

City Noise Ordinance Discussion

Open Forum

LETA

October 15, 2009





Background

- On April 17, 2009, Virginia Supreme Court struck down “reasonable person” based standard contained in previous noise ordinance
- In the interim (before adoption of revised ordinance), there was no enforceable regulation governing excessive noise
- City faced entering tourist season with no ordinance
- Revised ordinance utilizes sound pressure levels (decibel meter readings) and audible distance measurements to determine violations



Background

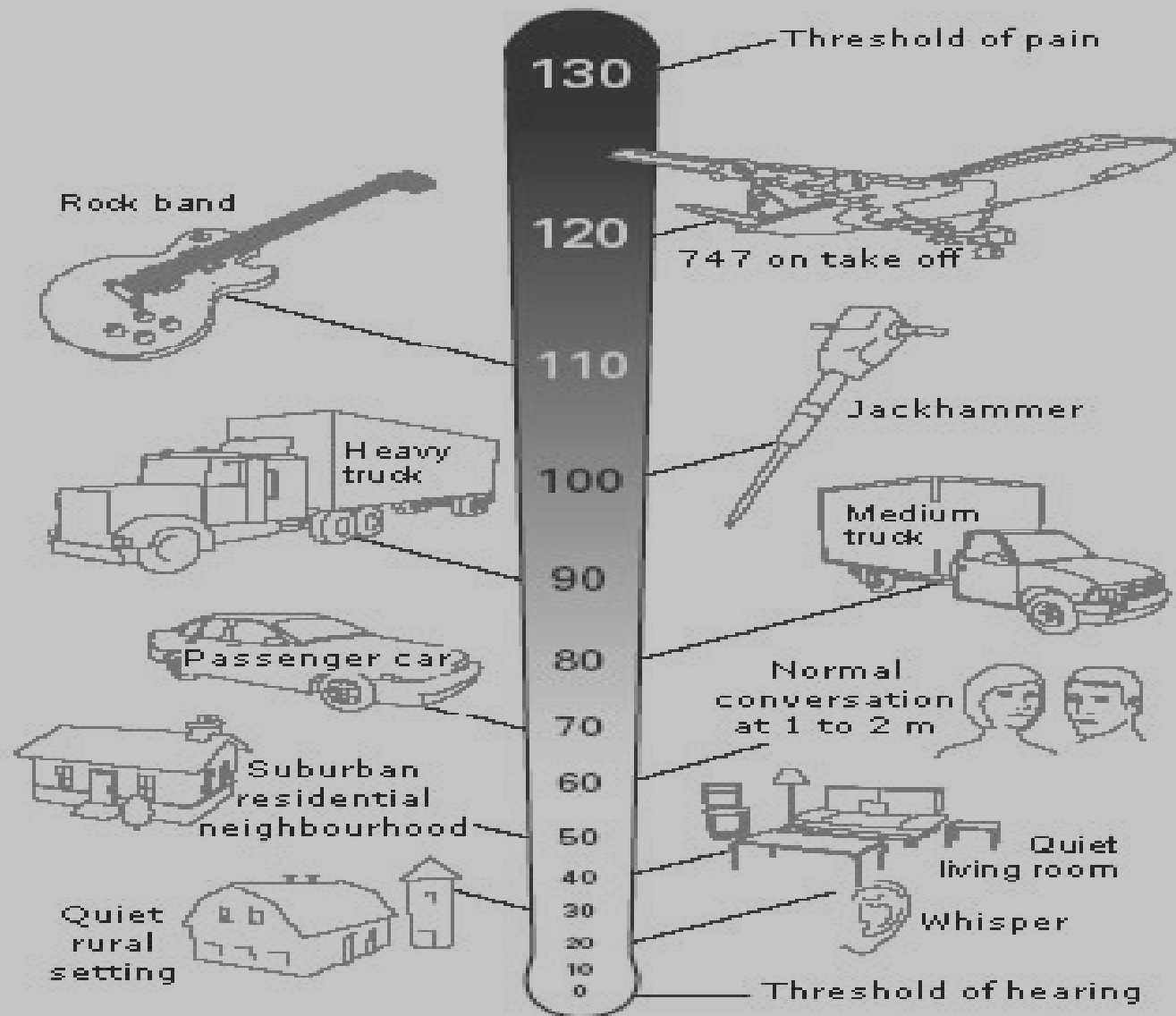
- Every locality in Virginia has a noise ordinance
- Revised ordinance has less restrictive decibel levels than other Hampton Roads cities
- Studies have shown excessive noise is a public health, welfare and quality of life issue
- Goal is to balance rights of noise creator and noise receiver
- Supreme Court noted regulation of noise is inherently difficult



Source Material

- Decibel- based ordinance utilized by City of Charlottesville
- Provisions drawn from model ordinance prepared by International Municipal Lawyers Association (“IMLA”)

DECIBEL SCALE (dBA)





§23-69 Residential Structures

- Daytime (7 a.m. – 10 p.m.) maximum 65 dBA
- Nighttime (10 p.m. – 7 a.m.) maximum 55dBA
- Measured inside structure, 4 feet from nearest wall, ceiling or floor; door closed, windows in normal seasonal position
- Applies both to homes and to temporary dwellings (hotel/motel rooms)
- Effectively requires citizen complaint



§23-70 Motor Vehicles

- Sliding scale based on vehicle type and speed limit of area
- Recognizes that some vehicles are, by their nature and design, louder than others and that sound levels change based on speed
- Also regulates sound generated by audio devices within vehicles

§ 23-71 Specific Prohibitions

<u>Sound Source</u>	<u>Limitation</u>	<u>Time</u>	<u>Specific Exceptions</u>
Vehicle Horns	10 consecutive seconds	All	Emergency
Non-emergency signaling devices	10 consecutive seconds/hour	All	Religious uses, testing of publicly operated devices
Emergency Signaling Devices	10 minutes -- residential 15 minutes -- all other areas	All	Emergency
Boom boxes, car stereos, other sound amplifying devices	Audible and discernible 50 or more feet from source	All	City sponsored or permitted events
Noise Sensitive Areas	Noise generated within 200 feet of school, place of worship, court or hospital and that interferes with workings of such institution	All	None
Construction Equipment	Use of defined equipment prohibited during stated times in residential areas	9 p.m. - 7 a.m.	Emergency



§ 23-72 Restaurants and Bars

- Applicable only after 11:00 p.m.
- Sound level over 75 dBA when measured from any public area, or
- Sound plainly audible from another property at distance of 50 feet or more from exterior wall of restaurant
- Police enforcement plan includes warning before citation
- City permitted and sponsored events generally end by 11 p.m.



Penalty

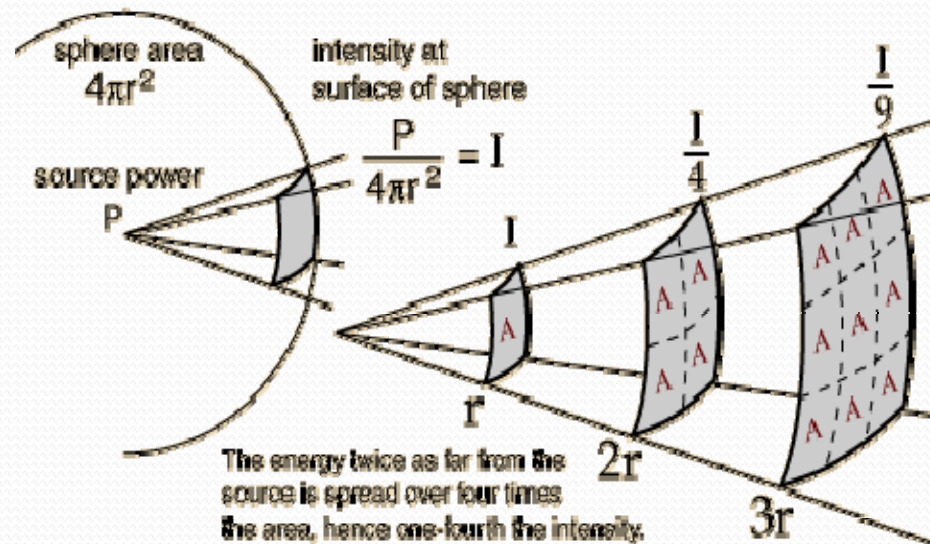
- A first offense under this ordinance is a Class 3 misdemeanor punishable by a fine of up to \$500
- A second or subsequent offense within one year is a Class 2 misdemeanor punishable by a fine of up to \$1,000 and/or a jail term of up to six months
- Penalty class is less severe than other Hampton Roads localities (Norfolk, Chesapeake, Suffolk)
- Judge determines level of fine or jail term

Sound Demonstration

Inverse Square Law

How Distance Affects Sound

Presented by Mr. Bill Wright, Omega Squared





Sound Volumes Demonstration

Ms. Jamie Bunting
Industrial Hygienist,
Va. Beach Occupational Safety

Lieutenant Donald Fox
Police Department



Public Comment Process

- Revised Ordinance was adopted quickly
- City Council is committed to seeking public comment
- City Council intends to revisit the Ordinance
- Citizen comment and field experience will help guide recommended changes



Conclusion

- Ordinance is in mainstream of noise regulations in Virginia
- Goal is to never write a summons
 - (first seek voluntary compliance)
- City is open to revision as experience dictates
- Questions, comments and suggestions welcomed
- [Police Web Inquiries \(link\)](#)