

## ARTICLE V. - NOISE CONTROL

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### **Sec. 12-70. - Declaration of findings and policy.**

City council hereby finds and declares that excessive noise is a serious hazard to the public health, welfare, peace and safety and the quality of life. It is, therefore, the policy of the city and the purpose of this article to prevent such excessive noise.

*(Ord. No. 09-10, 8-13-09; Ord. No. 09-16, 11-12-09)*

### **Sec. 12-71. - Definitions.**

As used in this article, the following words and phrases shall have the following meanings:

*A-weighted sound level.* 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).

*Commercial area.* Property zoned for business use.

*Dwelling unit.* One or more rooms arranged, designed or intended to be occupied as separate living quarters by one or more persons and including permanent provisions for living, sleeping, eating, cooking and sanitation.

*Emergency.* Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

*Excessive noise.* Any sound which disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

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

*Person.* Any individual, firm, owner, sole proprietorship, partnership, limited liability company, corporation, unincorporated association, governmental body, municipal corporation, executor, administrator, trustee, guardian, agent, occupant or other legal entity.

*Plainly audible.* Any sound, other than unamplified human conversation that can be detected by a person using his or her unaided hearing faculties.

*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.

*Real property line.* An imaginary line along the ground surface and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

*Residential area.* Any property zoned for residential use.

*Sound.* 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. The description of sound may include any characteristics of such sound, including duration, intensity and frequency.

*(Ord. No. 09-10, 8-13-09; Ord. No. 09-16, 11-12-09)*

## **Sec. 12-72. - Specific prohibitions.**

The following acts, or the causing or permitting thereof, among others, are declared to be excessive noise and are a violation of this article:

*(1) Radios, television sets, musical instruments and similar devices.*

Operating, playing or permitting the operation or playing of any radio, television, compact disc player, or other sound reproduction device, or any drum, musical instrument, or similar device between the hours of 11:00 p.m. and 7:00 a.m.:

- a. In such a manner as to permit sound to be plainly audible across a residential real property line or through partitions common to two dwelling units within a building; or
- b. When the sound is plainly audible at a distance of 50 feet or more from its source.

*(2) 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 11:00 p.m. and 7:00 a.m. in such a manner as to permit sound to be plainly audible across a residential real property line, or through partitions common to two dwelling units within a building.

*(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) *Portable personal sound reproduction equipment.* Self-contained, portable, hand-held music or sound amplification or reproduction equipment shall not be operated on a public space or public right-of-way in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator between the hours of 7:00 a.m. and 11:00 p.m. Between the hours of 11:00 p.m. and 7:00 a.m., sound from such equipment shall not be plainly audible to any person other than the operator.

(5) *Vehicles.* Operation of a motor vehicle or operation of a motorcycle within the city that creates mechanical or exhaust noise that is plainly audible at a distance of 200 feet or more from the vehicle. Operation of sound amplifying equipment in a motor vehicle at a volume plainly audible at a distance of 50 feet from the vehicle.

(6) *Yelling, shouting, etc.* Yelling, shouting, and other vocal sounds in excess of a normal conversational level, whistling or singing, any of which occurs between the hours of 11:00 p.m. and 7:00 a.m. so as to create a plainly audible sound across a residential real property line or on a public right-of-way or public property, or that is plainly audible to an occupant of a dwelling unit within a building other than an occupant of the unit from which such sound emanates.

(7) *Schools, public buildings, places of worship, and hospitals.* The creation of any noise on the grounds of any school, court, public building, place of worship, or hospital 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.

(8) *Large party nuisance.* Plainly audible sound between the hours of 11:00 p.m. and 7:00 a.m. that continues unabated for 30 minutes or more, and emanates from a gathering of ten or more people where the gathering is not completely contained within a structure, but spills outdoors into balconies, yards, common areas, parking lots, or other outdoor spaces and is plainly audible across a property line.

(9) *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 city manager. In considering the granting, conditioning, or denial of the permit, the city 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.

(10) *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 equipment.

(11) *Refuse collection vehicle operation.* The operation of a refuse collection vehicle within 100 feet of a residence between the hours of 11:00 p.m. and 7:00 a.m.

(Ord. No. 09-10, 8-13-09; Ord. No. 09-16, 11-12-09)

**Sec. 12-73. - Prohibited noise, generally.**

Maximum sound pressure levels. In addition to, and not in limitation of the specific prohibitions of [section 12-72](#), no person shall operate or permit to be operated any noise source which generates a sound pressure level exceeding the limits set forth in the following tables when measured at or outside the property boundary of the noise source or at any point within any other property affected by the noise. When a noise source can be identified and its noise measured in more than one district classification, the limits of the most restrictive classification shall apply.

MAXIMUM SOUND PRESSURE LEVELS

(a) *Outdoors.*

Receiving Property Category	Residential Property or Residential Portion of a Multi-Use Property		Non-Residential Facility Including Non-Residential Portion of Multi-Use Facility
Time	7 a.m.–11 p.m.	11 p.m.–7 a.m.	24 hours
Maximum A-Weighted sound level standard, dB	65	55	65

(b) *Indoors.*

Receiving Property Category	Residential Property or Residential Portion of a Multi-Use Property		Non-residential Facility Including Non-Residential Portion of Multi-Use Facility
Time	7 a.m.–11 p.m.	11 p.m.–7 a.m.	24 hours
Maximum A-Weighted sound level standard, dB	55	50	55

Measurements in multi-family structures. In a structure used as a multi-family dwelling the police department may take measurements to determine such 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 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.

(c) *On public streets and sidewalks.*

(1) Between the hours of 7:00 a.m. and 11:00 p.m., Monday through Sunday, no sound generation shall result in sound having a volume of 75 db(A) or more, at a distance greater than 10 feet from the place at which the sound is being generated or produced, for an aggregate duration of time greater than 60 seconds in any one hour period. Any sound that is plainly audible above the background noise level to a person of normal hearing acuity at a distance greater than 50 feet from the place at which the sound is being generated or produced shall be presumed to exceed 75 db(A) at 10 feet of distance and thus violate this subsection, and the burden shall be on the person responsible for such sound generation to prove otherwise.

(2) Between the hours of 11:00 p.m. and 7:00 a.m., no sound generation shall exceed a volume of 65 db(A) at a distance greater than 10 feet from the place at which the sound is being generated or produced, for an aggregate duration of 60 seconds between such hours. Any sound that is plainly audible above the background noise level to a person of normal hearing acuity at a distance greater than 50 feet from the place at which the sound is being generated or produced shall be presumed to exceed 65 db(A) at 10 feet of distance and thus violate this subsection, and the burden shall be on the person responsible for such sound generation to prove otherwise.

*(Ord. No. 09-10, 8-13-09; Ord. No. 09-16, 11-12-09)*

**Sec. 12-74. - Testing of metering devices.**

In order to implement and enforce this article effectively, the chief of police shall within a reasonable time after the effective date of this article, develop and promulgate standards and procedures for testing and validating sound level meters used in enforcement of this article.

*(Ord. No. 09-10, 8-13-09; Ord. No. 09-16, 11-12-09)*

**Sec. 12-75. - Exceptions.**

Sections 12-72 and 12-73 shall have no application to any sound generated by any of the following:

- (1) Military activities of the Commonwealth of Virginia or of the United States of America.
- (2) Activities on or in municipal, county, state, United States, or school athletic facilities, or on or in publicly owned property and facilities.
- (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; subject, however, to the terms of any special events permit issued under Article II, Chapter 9 of the Williamsburg Code.
- (5) 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.
- (6) Sound which is necessary for the protection or preservation of property or the health, safety, life or limb of any person, including sound generated by the normal operation of any air conditioning, refrigeration or heating equipment. However, as to any air conditioning, refrigeration or heating equipment found by the investigating police officer to exceed the maximum permissible sound pressure levels prescribed in Section 12-73 above, such equipment shall not fall within this exception unless within 15 days following receipt of a written notice of violation, a written certificate is provided to the chief of police, issued by a repair agent duly certified by the manufacturer of such equipment, certifying that based upon personal inspection of the equipment subsequent to the date of the notice of violation, the equipment was found to be correctly installed and operating properly.
- (7) Locomotives and other railroad equipment, and aircraft.
- (8) Household tools and lawnmowers and other lawn care equipment with manufacturer's recommended mufflers installed, between 7:00 a.m. and 7:00 p.m.
- (9) The striking of clocks
- (10) Lawful discharge of firearms
- (11) Landscaping activities and interpretative programs conducted by the Colonial Williamsburg Foundation in the Colonial Williamsburg Historic Area.
- (12) Any sound generation which occurs and within limits specified in a special permit, displayed at the place of sound generation, issued by the city manager pursuant to section 9-36, et seq. of the Williamsburg Code.

*(Ord. No. 09-10, 8-13-09; Ord. No. 09-16, 11-12-09)*

#### **Sec. 12-76. - Violations of article.**

Any person who violates sections 12-72 or 12-73 shall be deemed guilty of a Class 2 misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$300.00 for the first offense, \$500.00 for the second offense within a 12-month period. Any subsequent offense within the same 12-month period shall be punishable as a class 1 misdemeanor. Each day the violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

*(Ord. No. 09-10, 8-13-09; Ord. No. 09-16, 11-12-09)*

**Sec. 12-77. - Severability.**

Should any section, subsection, sentence, clause or phrase of this article be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the article in its entirety or of any part thereof other than that portion declared to be invalid.