effect on humans. Unwanted sound that is considered unpleasant, loud or disruptive to hearing.

**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.



# Waynesboro City Code 50-50

## *Unnecessary or Excessive Noise:*

(2) *Radios, phonographs, etc.*—*Generally.* Using, operating or permitting to be played, used or operated any radio receiving set, tape recorder, musical instrument, phonograph or other device for the production or reproducing of sound in such a manner between the hours of 10:00 p.m. and 7:00 a.m. that the operation of any such device is plainly audible at a distance of at least 50 feet from the building, structure, property or vehicle in which it is located, or through partitions common to two or more dwelling units in a building. At all other times it shall be unlawful where the device is plainly audible from a vehicle at a distance of at least 200 feet from the vehicle.

(3) *Animals.* The keeping of any animal, except farm animals in agricultural districts, which shall be the source of any noise or sound that is plainly audible at least once a minute for ten consecutive minutes:

- a. Inside the confines of the dwelling unit, house or apartment of another; or
- b. At 50 feet or more from the animal.

(4) *Exhaust discharges.* The discharge into open air of the exhaust of any steam or diesel engine, stationary internal combustion engine, chain saw, power mower, motorboat or motor vehicle, except through a factory installed muffler, an exhaust system manufactured by an "after market" parts seller, or other device which will effectively prevent any noise or sound in excess of the noise or sound generated at the time the device was originally manufactured with a factory installed muffler. For the purposes of this section, all motor vehicles and motorcycles shall comply with Code of Virginia 1950, §§ 46.2-1049 and 46.2-1050 as amended. A muffler or exhaust system which has been illegally tampered with is not in good working order and constant operation and will be in violation of this section.

(6) *Yelling, shouting, etc.* No person on any public sidewalk, street or right-of-way or on any other publicly owned property or on any privately owned property shall engage in yelling, shouting, hooting, whistling, the playing of musical instruments or singing so as to be heard across a residential real property boundary or through partitions common to two or more dwelling units in a building, between the hours of 10:00 p.m. and 8:00 a.m.

*Penalties.* Any person violating any of the provisions of this section shall be punished as follows: shall be deemed guilty of a class 4 misdemeanor upon the first conviction thereof and shall be punished by a fine of \$100.00; upon a second conviction within a period of 12 months shall be deemed guilty of a class 4 misdemeanor and shall be punished by a fine of \$250.00; and upon any subsequent convictions within a period of 12 months from the first conviction, shall be deemed guilty of a class 3 misdemeanor, and shall be punished by a fine of \$500.00. Each calendar day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

# Roanoke City Code 21-57

(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.

(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.

# What Do Certain Decibel Levels Sound Like

- ▶ 130 decibels (jet taking off 200 ft away)
- ▶ 110 decibels (chainsaw)
- ▶ 100 decibels (construction site)
- ▶ 70-80 decibels (most portable generators from 23 feet away)
- ▶ 75 decibels (lawnmower)
- ▶ 70 decibels (vacuum)
- ▶ 60 decibels (normal conversation from 3 feet away)
- ▶ 40 decibels (whisper from 5 feet away)

According to NIOSH (National Institute for Occupational Safety and Health) 85 decibels (dBA) is safe for up to 8 hours. That is 8 hours over a 24-hour period. This means that you can be working in a factory or other occupation where the noise level is 85dBA for 8 hours and most people will be fine. However, if you then go to the shooting range or dancing at a loud club, or go into your workshop after work, you add more noise to the equation.

# What is Required to “Measure” Sound

§ 19.2-270.7. Determining decibel level of sound with proper equipment; certificate as to accuracy of equipment.

A law-enforcement officer may use equipment deemed proper pursuant to subsection C of § 2.2- 1112 to determine the decibel level of any sound, including noise. The results of such determinations shall be accepted as prima facie evidence of the decibel level of the sound in any court or legal proceeding where the decibel level of the sound is at issue. In any court or legal proceeding in which any question arises about the calibration or accuracy of such equipment used to determine the decibel level of sound, a certificate, or a true copy thereof, showing the calibration or testing for accuracy of the equipment, and when and by whom the calibration or test was made, shall be admissible as evidence of the facts therein stated. No calibration or testing of such equipment shall be valid for longer than 12 months.

A precision model (+ or -- 1.5decibels) with a wide frequency range can conservatively cost between \$300-\$800.





# Staunton City Codes

## 8.25.100, 8.25.110 and 8.25-190

No person shall operate or cause any source of sound in such a manner as to create a sound level in a residential zone, between the hours of 10:00p.m. and 6:00 a.m. local time, in excess of 65 dBA, when measured at any point on the receiving land.

No person shall operate, play, or permit the operation or playing of any radio, television, record, tape, or compact disc player, drum, musical instrument, or similar device in such a manner as to create excessive sound across a residence, apparent property boundary, or through partitions common to two dwelling units within a building in which it is located or when the excessive sound source is located within a motor vehicle and the excessive sound reaches a point a distance of 50 feet or more from its source.

“Excessive sound” means noise that exceeds 65 dBA unless otherwise specifically provided in this chapter.

8.25.190 **Entertainment area exception:** The foregoing sections notwithstanding, musical entertainment may be provided by businesses situated in the central business district as described herein. In such cases, the level of noise created by or from the musical entertainment shall not exceed 80 dBA as measured at any point 50 feet perpendicular to the apparent property boundary of the property from which the noise emanates; and, notwithstanding the foregoing, during the period beginning 11:30 p.m. local time and ending 9:00 a.m. local time, such noise shall not occur or extend beyond the interior of such businesses. “Musical entertainment” as used herein shall mean music made by what are commonly known as musical instruments, recordings of music, choral or vocal singings sponsored or provided by the business wherefrom the noise emanates.

# Harrisonburg City Code 15-3-2

(c)(2) *Sound-producing and sound-reproducing devices.* Except for commercial establishments located in areas zoned B-2, the use, operation or playing of any radio, phonograph, television, record, compact disc, tape, digital music, MP3 or DVD player, musical instrument, loudspeaker, sound amplifier or other machine or device capable of producing or reproducing sound, regardless of whether such sound-producing or sound-reproducing machine or device is located inside of a structure or outside of or on a structure, in such a manner or with such volume or duration that it is plainly audible between 10:00 p.m. and 7:00 a.m.:

- a. Inside the confines of the dwelling unit, house or apartment of another person; or
- b. In a residential area, at one hundred (100) or more feet from the device.

(c)(3) *Noisy animals.* Allowing any animal to cause any sound or noise such that it is plainly audible:

- a. Inside the confines of the dwelling unit, house or apartment of another person at least once a minute for ten (10) consecutive minutes; or
- b. At one hundred (100) or more feet from the animal at least once a minute for ten (10) consecutive minutes.

(c)(5) *Amplified sound from vehicles.* Playing, using or operating, or permitting the playing, use or operation of, any radio, stereo, tape player, compact disc player, MP3 player, loudspeaker or other electronic device or mechanical equipment used for the amplification of sound, which is located on or within a motor vehicle and which is plainly audible from outside the motor vehicle at a distance of fifty (50) feet or more. The provisions of this subsection shall not apply to the playing of music or jingles by an ice cream truck or similar mobile food service vehicle, provided such vehicle may emit sounds otherwise prohibited by this subsection only between the hours of 7:00 a.m. and 10:00 p.m.

# Harrisonburg Continued

*Multi-family structures:* In determining whether noise is plainly audible in subsections (c)(1), (c)(2), and (c)(3) above, in a structure used as a multi-family dwelling, the police department shall make such determination of noise from common areas within or outside the structure or from other dwelling units within the structure, when requested to do so by the owner or tenant in possession. Such determinations shall be made at a point at least four (4) feet from the wall, ceiling, or floor nearest to the noise source, with doors to the receiving area closed and windows in the normal position for the season.

(d) *Maximum sound levels:* In addition to, and not in limitation of the specific prohibitions of section (c) above, no person shall operate or permit to be operated any noise source which generates a sound level exceeding the limits set forth in this subsection.

(1) *Nighttime.* No person shall permit, operate or cause any source of sound to create a sound level in excess of fifty-five (55) dBA when measured at or outside the property boundary between the hours 10:00 p.m. and 7:00 a.m.

(2) *Daytime.* No person shall permit, operate or cause any source of sound to create a sound level in excess of sixty-five (65) dBA when measured at or outside the property boundary between the hours 7:00 a.m. and 10:00 p.m.

(3) *Measurements in multifamily structures.* In a structure used as a multifamily dwelling 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 owner or tenant 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.

(e) *Sound levels; restaurants.* No person shall permit, operate or cause any source of sound to create a sound level emanating from a restaurant during operating hours in excess of sixty-five (65) dBA when measured at or outside the property boundary.

# Charlottesville City Code 16-8

## Maximum sound levels in residential zones

**Nighttime.** No person shall permit, operate or cause any source of sound to create a sound level in a residential zone or within any residential building during the hours between 10:00 p.m. and 6:00 a.m. in excess of fifty-five (55) dB(A) when measured at or outside the property boundary.

**Daytime.** No person shall permit, operate or cause any source of sound to create a sound level 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 sixty-five (65) dB(A) when measured at or outside the property boundary.

**Measurements in multifamily structures.** In a structure used as a multifamily dwelling 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 owner or tenant 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.



# Charlottesville City Code 16-9

## Sec. 16-9. 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:

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

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

(c) Notwithstanding any other provisions of this section or provisions of this chapter related to noise, 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 manner as to disturb the peace, quiet and comfort of passersby or other persons outside of the subject motor vehicle. The operation of any such machine or device between the hours of 10:00 p.m. and 6:00 a.m. 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 shall be prima facie evidence of a violation of this section. Such acts for purposes of this subsection are hereby found to be the creation of unreasonably loud, disturbing and unnecessary noise in the city.

# Charlottesville City Code 16-10 and 16-11

## Sound Levels; Downtown Business District (16-10)

- (a) In the Downtown Business District, it shall be unlawful for any person to make, cause or continue any sound generation in such a manner as to unreasonably disturb the comfort, health, peace, quiet, safety, or welfare of others.
- (b) The use or operation of any instrument, machine, device or human voice to cause a sound generation of **seventy-five (75) db(A) or more at a distance of ten (10) feet or more from the source** of the sound generation shall constitute prima facie evidence of a violation of section 16-10 (a) above.
- (c) The prohibitions set forth within this section shall not apply to any sound generation which occurs:
  - (1) As part of a "community event," as that term is defined within City Code section 28-29(c); or
  - (2) [*Reserved*];
  - (3) As part of any emergency signal device, such as a gong, bell, siren, whistle, or horn, or any similar device for the purposes set forth within section 16-6; or
  - (4) From public and private transportation, refuse collection and sanitation services.
- (d) Sound generation from a special event, conducted in accordance with a valid permit issued by the city in accordance with the city's special events regulations, shall be in compliance with the noise level and sound amplification requirements set forth in the permit for that special event, in lieu of the prohibitions set forth within this section.

## Sound Levels; **Restaurants and music halls** (16-11)

No person shall permit, operate or cause any amplified sound to create a sound level emanating from a restaurant or music hall during the hours between **11:00 p.m. and 6:00 a.m. in excess of seventy-five (75) dB(A) (fifty-five (55) dB(A) in the Neighborhood Commercial Corridor district, described at City Code section 34-541) when measured at a residential property boundary.**



# Virginia Beach

Sec. 23-69

**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 and windows to the receiving area closed.

**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 and windows to the receiving area closed.

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 indoor common areas or other dwelling units within the structure , when requested to do so by a 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 door nearest the noise source, with doors and windows to the receiving area closed.

# Virginia Beach Continued

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:

(d) Audio and audio-visual devices, musical instruments, amplified sound etc., excluding those in motor vehicles. The playing or operation of any television, boombox, stereo, phonograph, radio, tape player, compact disc player, MP3 player, video player, musical instrument, drum, amplifier or any other device that produces, reproduces or amplifies sound except for those located in motor vehicles, where the sound, when measured in any public area including but not limited to any public street or sidewalk, or from other private property between the hours of 7:00 a.m. and 11:00 p.m. exceeds eighty (80) dB(A), or between the hours of 11:00 p.m. and 7:00 a.m. exceeds seventy-five (75) dB(A); 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.

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 7:00 a.m. and 11:00 p.m. in excess of eighty (80) dB(A), or between 11:00 p.m. and 7:00 a.m. in excess of seventy-five (75) dB(A) when measured from any public area including, but not limited to, any public streets or sidewalks, or other private property.





# Something to Consider Adding

## Sec. 26-127. - Citizen enforcement.

Any citizen having sufficient evidence of violation of one or more of the prohibitions set out in sections 26- 124 through 26-126 above may present such evidence and make affidavit to the Magistrate and request issuance of a summons or warrant based thereon. Corroboration of the alleged violation by the police department or the administrator shall not be necessary in order for a citizen to pursue a summons or warrant against another person for such violation. In no event shall this section be construed as a limitation or restriction of any person's right to access the courts or to seek the abatement of violations of this article by any lawful means.

## 15-9 Unnecessary Noises Enumerated

2. Any citizen having sufficient evidence of violation of one or more of the prohibitions set out in the section above may present such evidence and make affidavit to the Magistrate and request issuance of a summons or warrant based thereon. Corroboration of the alleged violation by the sheriff's department or the animal control officers shall not be necessary in order for a citizen to pursue a summons or warrant against another person for such violation. In no event shall this section be construed as a limitation or restriction of any person's right to access the courts or to seek the abatement of violations of this article by any lawful means.

LOCALITY	NIGHT TIME RESTRICTIONS	DAY TIME RESTRICTIONS	RESTRICTIONS ON ANIMALS	RESTRICTIONS ON BUSINESSES	RESTRICTIONS ON VEHICLES
WAYNESBORO	RADIOS, PHONOGRAPHS, ETC. 10PM-7AM PLAINLY AUDIBLE AT A DISTANCE OF 50 FEET FROM WHERE THE NOISE IS LOCATED.  YELLING AND SHOUTING 10PM-8AM ACROSS A RESIDENTIAL REAL PROPERTY BOUNDARY		ANY TIME OF THE DAY OR NIGHT PLAINLY AUDIBLE AT LEAST ONCE A MINUTE FOR TEN CONSECUTIVE MINUTES INSIDE A DWELLING UNIT OR 50 FEET OR MORE FROM THE ANIMAL	10PM-6AM IN SUCH A MANNER AS TO CREATE LOUD AND DISTURBING NOISES OF SUCH FREQUENCY AND VOLUME TO ANNOY OR DISTURB THE QUIET IN ANY TYPE OF RESIDENCE (PUBLIC NUISANCE)	7AM-10PM. RADIO NOISE MORE THAN 200 FEET FROM A VEHICLE
ROANOKE	RADIOS, TVS, ETC. 10PM-8AM ACROSS A RESIDENTIAL REAL PROPERTY BOUNDARY  YELLING AND SHOUTING 10PM-8AM ACROSS A RESIDENTIAL REAL PROPERTY BOUNDARY OR ON PUBLIC PROPERTY	RADIOS, TVS, ETC. 8AM-10PM ON RESIDENTIAL PROPERTY MORE THAN 50FT FROM THE BOUNDARY LINE OF ITS SOURCE	EXCESSIVELY MAKES DISTURBING NOISES INCLUDING, BUT NOT LIMITED TO, CONTINUED OR REPEATED HOWLING, BARKING, WHINNING, OR OTHER UTTERANCES CAUSING UNREASONABLE ANNOYANCE, DISTURBANCE OR DISCOMFORT TO NEIGHBORS OR OTHERS IN CLOSE PROXIMITY TO THE PREMISES WHERE THE ANIMAL IS KEPT OR HARBORED.	RADIOS, TVS, ETC. 10PM-8AM ACROSS A RESIDENTIAL REAL PROPERTY BOUNDARY  RADIOS, TVS, ETC. 8AM-10PM ON RESIDENTIAL PROPERTY MORE THAN 50FT FROM THE BOUNDARY LINE OF ITS SOURCE	SOURCE IS LOCATED IN A MOTOR VEHICLE ON PUBLIC PROPERTY AND CAN BE HEARD MORE THAN 50 FEET FROM ITS SOURCE
STAUNTON	RADIOS, TVS, ETC. IN SUCH A MANNER AS TO CREATE EXCESSIVE SOUND ACROSS A RESIDENCE, APPARENT PROPERTY BOUNDARY OR THROUGH PARTITIONS COMMON TO TWO DWELLING UNITS WITHIN A BUILDING  10PM-6AM IN EXCESS OF 65dBA WHEN MEASURED ON THE RECEIVING LAND	RADIOS, TVS, ETC. IN SUCH A MANNER AS TO CREATE EXCESSIVE SOUND ACROSS A RESIDENCE, APPARENT PROPERTY BOUNDARY OR THROUGH PARTITIONS COMMON TO TWO DWELLING UNITS WITHIN A BUILDING  EXCESSIVE SOUND IS NOISE THAT EXCEEDS 65dBA UNLESS OTHERWISE SPECIFIED	NO PERSON SHAL HAVE OR KEEP ANY ANIMAL OR BIRD WHICH BY MAKING OR CAUSING EXCESSIVE SOUND, SHALL DISTURB THE COMFORT AND REPOSE OF ANY PERSON IN THE VICINITY	80dBA AT ANY POINT 50 FEET PERPENDICULAR TO THE APPARENT BOUNDARY OF THE PROPERTY FROM WHICH THE NOISE EMANATES. FROM 1130PM-0900 AM THE NOISE SHOULD NOT EXTEND BEYOND THE INTERIOR OF THE BUSINESS.	SOURCE IS LOCATED IN A MOTOR VEHICLE AT A DISTANCE OF MORE THAN 50 FEET FROM ITS SOURCE
AUGUSTA COUNTY	SOURCE OF SOUND EXCEEDS 65dBA WHEN MEASURED AT OR OUTSIDE THE PROPERTY BOUNDARY FROM WHICH THE SOUND EMANATES, DURING THE HOURS OF 11PM-6AM	SOUND PRODUCING AND SOUND-REPRODUCING DEVICES OPERATED IN SUCH A MANNER OR WITH SUCH VOLUME THAT IT EXCEEDS 65dBA AT THE PROPERTY LINE FROM WHICH THE SOUND EMANATES	IN A RESIDENTIAL AREA BETWEEN 12AM-6AM WHICH LOUD, HABITUAL BARKING OR HOWLING OR OTHER CONDUCT IS HEARD OR OBSERVED BY THE ACO, LAW ENFORCEMENT, OR OTHER PERSON IS HEREBY DECLARED TO BE A PUBLIC NUISANCE	SOUND PRODUCING AND SOUND-REPRODUCING DEVICES OPERATED IN SUCH A MANNER OR WITH SUCH VOLUME THAT IT EXCEEDS 65dBA AT THE PROPERTY LINE FROM WHICH THE SOUND EMANATES	NOISE THAT EXCEEDS 65dBA AT ANY TIME OF THE DAY OR NIGHT IS A VIOLATION
CHARLOTTESVILLE	10PM-6AM IN EXCESS OF 55dBA WHEN MEASURED AT OR OUTSIDE THE PROPERTY BOUNDARY	6AM-10PM IN EXCESS OF 65dBA WHEN MEASURED AT OR OUTSIDE THE PROPERTY BOUNDARY	KEEPING OF ANY DOG WHICH, BY LOUD, FREQUENT OR HABITUAL BARKING OR HOWLING SHALL CAUSE ANNOYANCE AND DISTURB THE PEACE AND QUIET OF ANY PERSON OR NEIGHBORHOOD	75dBA BETWEEN 11PM-6AM WHEN MEASURED AT A RESIDENTIAL PROPERTY BOUNDARY	100 FEET OR MORE FROM THE VEHICLE BETWEEN THE HOURS OF 10PM AND 6AM
VIRGINIA BEACH	10PM-7AM IN EXCESS OF 55dBA WHEN MEASURED INSIDE A RESIDENCE AT LEAST 4 FEET FROM THE WALL NEAREST THE SOURCE, WITH THE DOORS AND WINDOWS CLOSED	7AM-10PM IN EXCESS OF 65dBA WHEN MEASURED INSIDE A RESIDENCE AT LEAST 4 FEET FROM THE WALL NEAREST THE SOURCE, WITH THE DOORS AND WINDOWS CLOSED	UNLAWFUL FOR ANY PERSON TO KEEP A DOG WITHOUT EXERCISING PROPER CARE AND CONTROL OF SUCH DOG TO PREVENT IT FROM DISTURBING THE PEACE OF OTHERS BY BARKING, WHINING, HOWLING, OR CRYING WITHOUT PROVOCATION IN A LOUD, CONTINUOUS AND UNTIMELY MANNER.	80dBA BETWEEN 7AM-11PM  75dBA BETWEEN 11PM-7AM WHEN MEASURED FROM ANY PUBLIC AREA OR PRIVATE PROPERTY	ON PUBLIC OR PRIVATE PROPERTY IN SUCH A MANNER AS TO BE AUDIBLE AND DISCERNABLE AT A DISTANCE OF 100 OR MORE FEET FROM THE VEHICLE IN WHICH IT IS LOCATED











# Suggestions

Radios, phonographs, etc.—Generally. Using, operating or permitting to be played, used, or operated any radio receiving set, tape recorder, musical instrument, phonograph, television, or other device for the production or reproducing of sound in such a manner that the operation of any such device is:

- (1) Plainly audible at a distance of 100 feet or more from the building, structure, property, or vehicle from which the noise is emanating; or
- (2) Plainly audible through partitions common to two or more dwelling units in a building at a distance of four (4) feet from the wall, ceiling, or floor closest to the noise source.

Animals. The keeping of any animal, except farm animals in agricultural districts, which shall be the source of any noise at least once a minute for five consecutive minutes:

- (1) Inside the confines of the dwelling unit, house or apartment of another; or
- (2) At a distance of 50 feet or more from the animal that is the noise source.

*Other noises.* Refuse collection and sanitation services; activities related to the construction, repair, maintenance, remodeling or demolition, grading, or other improvements of real property; and gardening, lawn care, tree maintenance, or removal and other landscaping activities; between 10 p.m. and 7 a.m.



**Limitations:**

Except for those business activities which are expressly subject to the provisions of this article, this article shall not apply to business or industrial noises made in conjunction with a lawfully operated and lawfully located business or industry in the City of Waynesboro. Notwithstanding the foregoing, nothing in this article shall be construed to impair or limit in any way the power of the city to define and declare nuisances concerning business or industrial noise, and to cause their removal or abatement according to the provisions of chapter 38 of this Code.

**Penalties:**

Any violations of the provisions of this section shall be punishable as follows: shall be deemed guilty of a class 4 misdemeanor upon the first conviction thereof and shall be punished by a fine of not more than \$250.00; upon a second or subsequent conviction within a period of 12 months shall be deemed guilty of a class 3 misdemeanor and shall be punished by a fine of not more than \$500.00 for each offense; Each calendar day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. (Code of Virginia §15.2-980)

Any citizen having sufficient evidence of a violation of one or more of the prohibitions set out in the section above may present such evidence and make an affidavit to the Magistrate and request issuance of a summons or warrant based thereon. Corroboration of the alleged violation by the Waynesboro Police Department or the Animal Control Officer shall not be necessary for a citizen to pursue a summons or warrant against another person for such violation. In no event shall this section be construed as a limitation or restriction of any person's right to access the courts or to seek the abatement of violations of this article by any lawful means.



# Public Nuisance Code Section

Waynesboro City Code 38-12 (Heath, Sanitation, and Nuisances Definitions)

*Public nuisance:* A nuisance which is common to the public generally and which injures those citizens generally who may be so circumstanced as to come within its influence. A nuisance shall be deemed to be public if it is committed in such a place and in such a manner that the aggregation of private persons injured thereby is sufficiently great and unreasonable so as to constitute a public annoyance and inconvenience. The existence of any of the following activities or conditions is hereby declared to be a public nuisance, provided, however, this enumeration shall not be deemed or construed to be conclusive, limiting, or restrictive:

City Code 38-12 (Section 7) The creation and continuation of loud and disturbing noises associated with a business activity of such character, intensity or duration as to otherwise constitute a public nuisance under the provisions of the first two sentences of this section above, provided that such noises that constitute an authorized use in the zoning district in which they occur under [chapter 98](#) of this Code and do not unreasonably exceed the property line of the parcel of land on which the noise originates shall not be deemed to constitute a violation of this section or a public nuisance under this Code:

Notwithstanding the foregoing, the operation of any garage, filling station, auto repair business, taxi business, plant, store, factory or other place of business, between the hours of 10:00 p.m. and 6:00 a.m., in such manner as to create loud and disturbing noises of such frequency or such volume as to annoy or disturb the quiet and comfort of any citizen, and particularly the creating of disturbing noises of such frequency and volume as to annoy or disturb the quiet, comfort or repose of any person in any dwelling, hotel, boardinghouse or other type of residence.