



Noise Committee Meeting Agenda

October 21, 2019

5:30 - 7:00 p.m.

County Administration Building, Room 270

1800 Sandy Hook, Goochland, VA 23063

Introduction of Members	Committee
Meeting Ground Rules	Tara McGee
Goochland Noise Ordinance History	Tara McGee
Nuisance animal ordinance	
Nuisance standards civil/criminal	
Noise Issues	
May Listening Session Summary	Tara McGee
Gun Safety	
Fireworks	
General Discussion	Committee
Future Meetings	Committee
Dates	
Topics	

Action Items/Notes:

10 Ground Rules for Meetings

1 Show up on time and come prepared

Be prompt in arriving to the meeting and in returning from breaks.
Be prepared to contribute to achieving the meeting goals.
Come to the meeting with a positive attitude.



2 Stay mentally and physically present

Be present, and don't attend to non-meeting business.
Listen attentively to others and don't interrupt or have side conversations.
Treat all meeting participants with the same respect you would want from them.

3 Contribute to meeting goals

Participate 100% by sharing ideas, asking questions, and contributing to discussions.
Share your unique perspectives and experience, and speak honestly.
If you state a problem or disagree with a proposal, try to offer a solution.

4 Let everyone participate

Share time so that all can participate.
Be patient when listening to others speak and do not interrupt them.
Respect each other's thinking and value everyone's contributions.



5 Listen with an open mind

Value the learning from different inputs, and listen to get smarter.
Stay open to new ways of doing things, and listen for the future to emerge.
You can respect another person's point of view without agreeing with them.

6 Think before speaking

Seek first to understand, then to be understood.
Avoid using idioms, three letter acronyms, and phrases that can be misunderstood.
It's OK to disagree, respectfully and openly, and without being disagreeable.

7 Stay on point and on time

Respect the groups' time and keep comments brief and to the point.
When a topic has been discussed fully, do not bring it back up.
Do not waste everyone's time by repeating what others have said.



8 Attack the problem, not the person

Respectfully challenge the idea, not the person.
Blame or judgment will get you further from a solution, not closer.
Honest and constructive discussions are necessary to get the best results.

9 Close decisions and identify action items

Make sure decisions are supported by the group, otherwise they won't be acted on.
Note pending issues and schedule follow up meetings as needed.
Identify actions based on decisions made, and follow up actions assigned to you.

10 Record outcomes and follow up

Record issues discussed, decisions made, and tasks assigned.
Share meeting reports with meeting participants.
Share meeting outcomes with other stakeholders that should be kept in the loop.



Goochland County Noise Ordinance History

2006

10-38 Goochland County Code

Prohibited noise “unreasonably loud, disturbing and unnecessary noise”

Prohibited sound producing device between midnight-7:00 a.m. to disturb persons in any residence and congregation of any group of persons to create a nuisance.

Motor vehicles – no loudspeakers, music, or device operating to promote or advertise sale of goods, etc. prohibited.

Operation of a motor vehicle other than a motorcycle, moped, or motorized skateboard or scooter is prohibited if it is “unreasonably loud and disturbing” due to being out of repair, racing, retarding the spark, screeching tires, or grinding brakes.

May 22, 2007

Judge Sanner (Goochland Circuit Court) – In the appeal of a general district court criminal noise violation for a dozen dogs which howled and barked all night, Judge Sanner ruled that these portions of Goochland County’s noise ordinance were unconstitutionally vague “any unreasonably loud, disturbing and unnecessary noise” and “to unreasonably disturb or annoy the quiet, comfort, or repose of any person.” The Judge suggested that an enumeration of prohibited sounds would make the ordinance clearer and avoid a vagueness determination.

May 6, 2008

Goochland County Noise ordinance amended (10-36 through 10-39)

Prohibited noise “unreasonably loud and disturbing” “interpreted to mean what a reasonable person objectively would determine to be an actual or imminent interference with peace or good order.”

Adopted 3-104 nuisance animal noise ordinance which prohibits “keeping any animal which frequently or habitually makes such loud, disturbing, and harsh or repetitive noise” audible across property boundaries “as to disturb the quiet, comfort, or repose of reasonable persons with normal sensitivities”. Exempts animals and birds kept for agricultural production.

Adopted unreasonably loud and disturbing noise by motor vehicles, excluding agricultural vehicles and excluding motorcycles, mopeds, or motorized skateboards or scooters. [Because of Va. Code § 15.2-919]. Motor vehicles includes all-terrain vehicles, golf carts, low-speed vehicles, motor-driven cycles, utility vehicles.

Added unreasonably loud and disturbing noise of motor vehicle, motorcycle, moped, or motorized skateboard or scooter without a working muffler.

2009

Tanner v. City of Virginia Beach Virginia Supreme Court case – “unreasonably loud, disturbing and unnecessary noise” unconstitutionally vague. An ordinance must be sufficiently detailed to give warning to a person of average intelligence that an act is criminal.

April 6, 2010

County Attorney presentation to Board of Supervisors on noise ordinance

Noise Ordinance Working Group formed with citizens and county staff
[See members from 4/19/19 email to John Budesky]

October 5, 2010

County Attorney presentation to Board of Supervisors on noise ordinance

Two types of ordinances presented and discussed:

- 1) “plainly audible” – constitutionality concerns
- 2) “decibel” – cost concerns, training, difficulty of use

November 30, 2010

City of Richmond’s “plainly audible” noise ordinance struck down in Richmond General District Court. Case involved a band playing at a house party. Ordinance standard was noise heard more than 50’ away after 11:00 p.m. Judge said ordinance too detailed and criminalized noise coming from almost any appliance in a person’s home. Ordinance also shouldn’t exempt religious noise (church bells)

February 1, 2011

Goochland’s Noise Ordinance repealed

October 4, 2011

Presentation and public hearing on Noise Ordinance with civil penalty and to be enforced by citizens. General prohibition against noise that “is likely to disturb the rest of a person or interfere with such person’s lawful and peaceful enjoyment of property owned or rented by hi or that constitute any of the specific acts of noise disturbances enumerated.” Noises prohibited between 11-7 a.m. at certain distances: parties, sound devices, animals, trash & recycling, street cleaning/construction, peddlers/hawkers, vehicle amplified sound, lawn care, on/off road vehicles, horns. Exemptions.

Almost 20 citizens spoke at hearing, most in opposition. Sheriff Agnew said may be unconstitutional. Also should include abatement of noise before charges.

Sec. 3-104. - Companion animals constituting public nuisance.

- (a) No owner shall fail to exercise proper care and control of his or her companion animal to prevent it from becoming a public nuisance. Acts deemed nuisances shall include but are not limited to the following:
- (1) Howling, barking, whining, meowing, squawking or other such noises which are plainly audible across a property line or through partitions common to two (2) residences within a building and that takes place continuously or repeatedly (i) during a period of at least sixty (60) minutes in duration between the hours of 6:00 a.m. and 10:00 p.m. or (ii) during a period of at least thirty (30) minutes in duration between the hours of 10:00 p.m. and 6:00 a.m.;
 - (2) Interfering with a pedestrian's use of the public right-of-way;
 - (3) Chasing vehicles;
 - (4) Attacking other companion animals so as to cause injury or death; or
 - (5) Entering upon public or private property and causing damage to real or personal property.

However, the provisions in subsection (a)(1) shall not apply to any animal that is engaged with its owner or owner's designee between the hours of 6:00 a.m. and 10:00 p.m. for feeding, turnout, exercise, training, hunting and/or field trials.

- (b) Any person owning or having in his or her possession or under his or her control any companion animal suspected of constituting a nuisance may be proceeded against by warrant or summons before the Goochland County General District Court.
- (c) A summons or warrant charging a violation of this section shall only be issued when the complainant appears before a magistrate and requests a summons to be issued, or upon complaint by a law enforcement official, animal control officer, or other code enforcement officer.
- (d) No person shall be found in violation of subsection (a)(1), unless there has been presented before the court, competent evidence that the complainant or an animal control officer, law enforcement official, or other code enforcement officer had, prior to the issuance of any summons or warrant, requested the abatement of the nuisance complained of, and that such nuisance continued after such request for abatement.

(e) Any person found by a court to be in violation of any provisions of this section shall be subject to a civil penalty not to exceed one hundred dollars (\$100.00). A civil penalty of three hundred dollars (\$300.00) per violation shall be imposed for each subsequent violation.

(Ord. of 7-1-08(1), § 1; Ord. of 1-7-14, § 1)

Code of Virginia
Title 48. Nuisances

Chapter 1. Abating Public Nuisances Generally.

§ 48-1. Investigation of complaint by special grand jury.

When complaint is made to the circuit court of any county, or the corporation court of any city of this Commonwealth, by five or more citizens of any county, city or town, setting forth the existence of a public or common nuisance, the court, or the judge thereof in vacation, shall summon a special grand jury, in the mode provided by law, to the next term of such court, to specially investigate such complaint.

Code 1919, § 1520.

§ 48-2. Presentment against person causing nuisance.

If upon a full investigation of the complaint mentioned in § 48-1 the grand jury is satisfied that the nuisance complained of is of a public nature, it shall proceed to make presentment against such person or persons as they may find have created or caused such nuisance.

Code 1919, § 1520.

§ 48-3. Permitting continuation of nuisance; presentment against premises.

If any such nuisance be upon premises the owner of which did not create or cause such nuisance, but permitted its continuation, such owner shall, for the purposes of this chapter, be deemed responsible for such nuisance, and if such owner be not a resident or citizen of this Commonwealth, or one whose residence is not known, such presentment shall be against the premises upon which such nuisance is.

Code 1919, § 1520.

§ 48-4. Service of copy of presentment; defense by person interested.

Upon any such presentment the court shall order a copy thereof to be served upon the person or persons presented, or whose property is presented, in the manner prescribed by law as to the service of notices. To any such proceeding, if it be in rem, any person interested, or for and in behalf of the owner of such premises, may make defense.

Code 1919, § 1520.

§ 48-5. Fines and costs; judgment of abatement.

Upon the trial of any such presentment the person or persons who have created, caused or permitted the continuation of any nuisance, if found guilty, shall be ordered to either abate said nuisance or to reimburse the locality for all costs of removal and abatement of said nuisance, if the locality has abated the nuisance pursuant to § 15.2-900, and further may be fined not more than \$25,000, in addition to other remedies available under the law.

Code 1919, § 1520; 1996, cc. 291, 808; 2009, cc. 181, 551.

§ 48-6. Enforcement of judgment in rem.

Every judgment in rem under this chapter shall be enforced in the same manner as an attachment levied on real estate.

Code 1919, § 1520.

The chapters of the acts of assembly referenced in the historical citation at the end of these sections may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

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