

Public Input on Proposed Noise Ordinance					
Specific Recommendations		Description of issue		Staff Review and Analysis	Options/Recommendations
Noise from vehicles/sound camera		Complaints about noise from modified mufflers, exhausts, music, etc. Received recommendation to utilize sound cameras		We have conducted preliminary research on the use of sound cameras in the US (Knoxville, Miami); while we don't believe that we currently have the authority from the General Assembly to issue citations from such technology, they could be used to identify potential areas of excessive noise, allow for planning of enforcement activities and as support for changes in state law allowing localities greater enforcement options. Cameras are approximately \$27K each.	(1) Conduct a SpeakUpVB poll to gauge the interest of the community in utilizing cameras which could provide input to guide discussion on requesting the authority to issue tickets from such technology to the 2024 legislative agenda. (2) VBPD identify funds in their budget to create a pilot program to determine feasibility of use in VB, initially either as an informational tool or to issue warnings.
Quiet Hours		Prior draft documented hours were 10:00 pm to 7:00 am; multiple suggestions to change to 11:00 pm to 7:00 am. (Note: there were some comments seeking to move the time for night time levels earlier, but more sought 11:00 pm)		The current noise ordinance hours are 11:00 pm to 7 am	This is a policy decision
Noise Task Force		Multiple suggestions for Task Force to implement ordinance, with or without assistance from VSP		The ordinance provides that the VBPD is charged with administering and enforcing and may be assisted by other city departments as directed by the City Manager (i.e., zoning). Third party enforcement for civil violations is possible, if the desire of City Council	This is a policy decision.
Responsibility for fines		Several requests for clarification on who is responsible for fines (STRs, hotels, nightclubs, etc.)		The relevant text of the ordinance provides: Any person operating, permitting, or controlling a source of noise shall be guilty of any violation caused by that source. If the person operating, permitting, or controlling the noise source cannot be identified, or the noise source is a business entity or premises, any owner, tenant, resident, or manager physically present on the property where the noise source is located may be charged if the circumstances establish their dominion and control over the noise source.	Typically in a nightclub setting the owner of the property or his on-site representative would be charged with the violation. At an STR with no owner or representative on site, the guest would be charged but the owner could be given a notice to prevent future recurrence under Section 23-65(c) and then be charged for future violations.
Specific Issue/Inquiry		Description of issue or inquiry		Staff Review and Analysis	
Distance requirements relative to zoning of property		Viability of have different measuring distances depending on the zoning of the area (i.e., neighborhoods with zero lot lines versus neighborhoods with setbacks)		Standard is 50 feet measurement, regardless of lot lines. This is a policy decision, but having different standards would substantially complicate interpretation and enforcement efforts.	

Animals	Anti-pet and anti-dog. "Leave animal noises to Animal Control"	There is a provision in City Code Section 5-532 that addresses barking dogs. The noise ordinance provision addresses all pets. As to dogs, enforcement could be taken under either the provisions of Section 5-532 or under the noise ordinance. The noise ordinance is arguably more "pet friendly" in that a violation under Section 5-532 may result in seizure of the dog.
Technology interface	Can decibel readers interface with the new tablets that officers will have?	While not directly compatible to download data, the tablets can issue citations for any violation of the City Code.
Engine braking	Desperately need enforcement of "engine breaking"	This would require action by the General Assembly providing authority to regulate.
Availability of noise meters/decibel readers	Concern that there are not enough meters in the precincts, nor are they available when needed	There are multiple meters available in each precinct and are readily deployable. We will monitor the demand for their use to determine if there is a need to purchase additional units.
Fireworks/landscaping company	Something needs to be done about fireworks; it should be included in this ordinance. There is no regulation for gas blowers or other equipment of landscaping companies.	Specifically addressed in the proposed ordinance at Section 23-66(e) and Section 23-66(m)
Different rules for different areas	Suggestion of overlay for specific areas of the city, not a "one size fits all" approach.	Policy decision
Readings by citizens	Inquiry as to whether the City would be able to use decibel readings obtained by citizens to issue citations and/or if residents can take out charges against their neighbor.	As presently drafted the ordinance does not contemplate private enforcement actions. A citizen could attempt to take privately obtained decibel readings to a magistrate but would likely be unable to meet the certification standard beyond a reasonable doubt. The ordinance could also be modified to provide for a private right of action for a civil violation but that would require the citizen to file a private civil suit, which is impractical given the amount of the resulting fine.
Special Event Permits	Special event permits would be exempt from complying with the new ordinance	This is the case under the current ordinance. The rationale is that there are events that benefit the public but could not be held without violating the noise ordinance. By providing a content neutral permitting process, the effects of any excess noise can be addressed by conditions in the permit relating to, among other things, time and location. Policy decision
Pitting neighbors against neighbors	Concerns that the regulations will create problems with and between neighbors.	Staff understands the concern and has drafted amendments to the ordinance that will provide more effective enforcement and provide the relief specifically requested by residents.
Multiple Frequency Weighting (A, C and Z)	Requests additions to Definition section addressing "A" Frequency Weighting, "C" Frequency Weighting" and "Z" Frequency rating	"A" weighting is the standard we have observed to be utilized in almost all other noise ordinances. Inserting additional standards would likely further complicate enforcement efforts and is not recommended.
Section 23-67 conflicts with provisions in City Code Article 1, 4.1 (permits for special events)	Article 1, 4.1, - permits for special events, (i) The granting of any permit required by this section shall not eliminate any requirement for any business license, any other permit(s) which may be prescribed by any other federal, state or local statutes, ordinances, rules or regulations, or compliance with any other applicable federal, state or local statutes, ordinances, rules or regulations.	There is no conflict where the noise ordinance provides a specific exemption for events that have obtained a special events permit.
Definition of "person"	Does the word "person" include those under the age of 18?	Yes
Restricting construction/renovation/improvement of real property to Monday-Saturday only	Suggested allowable time of 8:00 am to 6:00 pm Monday-Saturday	Policy Decision

<p>Modify allowable dBA for noise</p>		<p>Change standard of exceeding noise (suggestion 1) during the day from 75 to 85 dBA and from 65 to 75 dBA during quiet hours; (suggestion 2) during the day from 75 to 45 dBA and from 65 to 30 dBA during quiet hours; and (suggestion 3) during the day from 75 to 80 dBA and from 65 to 75 dBA during quiet hours (for restaurants, attractions and retail businesses).</p>		<p>Levels are consistent with existing code. Levels can be adjusted, but we have not experienced an issue to date. Policy decision.</p>
<p>Provide for warning or education on first offense of civil violation</p>		<p>N/A</p>		<p>Officers initially try to obtain voluntary compliance with a warning and education.</p>