



Noise Committee Meeting Agenda

December 10, 2019

6:00 - 7:30 p.m.

County Administration Building, Room 270

1800 Sandy Hook, Goochland, VA 23063

Homework Thoughts/Questions

Committee

State Law Restrictions*

Tara McGee

Considerations for how to Regulate Noise*

**Tara McGee
& Committee**

Review of Other Noise Ordinances

Caroline County

Bedford County

Chesterfield County

Roanoke County

Goochland's 2011 proposed ordinance

**Tara McGee
& Committee**

Next Meeting January 27, 2020 at 6:00 p.m.

Action Items/Notes:

	Citation	Topic	Summary
Agriculture, Animal Care, and Food	§ 3.2-301	Agricultural Activity	No locality shall require special exception or special use permit for agricultural or silvicultural activity in an area zoned for agricultural, even if it borders nonagriculturably-zoned land
	§ 3.2-302	Agricultural Activity	No agricultural operation shall become a nuisance if operations conducted in accordance with existing best management practices and comply with existing laws and regulations
Counties, Cities, and Towns	§ 15.2-917	Shooting Ranges	No new local ordinance regulating noise passed can be enforced against pre-existing shooting ranges
	§ 15.2-919 (Ref. 46.2-100, 46.2-1047, 46.2-1049)	Motorized Vehicles	Localities may regulate noise of motorcycles, mopeds, motorized scooters, and motorized skateboards if they are not equipped with a conforming muffler/exhaust system, and are causing noise hazardous to health
Motor Vehicles	§ 46.2-1051	Motorized Vehicles	Northern Virginia Planning District localities may require standard exhaust systems, to prevent excessive noise, on motorcycle, moped, all-terrain vehicle, trail bike, mini-bike, or go-cart being operated on highways, public, or private property. [Other localities may not]

Community Listening Session
Topic – Noise Ordinance

Message Boards

- Noise Type – Regulate
 - ATV's – 3
 - Fighting Roosters – 1
 - Dog Noise – 2
 - Guns – 4
 - ~~Fireworks – 3~~
 - Music – 3
 - Nuisance – 2
 - ~~dB Range (apply science) – 1~~
 - Leaf Blowers

- Noise Type – Don't Regulate
 - Animal nuisance
 - Working
 - Country rights to be protected – Shooting (6), ATV's (2), cows, roosters
 - Dogs (6)
 - Motorcycles
 - Music
 - Ag noise (4)
 - Tractor trailer
 - Anything (2)

Considerations for how to Regulate Noise

- Rights Involved
 - Property rights of noise maker
 - Right of noise recipient to quiet enjoyment of his property
 - First Amendment rights (nothing regulated based on content)

- Noise Time
 - Day vs. Night
 - Weekday vs. Weekend
 - All

- Noise Locations
 - Residential
 - Subdivision
 - Everywhere
 - Geography (E/C/W)

- Standards for Noise Regulation
 - Decibel machines
 - Plainly audible
 - Nuisance

- Exclusions:
 - Emergency Sirens, Burglary/Fire Alarms
 - Parades
 - School-Related Activities (band, sports competitions)

Chapter 68

NOISE

GENERAL REFERENCES

Festivals — See Ch. 49.

Fireworks — See Ch. 50.

§ 68-1. Findings; purpose.

It is found and declared that:

- A. The making and creation of excessive, unnecessary or unusually loud noises within the limits of the County of Caroline is a condition which has existed for some time and the extent and volume of such noises is increasing.
- B. The making, creation or maintenance of such excessive, unnecessary, unnatural or unusually loud noises which are prolonged, unusual and unnatural in their time, place and use affects and is a detriment to the public health, comfort, convenience, safety, welfare and prosperity of the residents of the County of Caroline.
- C. The necessity, in the public interest, for the provisions and prohibitions hereinafter contained and enacted is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the County of Caroline and its inhabitants.

§ 68-2. Definitions.

- A. For the purposes of this chapter, certain words and phrases used herein are defined as follows:

"A" BAND LEVEL — The total sound level of all noise as measured with a sound-level meter using the A-weighting network. The unit of measurement is the dB(A).

AMBIENT NOISE — The all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources near and far.

BAND-PRESSURE LEVEL OF SOUND — For a specified frequency band, the sound-pressure level for the sound contained within the restricted band. The reference pressure must be specified.

BEL — A unit of level when the base of the logarithm is 10. Use of the bel is restricted to levels of quantities proportional to power.

CONTINUOUS NOISE — A noise whose intensity remains essentially constant during the period of observation. "Continuous noise," for measurement purposes, shall be defined as noise which is measured by the slow response setting of a sound-level meter.

CYCLE — The complete sequence of values of a periodic quantity that occurs during a period.

DECIBEL — One-tenth of a bel and a unit of level in which the base of the logarithm is the 10th root of 10 and the quantities concerned are proportional to power.

DECIBEL A-WEIGHTED (DBA) — The sound level, in decibels, measured with a sound-level meter using the A-weighting network or scale as specified in the ANSI S1.4-1974 specification for sound-level meters.

DISTRICT — The land use classification contained in the Caroline County Zoning Ordinance.¹ Such classifications are further designated as follows:

- (1) MANUFACTURING DISTRICT — Any land classified for industrial use and designated as M-1 or PIP in the Zoning Ordinance.
- (2) COMMERCIAL DISTRICT — Any land classified for commercial or business uses and designated as B-1, PSC, PMU, or PRE in the Zoning Ordinance.
- (3) RESIDENTIAL DISTRICT — Any land classified for residential uses and designated as R-1, R-2, R-3, RR-2, RR-5, MHP, or PRD in the Zoning Ordinance.
- (4) RURAL DISTRICT — Any land classified for rural uses and designated as AP or RP in the Zoning Ordinance.

EMERGENCY WORK — Work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger.

FREQUENCY OF A FUNCTION PERIODIC IN TIME — The reciprocal of the primitive period. The unit is the cycle per unit time and must be specified.

IMPULSE NOISE — Noise characterized by brief excursions (usually less than one second) of sound pressure which significantly exceed the ambient environmental sound pressure.

MICROBAR — A unit of pressure commonly used in acoustics and equal to one dyne per square centimeter.

MOTORCYCLE — An unenclosed motor vehicle having two or three wheels, and includes, but is not limited to, motor scooters and minibikes or mopeds.

1. Editor's Note: See Ch. 124, Zoning.

NOISE — The intensity, frequency, duration and character of undesired sounds from a single source or number of sources.

PERIODIC QUANTITY — An oscillating quantity, the values of which recur for equal increments of time.

PERIOD OF A PERIODIC QUANTITY — The smallest increment of time for which the function repeats itself.

PERSON — Any person, person's firm, association, co-partnership, joint venture, corporation or any entity public or private in nature.

SOUND ANALYZER — A device for measuring the band-pressure level or pressure-spectrum level of a sound as a function of frequency.

SOUND-LEVEL METER — An instrument, including a microphone, an amplifier, an output meter and frequency-weighting networks, for the measurement of noise and sound levels in a specified manner.

SOUND PRESSURE LEVEL — In decibels or sound, 20 times the logarithm to the base 10 of the ratio of the pressure of this sound to the reference pressure, which reference pressure must be explicitly stated.

SPECTRUM — A function of time, a description of its resolution into components, each of different frequency and usually of different amplitude and phase, and also used to signify continuous range of components, each of different frequency and usually of different amplitude and phase, and also used to signify continuous range of components, usually wide in extent, within which waves have some specified characteristics, such as audio-frequency spectrum, and also applied to functions of variables other than time.

STATIONARY SOURCE — Any equipment or activity capable of generating noise, operating or occurring on any parcel of property or public space.

- B. All technical definitions are in accordance with American Standard S1.1-1960, entitled "Acoustical Terminology."

§ 68-3. Noise projecting across property and district lines.

- A. It shall be unlawful for any person to cause or permit to be caused any sound or noise from one property into another, within the boundary of a use district, which exceeds either the limiting noise spectrums set forth in Table I below or exceeds the ambient noise level by more than three decibels.
- B. Sound or noise projecting from one use district into another use district with a different noise level limit shall not exceed the limits of the district into which the noise is projected.

§ 68-4. Limits.

- A. Measurement of noise.

- (1) The measurement of sound or noise shall be made with a sound-level meter and octave band analyzer meeting the standards prescribed by the American Standards Association. The instruments shall be maintained in calibration and good working order. Octave-band corrections may be employed in meeting the response specification. A calibration check shall be made of the system at the time of any noise measurement. Measurements recorded shall be taken so as to provide property representation of the noise source. The microphone, during measurement, shall be positioned so as not to create any unnatural enhancement or diminution of the measure noise. A windscreen for the microphone shall be used when required. Traffic, aircraft and other transportation noise sources and other background noises shall not be considered in taking measurements except where such background noise interferes with the primary noise being measured.
 - (2) The slow meter response of the sound-level meter shall be used in order to best determine that the average amplitude has not exceeded the limiting noise spectrums set forth in Table I below.
 - (3) The measurement shall be made at the property line of the property on which such noise is generated or perceived, as appropriate, five feet above ground.
- B. The limits herein above referred to shall be in accordance with the following table:

Table I
Maximum Permissible Noise Levels from Stationary Sources

District	Continuous Noise (dBA)	Impulsive Noise (dBA)	Continuous Octave Band	
			Center Frequency (Hz)	dB
Manufacturing	70	120	31.5	85
			63	84
			125	79
			250	74
			500	68
			1000	62
			2000	57
			400	53
			8000	50
Commercial	65	100	31.5	80
			63	79

Table I
Maximum Permissible Noise Levels from Stationary Sources

District	Continuous Noise (dBA)	Impulsive Noise (dBA)	Continuous Octave Band	
			Center Frequency (Hz)	dB
Residential	60	95	125	74
			250	69
			500	63
			1000	57
			2000	52
			4000	48
			8000	45
			31.5	75
			63.125	74
			250	69
Rural	55	90	500	64
			1000	58
			2000	52
			4000	47
			8000	43
			31.5	70
			63	69
			125	64
			250	59
			500	53
1000	47			
2000	42			
4000	38			
8000	35			

C. If noise is not smooth and continuous, one or more of the corrections in Table II below shall be added to or subtracted from each of the decibel levels given in Table I of Subsection B of this section.

Table II

Type of Operation in Character of Noise

Character of Noise	Correction in Decibels
Noise source operated less than:	
20% of any 1-hour period	Plus 5*
5% of any 1-hour period	Plus 10*
1% of any 1-hour period	Plus 15*
Noise of:	
Impulsive character (hammering, etc.)	Minus 5*
Periodic character (hum, screech, etc.)	Minus 5*

NOTES: *Apply one of these corrections only.

- D. If the noise occurs between the hours of 10:00 p.m. and 7:00 a.m. on Monday through Saturday or at any time on Sunday or holidays, seven decibels shall be subtracted from each of the decibel levels given in Table I of Subsection B of this section.

§ 68-5. Motorized vehicles.

- A. It shall be unlawful to operate a motorized vehicle within the County limits which creates a noise or sound which exceeds the noise level limits set out in Table III below:

Table III

Limiting Noise Levels for Motor Vehicles

Type of Vehicle	Maximum Allowable Limit (dBA)
Trucks and buses	
Over 10,000 pounds	
Measured at 50 feet	87
Measured at 25 feet	93
Under 10,000 pounds	
Measured at 50 feet	80
Measured at 25 feet	86
Passenger cars	
Measured at 50 feet	78
Measured at 25 feet	84
Motorcycles	
Measured at 50 feet	87

Table III
Limiting Noise Levels for Motor Vehicles

Type of Vehicle	Maximum Allowable Limit (dBA)
Measured at 25 feet	93

- B. Measurement of noise. The measurement of sound or noise shall be made with a sound-level meter and octave-band analyzer meeting the standards prescribed by the American Standards Association. The instruments shall be maintained in calibration and good working order. Octave-band corrections may be employed in meeting the response specification. A calibration check shall be made of the system at the time of any noise measurement. Measurements recorded shall be taken so as to provide a proper representation of the noise source. The microphone, during measurement, shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used when required. Traffic, aircraft and other transportation noise sources and other background noises shall not be considered in taking measurements except where such background noise interferes with the primary noise being measured.

§ 68-6. Enclosed places of public entertainment.

- A. It shall be unlawful to sustain in any enclosed place of public entertainment, including but not limited to a restaurant, bar, cafe, discotheque and dancé hall, any amplitude equal to or in excess of 95 dB(A) sustained for more than 30 seconds.
- B. Measurement of noise. Such sound or noise is to be measured by a sound-level meter approved by the American Standards Association from any area to which the public is invited within any enclosed place of public entertainment.

§ 68-7. Aircraft.

It shall be unlawful for any person to operate or cause to be operated any type of aircraft over the County which produces noise levels exceeding 87 dB(A) within the County.

§ 68-8. Exemptions.

The following uses and activities shall be exempt from noise level regulation:

- A. Noises of safety signals, warning devices and emergency pressure-relief valves.
- B. Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.

- C. Noises resulting from emergency work as defined in § 68-2A.
- D. Any other noise resulting from activities of a temporary duration permitted by law and for which a license or permit therefore has been granted by the County in accordance with § 68-9.
- E. Any aircraft operated in conformity with, or pursuant to, federal law, federal air regulations and air traffic control instruction used pursuant to and within the duly adopted federal air regulations shall be exempt from the provisions of § 68-7, as well as the other regulations of this chapter. Any aircraft operating under technical difficulties, in any kind of distress, under emergency orders of air traffic control or being operated pursuant to and subsequent to the declaration of an emergency under federal air regulations shall also be exempt from the provisions of § 68-9 as well as the other regulations of this chapter.
- F. Noises originating from the forestry, construction and farming operations shall be exempt from the provisions of this chapter.
- G. Noises emanating from any area permitted by the Department of Mines, Minerals and Energy, or any division thereof.
- H. Noises resulting from any activities for which a permit has been issued in accordance with the requirements of Chapter 49 (Festivals) and/or Chapter 50 (Fireworks) of the Code of Caroline, provided such activities are in compliance with the permit conditions.
- I. Noises resulting from the operation of an emergency generator during a power outage shall be exempt from provisions of this chapter.

§ 68-9. Hardship permits.

- A. Applications for a permit for relief from the noise level designated in this chapter on the basis of undue hardship may be made to the County Administrator or his duly authorized representative. Any permit granted by the County Administrator hereunder shall contain all conditions upon which said permit has been granted and shall specify a reasonable time that the permit shall be effective. The County Administrator or his duly authorized representative may grant relief as applied for if he finds that:
 - (1) Additional time is necessary for the applicant to alter or modify his activity or operation to comply with this chapter.
 - (2) The activity, operation or noise source will be of temporary duration and cannot be done in a manner that would comply with other sections of this chapter.
 - (3) No other reasonable alternative is available to the applicant.
- B. The County Administrator may prescribe any conditions or requirements he deems necessary to minimize adverse effects upon the community or the surrounding neighborhood.

§ 68-10. Violations and penalties; enforcement.

- A. No person shall be charged with a violation of the provisions of this chapter unless:
- (1) A complainant appears before a magistrate and requests a summons to be issued; or
 - (2) A violation is committed in the presence of a law enforcement officer.
- B. Any person convicted of violating any of the provisions of this chapter shall be punished by a fine not to exceed \$500. Any person convicted of a second offense within less than five years after a first offense under this chapter shall be punished by a fine not to exceed \$1,000. Any person convicted of a third offense within less than 10 years after a first offense under this chapter shall be punished by a fine not to exceed \$2,500.
- C. Each day a violation continues unabated shall constitute a separate offense.
- D. Criminal enforcement against a person violating this chapter shall not be a bar against, or a prerequisite for, taking any other action permitted by this Code or the Code of Virginia to abate the violation.

Chapter 14 - NOISE

Footnotes:

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Editor's note— Ord. No. O-1109-229, adopted Nov. 23 2009, amended ch. 14 in its entirety to read as herein set out. Former ch. 14, §§ 14-1—14-9, pertained to similar subject matter and derived from Ord. of Apr. 1, 1989, § 1; Ord. of Sept. 23, 1996; and Ord. of Aug. 23, 2004.

Sec. 14-1. - Declaration of policy.

At certain levels, noise can be detrimental to the health, welfare, safety and quality of life of inhabitants of the county, and in the public interest noise should be restricted. It is, therefore, the policy of the county to reduce, and eliminate where possible, excessive noise and related adverse conditions in the community, and to prohibit unnecessary, excessive, harmful and annoying noises from all sources subject to its police power.

(Ord. No. O-1109-229, 11-23-2009)

Sec. 14-2. - Definitions.

The following words, when used in this chapter, shall have the following respective meanings, unless the context clearly indicates a different meaning:

Agricultural production shall mean the production for commercial purposes of crops, livestock and livestock products, but not land or portions thereof, used for processing or retail merchandising of such crops, livestock or livestock products.

Agricultural products shall mean crops, livestock and livestock products, which shall include, but not be limited to the following:

- (1) Field crops, including corn, wheat, oats, rye, barley, hay, tobacco, peanuts, potatoes and dry beans;
- (2) Fruits, including apples, peaches, grapes, cherries and berries;
- (3) Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions;
- (4) Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers;

- (5) Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, fur-bearing animals, milk, eggs and furs.

County administrator means the county administrator, the sheriff, or their respective designees.

Device shall mean any mechanism which is intended to produce, or which actually produces, noise when operated or handled.

Emergency work shall mean work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from immediate exposure to a danger, including work performed by public service companies when emergency inspection, repair of facilities, or restoration of services is required for the immediate health, safety or welfare of the community.

Excessive noise means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans. Specific examples of prohibited excessive noise are set forth in section 14-3 of this chapter.

Forestal products shall include, but is not limited to, lumber, pulpwood, posts, firewood, and other wood products for sale or for farm use.

Horticultural products shall include commercial flowers, nursery stock, ornamental shrubs, ornamental trees and Christmas trees.

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

Noise shall mean any sound that may cause, or tend to cause, an adverse psychological or physiological effect on human beings.

Noise source shall mean any equipment, motor vehicle, motorcycle, or facility, whether fixed or movable, that is capable of emitting sound beyond the property boundary of the property on which the equipment is used, but not including motor vehicles or motorcycles operated on public rights-of-way.

Owner means the person owning, controlling, or possessing land, premises, or personalty.

Person means any individual, partnership, corporation, association, firm, trust, estate, private institution, society, club, group of people acting in concert, organization, agency, or any legal successor, representative, agent, or agency thereof. This term shall not include the federal, state, county, town, city, or local government, or any agency or institution thereof.

Plainly audible means any sound that can be heard clearly by a person using his or her unaided hearing faculties.

Powered model vehicles means any mechanically or pyrotechnically powered vehicle, whether airborne, waterborne, or landborne, which is not designed to carry persons or property, including, but not limited to, model airplanes, boats, cars and rockets.

Public property means any real property owned or controlled by the county or any other governmental entity or institution.

Public right-of-way shall mean any street, avenue, boulevard, highway, alley, or public space that is owned or controlled by a public governmental agency.

Real property boundary means the property line along the ground surface, and its vertical extension, which separates the real property owned by one (1) person from that owned by another person.

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, as amended.

Sound means 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, and which propagates at a finite speed. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

Sound amplifying equipment means any machine or device for the amplification of the human voice, music or any other sound. This term shall not include warning devices on authorized emergency vehicles, or horns or other warning devices on other vehicles used only for traffic safety purposes.

Zoning district refers to the scheme of land use classification contained in the Bedford County Zoning Ordinance.

(Ord. No. O-1109-229, 11-23-2009)

Sec. 14-3. - Excessive noise—Punishment.

Any person violating any provision of this chapter shall be deemed guilty of a class 3 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. O-1109-229, 11-23-2009)

Sec. 14-4. - Excessive noise—Specific prohibitions.

Subject to the exceptions provided in section 14-5, any of the following acts, or the causing or permitting thereof, is declared to be excessive noise constituting a class 3 misdemeanor and a public nuisance:

- (1) *Radios, television sets, musical instruments and similar devices.* Operating, playing or permitting the operation or playing of any radio, television, record, tape or compact disc player, drum, musical instrument, or similar device between the hours of 11:00 p.m. and 6:00 a.m. as follows:
 - a. In such a manner as to permit sound to be heard across a residential real property boundary or through partitions common to two (2) dwelling units within a building; or
 - b. In such a manner as to be plainly audible at a distance of one thousand (1,000) feet or more from the building in which it is located; or
 - c. When the sound is plainly audible at a distance of one thousand (1,000) 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 6:00 a.m., in such a manner as to permit sound to be heard across a residential real property boundary, or through partitions common to two (2) 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)

Explosive, fireworks and similar devices. Using or firing any explosives, fireworks or similar devices which create impulsive sound in such a manner as to permit sound to be heard across a residential real property boundary or through partitions common to two (2) dwelling units within a building, or on any public right-of-way or public property, in either case between the hours of 11:00 p.m. and 6:00 a.m. An exception to the hours-limitation of this subsection may be granted by way of a variance.

- (5) *Yelling, shouting, etc.* Yelling, shouting, whistling or singing between the hours of 11:00 p.m. and 6:00 a.m. in such a manner as to permit sound to be heard across a residential real property boundary or through partitions common to two (2) dwelling units within a building.
- (6) *Vehicles.*
 - a. Operation of a motor vehicle or operation of a motorcycle within the county that creates mechanical or exhaust noise that is plainly audible at a distance of two hundred (200) feet or more from the vehicle;
 - b. Operation of sound amplifying equipment in a motor vehicle at a volume sufficient to be plainly audible at a distance of one hundred (100) feet from the vehicle.
- (7) *Defective vehicles.* Operation of a motor vehicle or motorcycle so out of repair as to create mechanical or exhaust noise that is plainly audible at a distance of one hundred (100) feet from the vehicle.
- (8) *Construction.* The erection, including excavation, demolition, alteration, or repair of any building or improvement between the hours of 11:00 p.m. and 6:00 a.m.
- (9) *Pneumatic hammer, chain saw, etc.* The operation between the hours of 11:00 p.m. and 6:00 a.m. of any chain saw, pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or other appliance.
- (10) *Animals.* The owning, keeping or possessing of any animal or animals which frequently or habitually howl, bark, meow or squawk in such a manner as to permit sound to be heard across a residential real property boundary or through partitions common to two (2) dwelling units within a building, to the extent as to constitute a nuisance. This subsection shall not apply to any bona fide agricultural activity.

- (11) *Commercial vehicle and trash collection vehicle operation.* The operation of a commercial vehicle or trash collection vehicle between the hours of 11:00 p.m. and 6:00 a.m., in such a manner as to be plainly audible at any residence one hundred (100) or more yards away.
- (12) *Vehicle and equipment repair.* Repairing, rebuilding or modifying any motor vehicle or other mechanical device, except in a commercial or industrial use zoning district, between the hours of 11:00 p.m. and 6:00 a.m.
- (13) *Freight transfer.* Loading or unloading trucks in the outdoors within one hundred (100) yards of a residence between the hours of 11:00 p.m. and 6:00 a.m.
- (14) *Sound amplification devices.* Using or operating a sound-amplification device in a fixed or movable position exterior to any building, or mounted upon any motor vehicle or boat, or mounted in the interior of a building or vessel with the intent of providing service to an exterior area for the purpose of commercial advertising, giving instructions, information, directions, talks, addresses, lectures, or providing entertainment to any persons or assemblage of persons on any private or public property, between the hours of 11:00 p.m. and 6:00 a.m.

(Ord. No. O-1109-229, 11-23-2009; Ord. No. O102317-07, 10-23-2017)

Sec. 14-5. - Exceptions.

Sections 14-3 and 14-4 shall have no application to any sound generated by any of the following:

- (1) Sound which is necessary for emergency work.
- (2) Public speaking and public assembly activities conducted on any public right-of-way or public property.
- (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.
- (5) Officially sponsored activities on or in municipal, county, state, United States, or school athletic facilities, or on or in publicly owned property and facilities.

- (6) 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.
- (7) Bona fide religious services, religious events, or religious activities or expressions, including, but not limited to music, singing, bells, chimes, and organs which are a part of such service, event, activity or expression.
- (8) Locomotives and other railroad equipment and aircraft.
- (9) The striking of clocks.
- (10) Military activities of the Commonwealth of Virginia or of the United States of America.
- (11) Household tools, lawnmowers, and other lawn care equipment with manufacturer's recommended mufflers installed, between 6:00 a.m. and 11:00 p.m.
- (12) The production of agricultural, horticultural and forestall products, including, but not limited to sawmill operations.
- (13) Noise caused by, or arising out of, activities related to repair, maintenance, replacement or alteration of public utility systems or parts thereof, and appurtenances thereto, where such activity is reasonably necessary to further a public safety interest and/or to minimize disruption in the provision of public services, e.g., water and sewer service.

(Ord. No. O-1109-229, 11-23-2009)

Sec. 14-6. - Other enforcement.

- (a) Instead of the criminal enforcement of this chapter, the county may bring a suit seeking injunction, abatement, or other appropriate civil relief to remedy, correct or abate excessive noise.
- (b) Citizens of the county believing that excessive noise exists, which noise constituting a public nuisance exists may utilize the procedure set forth in Code of Virginia, § 48-1, et seq. (1950), as amended, and any other legal civil or criminal remedies that may be available to them.
- (c)

The person operating or controlling a noise source shall be guilty of any violation caused by that source. If the identity of said person cannot be reasonably ascertained, any owner, tenant or resident, who is physically present on the property where the violation is occurring, is rebuttably presumed to be guilty of the violation.

(Ord. No. O-1109-229, 11-23-2009)

Sec. 14-7. - Undue hardship variances; waivers.

- (a) Any person responsible for a noise source may apply to the county administrator for a variance or partial variance from the provisions of this chapter. The county administrator may grant such variance or partial variance if he or she finds as follows:
 - (1) The noise does not endanger the public health, safety or welfare; or
 - (2) Compliance with the provisions of this chapter from which the variance is sought would produce serious hardship to the applicant, without producing equal or greater benefit to the public.
- (b) In determining whether to grant such variance, the county administrator shall consider the time of day the noise will occur, duration of the noise, whether the noise is intermittent or continuous, its extensiveness, the technical and economic feasibility of bringing the noise into conformance with this chapter, and such other matters as are reasonably related to the impact of the noise on the health, safety and welfare of the community, and the degree of hardship that may result from the enforcement of the provisions of this chapter.
- (c) No variance or partial variance issued pursuant to this chapter shall be granted for a period to exceed one (1) year, but any such variance or partial variance may be renewed for like periods if the county administrator shall find such renewal is justified after again applying the standards set forth in this chapter. No renewal shall be granted except upon application therefore.
- (d) Applications for waivers for noise generated within commercial and industrial zoning districts shall be considered by the county administrator based upon the criteria contained in subsections (a) and (b) above, and upon the extent to which

the noise is necessary and incidental to the commercial or industrial use generating the sound. In considering such waivers, the county administrator may, but shall not be required to, impose a time limited on any waiver granted.

- (e) Decisions of the county administrator may be appealed to the board of supervisors, in writing, within thirty (30) days of the county administrator's decision. Decisions of the county administrator that are not appealed within thirty (30) days are final, and not subject to appeal.

(Ord. No. O-1109-229, 11-23-2009)

Checkfield Co.

Sec. 14-27. - Loud noises prohibited.

It shall be unlawful for any person:

- (a) To use, operate or play any radio, phonograph, television, record, compact disc or tape player, musical instrument, loudspeaker, sound amplifier or other machine or device capable of producing or reproducing sound in such a manner or with such volume or duration that it is plainly audible between 12:01 a.m. and 7:00 a.m. (i) inside the confines of the dwelling unit, house or apartment of another person or (ii) at 50 or more feet from the device, except for devices permitted to be used at public parks or recreation fields, sporting events, school-sponsored activities on school grounds, or duly authorized parades, public functions or commemorative events.
- (b) To allow noise between the hours of 12:01 a.m. and 7:00 a.m. that is plainly audible either inside the confines of the dwelling unit, house or apartment of another person or at 50 or more feet when the noise is generated from a gathering of ten or more people.
- (c) To allow any animal or bird except farm animals in agricultural districts to create noise such that it is plainly audible at least once a minute for ten consecutive minutes (i) inside the confines of the dwelling unit, house or apartment of another; or (ii) at 50 or more feet from the animal or bird.
- (d) To operate, install, have, or permit on the outside of any store, shop, business establishment, warehouse or commercial building, any loudspeaker or other sound-producing or reproducing device capable of emitting music, noise, sounds, tapes or voice in such manner that it is plainly audible on any public sidewalk or street unless it is used only intermittently for announcing or paging an individual or unless it signals the ringing of a telephone, danger from smoke, a fire or a burglary or the beginning or stopping of work or school, or unless it is operated in accordance with conditions of zoning.
- (e) To play or permit the playing of any radio, stereo, tape player, compact disc player, loud speaker or other electronic device or mechanical equipment used for the amplification of sound, which is located within a motor vehicle and which is plainly audible from outside the motor vehicle at a distance of

50 feet or more from the vehicle. This provision shall not apply to sirens, loud speakers and emergency communications radios in public safety vehicles, nor shall it apply to motor vehicle alarms or other security devices.

- (f) To create plainly audible noise in residential areas between 10:00 p.m. and 5:00 a.m. in connection with the loading or unloading of refuse, waste or recycling collection vehicles.
- (g) To create plainly audible noise in residential areas between 10:00 p.m. and 7:00 a.m. in connection with lawn care, leaf removal, gardening, tree maintenance or removal and other landscaping, lawn or timbering activities.
- (h) Violations of this section shall constitute a misdemeanor punishable by a fine of not less than \$100.00 nor more than \$500.00.

(Code 1978, § 15.1-25; Ord. of 9-23-2009(2), § 1)

Editor's note— Ord. of 9-23-2009(2), § 1, amended § 14-27 by amending the title. Former § 14-27 title pertained to same—same—enumeration. See the Code Comparative Table for complete derivation.

Cross reference— Unnecessary noise in operation of motor vehicles, § 13-15.

State Law reference— Authority to regulate noise, Code of Virginia, §§ 15.2-917, 15.2-919.

ARTICLE II. - NOISE

Sec. 13-16. - Short title.

This article shall be known as the "Noise Ordinance of the County of Roanoke, Virginia."

(Ord. No. 102792-12, § 1, 10-27-92)

Sec. 13-17. - Declaration of policy.

It is hereby declared to be the public policy of the County of Roanoke to promote an environment for its citizens free from excessive noise that jeopardizes their health or welfare or degrades the quality of life within Roanoke County.

(Ord. No. 102792-12, § 1, 10-27-92)

Sec. 13-18. - Definitions.

The following words and phrases, when used in this article shall have the meaning assigned to them in this section.

Emergency work shall mean work made necessary to restore property, public or private, to a safe condition following a state of emergency or a local emergency as defined by the Commonwealth of Virginia Emergency Services and Disaster Law of 1973, Chapter 3.2 of Title 44 of the Code of Virginia, 1950, as amended, or its successor, or work required to protect persons or property from immediate exposure to danger, including work performed by the Western Virginia Water Authority, the Town of Vinton Public Works department, or by public service companies when emergency inspection, repair of facilities or restoration of services is required for the immediate health, safety or welfare of the community.

Instrument, machine or device means and refers to any musical instrument, drum, radio, phonograph, compact disc player, cassette tape player, MP3 player, video player, amplifier or any other machine or device for producing, reproducing or amplification of sound.

Motor vehicle shall mean a self-propelled vehicle including passenger cars, trucks, truck-trailers, semitrailers, campers, racing vehicles, and any motorcycles (including, but not limited to, motor scooters, mini-bikes, all-terrain vehicles and three-wheelers) as defined in section 46.2-100 of the Code of Virginia.

Noise disturbance means any sound which (a) endangers or injures the safety or health of any person; (b) annoys or disturbs humans and which causes or tends to cause an adverse psychological or physiological effect on humans; or (c) endangers or injures personal or real property.

Person shall mean any individual, corporation, cooperative, partnership, firm, association, trust, estate, private institution, group, agency or any legal successor, representative, agent or agency thereof.

Plainly audible means any sound that can be heard clearly by a person using his or her unaided hearing faculties. When music is involved, the detection of rhythmic bass tones shall be sufficient to be considered plainly audible sound.

Public area means any real property owned by the government, including, but not limited to, public rights-of-way, sidewalks, parks, and buildings.

Residential dwelling means any building or other structure in which one or more persons resides on a permanent or temporary basis, including, but not limited to, houses, apartments, condominiums, hotels, and motels.

(Ord. No. 102792-12, § 1, 10-27-92; Ord. No. 052510-13, § 1, 5-25-10)

Sec. 13-19. - Exceptions from this article.

The provisions of this article shall not apply to:

- (1) The emission of sound for the purpose of alerting persons to the existence of an emergency or to the emission of sound in the performance of emergency work;
- (2) Music, bells, chimes or other sounds which are emanating from a church, temple, synagogue or other place of worship;
- (3)

Sound generated from school or county sponsored athletic or recreational events, including band performances or practices, athletic contests or practices and other school-sponsored activities on the grounds of public or private schools, colleges, or universities;

- (4) Agricultural activities;
- (5) Gardening, lawn care, tree maintenance or removal, and other landscaping activities, provided such exemption shall terminate between the hours of 10:00 p.m. and 7:00 a.m. the following day;
- (6) Religious or political gatherings to the extent that those activities are protected by the First Amendment to the United States Constitution;
- (7) Sound generated by activities which are an official or approved part of any county or state approved or licensed parade, festival or activity, provided such exemption shall terminate at 10:00 p.m.;
- (8) Sound generated by commercial and industrial uses permitted in the underlying zoning districts or sounds regulated by a special use permit, proffered condition, variance or approved by the zoning administrator or which are normal, routine, necessary and incidental to the uses permitted therein; and
- (9) Sound for which a waiver has been granted in accordance with section 13-23 of this article; and,
- (10) Activities for which the regulation of noise has been preempted by federal law.
- (11) Locomotives and other railroad equipment, and aircraft.
- (12) Lawful discharge of firearms.

(Ord. No. 102792-12, § 1, 10-27-92; Ord. No. 081997-7, § 1, 8-19-97; Ord. No. 052510-13, § 1, 5-25-10)

Sec. 13-20. - Reserved.

Editor's note— Ord. No. 052510-13, § 1, adopted May 25, 2010, amended the Code by repealing former § 13-20. Former § 13-20 pertained to a general prohibition, and derived from Ord. No. 102792-12, adopted October 27, 1992.

Sec. 13-21. - Specific acts as noise disturbances.

The following acts are declared to be noise disturbances in violation of this article unless specifically excepted in section 13-19.

- (1) Engaging in, or operating or causing to be operated any equipment used in the construction, repair, alteration or demolition of buildings, streets, roads, alleys or appurtenances thereto between the hours of 10:00 p.m. and 7:00 a.m. the following day.
- (2) Repairing, rebuilding or modifying any motor vehicle or other mechanical equipment or device between the hours of 10:00 p.m. and 7:00 a.m. the following day in a manner so as to be plainly audible at a distance of fifty (50) feet or more from the vehicle.
- (3) Loading or unloading trucks outdoors within one hundred (100) yards of a residential dwelling between the hours of 10:00 p.m. and 7:00 a.m. the following day.
- (4) Sounding the horn or warning device of a vehicle, except when necessary as a warning during the operation of the vehicle.
- (5) Operating or permitting the use or operation of any instrument, , machine or any other device for the production of sound, at a volume sufficient to be plainly audible through partitions common to two (2) residences within a building or plainly audible at fifty (50) feet or more from such device or its source.
- (6) Using or operating a loudspeaker or other sound amplification devices in a fixed or movable position exterior to any building, or mounted upon any motor vehicle or mounted in the interior of a building with the intent of providing service to an exterior area for the purpose of commercial advertising, giving instruction, information, directions, talks, addresses, lectures, or providing entertainment to any persons or assemblage of persons on any private or public property, between the hours of 10:00 p.m. and 7:00 a.m. the following day.
- (7) Using or operating any motor vehicle without factory installed mufflers or their equivalent conforming to sections 46.2-1047 and 46.1-1049 of the Code of Virginia, on any public street or road in the county or on private property within a residential zoning district.

- (8) Using a radio receiving set, an audio cassette player, a compact disc player, or other device for the production of sound in a motor vehicle at a volume sufficient to be plainly audible at fifty (50) feet or more from such vehicle.
- (9) Failure to deactivate an alarm system plainly audible at fifty (50) feet or more from such alarm within such reasonable time as is established by section 16-23 of this Code.
- (10) The operation of a trash collection vehicle between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at any residence one hundred (100) or more yards away.

(Ord. No. 102792-12, § 1, 10-27-92; Ord. No. 052510-13, § 1, 5-25-10)

Sec. 13-22. - Penalties.

- (a) A violation of any provisions of this article shall constitute a class 3 misdemeanor. Each separate act on the part of the person violating this article shall be deemed a separate offense, and each day a violation is permitted to continue unabated shall constitute a separate offense. Any person who violates a provision of this article within one (1) year after a previous conviction under this article shall be guilty of a class 2 misdemeanor.
- (b) The person operating or controlling a noise source shall be guilty of any violation caused by that source. If that cannot be determined, any owner, tenant, resident or manager physically present on the property where the violation is occurring is reputedly presumed to be operating or controlling the noise source.
- (c) In addition to and not in lieu of the penalties prescribed in this section, the county may apply to the circuit court for an injunction against the continuing violation of any of the provisions of this article and may seek any other remedy or relief authorized by law.
- (d) Citizens of the county believing that a noise disturbance constituting a public nuisance exists may utilize the procedure set forth in section 48-1 et seq., Code of Virginia (1950) as amended, or any other legal civil or criminal remedies that may be available to them.

(Ord. No. 102792-12, § 1, 10-27-92; Ord. No. 052510-13, § 1, 5-25-10)

Sec. 13-23. - Undue hardship waiver.

- (a) Any person responsible for a noise source may apply to the board of supervisors for a waiver, or partial waiver, from the provisions of this article. The board of supervisors may grant such waiver, or partial waiver, upon a finding that either of the following circumstances exists:
 - (1) The noise does not endanger the public health, safety or welfare; or
 - (2) Compliance with the provisions of this article from which a waiver is sought would produce serious economic hardship without producing substantial benefit to the public.
- (b) In determining whether to grant such waiver, the board of supervisors shall consider the time of day the noise will occur, the duration of the noise, whether the noise is intermittent or continuous, its extensiveness, the technical and economic feasibility of bringing the noise into conformance with this article and such other matters as are reasonably related to the impact of the noise on the health, safety and welfare of the community and the degree of hardship which may result from the enforcement of the provisions of this article.
- (c) Except as provided in (d) below, no waiver, or partial waiver, issued pursuant to this article shall be granted for a period to exceed one (1) year, but any such waiver, or partial waiver may be renewed for successive like periods if the board of supervisors shall find such renewal is justified after again applying the standards set forth in this article. No renewal shall be granted except upon written application therefor.
- (d) Applications for waivers for noise generated within commercial and industrial zoning districts shall be considered by the board of supervisors based upon the criteria contained in (a) and (b) above, and upon the extent to which the noise is necessary and incidental to the commercial and industrial use generating the sound. In considering such waivers, the board may, but shall not be required to, impose a time limit on any waiver granted.

(Ord. No. 102792-12, § 1, 10-27-92; Ord. No. 081997-7, § 1, 8-19-97)

Secs. 13-24—13-99. - Reserved.

An ordinance to amend Chapter 10 (“Offenses and Miscellaneous Provisions”) of the Goochland County Code by adding Sections 10-40 (“Prohibited noises generally”), 10-41 (“Specific acts as noise disturbances”), 10-42 (“Exemptions”), 10-43 (“Penalty and enforcement”) and 10-44 (“Severability”) to adopt provisions related to noise control

WHEREAS, the citizens of Goochland have expressed a need for more stringent control of unreasonably loud, disturbing and unnecessary noises; and

WHEREAS, noise can be detrimental to the health, welfare, safety and well-being of inhabitants of the County, and in the public interest noise should be restricted; and

WHEREAS, the Board of Supervisors has reviewed numerous options available to obtain this goal without imposing regulations that are unduly restrictive; and

WHEREAS, the Board of Supervisors wishes to amend and update the County Code for the foregoing reasons; and

WHEREAS, this ordinance is required to serve the health, safety and welfare of the citizens of Goochland County.

NOW THEREFORE, BE IT ORDAINED, that the Goochland County Code is hereby amended as follows:

- 1. Chapter 10 (“Offenses and Miscellaneous Provisions”) is hereby amended as provided in the attachment.**
- 2. This ordinance shall be effective immediately upon its adoption by the Board of Supervisors of Goochland County.**
- 3. Except as amended herein, all chapters, articles, sections, paragraphs and provisions of the Goochland County Code are readopted in their entirety as if set forth herein.**

Approved this _____ day of _____, 2011.

Roll Call Vote:

	Aye	Nay
Malvern R. Butler,	_____	_____
Ned S. Creasey,	_____	_____
James W. Eads, Vice Chairman	_____	_____
Andrew W. Pryor,	_____	_____
William E. Quarles, Jr., Chairman	_____	_____

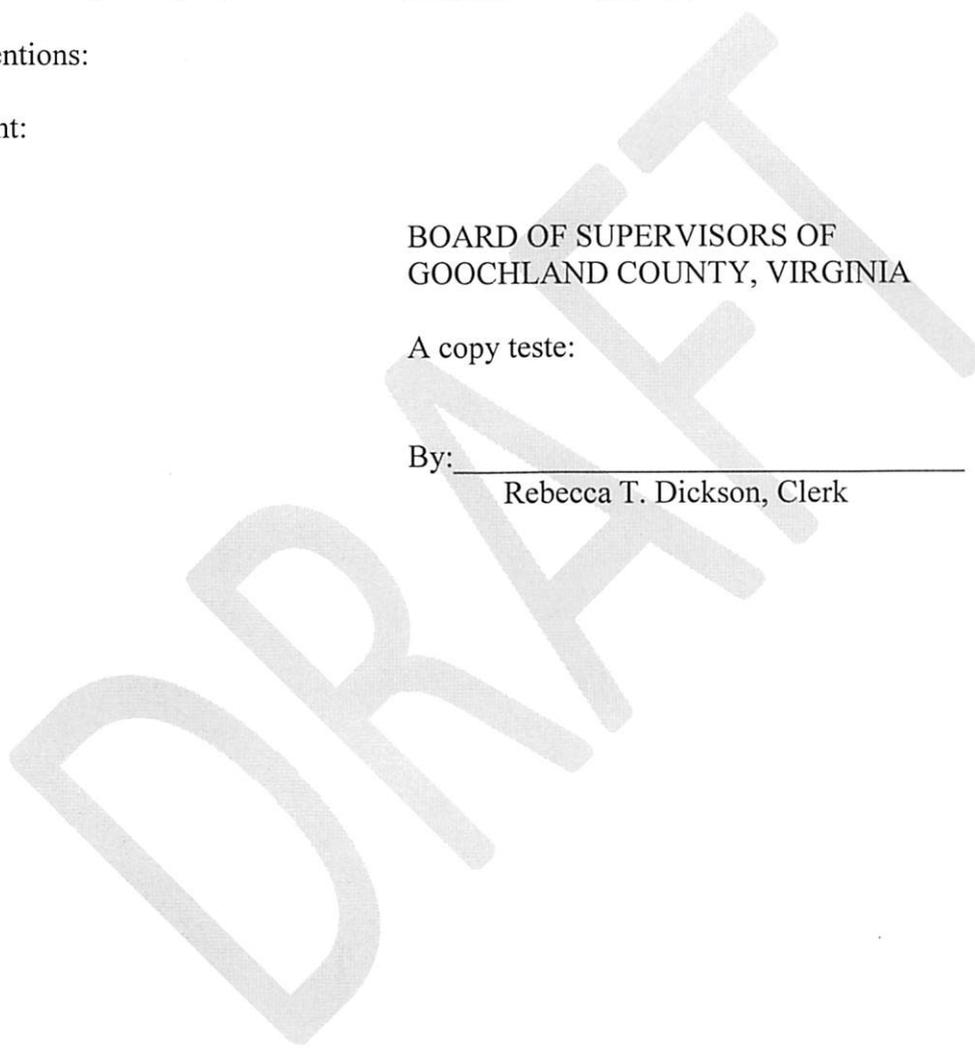
Abstentions:

Absent:

BOARD OF SUPERVISORS OF
GOOCHLAND COUNTY, VIRGINIA

A copy teste:

By: _____
Rebecca T. Dickson, Clerk



Chapter 10. Offenses and Miscellaneous Provisions

Article II. Noise

Sec. 10-40. Prohibited noises generally.

It shall be a violation of this article for any person to make noise or allow the making of noise that by reason of its volume, pitch, duration or repetition, considering the time of day, 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 him or that constitute any one of the specific acts of noise disturbances enumerated in this article.

Sec. 10-41. Specific acts as noise disturbances.

The following acts are declared to be noise disturbances in violation of this article, provided that this list shall not be deemed to be an exclusive enumeration of those acts which may constitute noise disturbances and that an act not listed below may nevertheless constitute a violation of this article.

1. *Social gatherings and parties.* Any noise generated between 11:00 p.m. and 7:00 a.m. from a gathering of ten (10) or more people that is plainly audible (i) inside the confines of a detached dwelling unit of another person or (ii) at one hundred (100) or more feet from the gathering.
2. *Sound-producing and sound-reproducing devices.* 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, outside of or on a structure, in such a manner or with such volume or duration that it is plainly audible between 11:00 p.m. and 7:00 a.m., (i) inside the confines of a detached dwelling unit of another person or (ii) at one hundred (100) or more feet from the device.
3. *Noisy animals.* Allowing any animal, except farm animals in agricultural districts, to cause any sound or noise between 11:00 p.m. and 7:00 a.m. such that it is plainly audible (i) inside the confines of a detached dwelling unit of another person at least once a minute for ten (10) consecutive minutes or (ii) at one hundred (100) or more feet from the animal at least once a minute for ten (10) consecutive minutes.
4. *Trash and recycling collection.* The creation of any sound or noise between 11:00 p.m. and 6:00 a.m. that is plainly audible when the sound or noise is produced in connection with the loading or unloading of refuse, waste or recycling collection vehicles.

5. Street cleaning and construction. The creation of any sound or noise between 11:00 p.m. and 6:00 a.m. that is plainly audible when the sound or noise is produced in connection with (i) the cleaning of streets or parking lots or (ii) construction or demolition activities.
6. Peddlers and hawkers. Yelling, shouting, whistling, screaming or crying for the purpose of attracting attention to a performance, show, sale or display of merchandise between the hours of 11:00 p.m. and 7:00 a.m. on any public street, sidewalk or parking lot or any privately-owned street, sidewalk or parking lot open to the public, except to summon aid in an emergency.
7. 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, loud speaker 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 one hundred (100) 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 9:00 p.m.
8. Lawn care activities. Creating any sound or noise plainly audible between 11:00 p.m. and 7:00 a.m. in connection with lawn care, leaf removal, gardening, tree maintenance or removal or other landscaping, lawn or timbering activities. The provisions of this subsection shall not apply to sound or noise generated by the maintenance of recreational facilities such as golf courses and ball or playing fields.
9. On or off road motor vehicles, etc.
 - (a) The operation of or use of any on or off road motor vehicle, all-terrain vehicle, moped, motor-driven cycle, motorcycle or motorized skateboard or scooter for a period in excess of five (5) minutes in duration or a total of fifteen (15) minutes during any twenty-four (24) hour period whether on public or private property, not meeting the standards of Title 46.2 of the Code of Virginia pertaining to mufflers and exhaust systems;
 - (b) The operation or use of any on or off road motor vehicle, all-terrain vehicle, moped, motor-driven cycle, motorcycle or motorized skateboard or scooter that is so out of repair, so loaded or operated in such a manner as to create loud and unnecessary grating, grinding, rattling, squealing of tires, revving of motor or other noise; or
 - (c) The discharge of the exhaust of any internal combustion engine into the open air except through a device which will effectively prohibit loud and explosive noises.

10. Sounding of horns or other warning devices. Sounding the horn or warning device of a vehicle, except when necessary as a warning during the operation of the vehicle.

Sec. 10-42. Exemptions.

The prohibitions of this article shall not apply to any sound or noise generated by any of the following:

1. Sound or noise which is necessary for the protection or preservation of property or the health, safety, life or limb of any person, including noise caused by or arising out of activities related to the repair, maintenance, replacement or alteration of public utility systems or parts thereof, public drainage systems or parts thereof, or streets and highways or parts thereof, and appurtenances thereto, where such activity is reasonable necessary to further a public safety interest and/or to minimize disruption in the provision of public services, e.g., water, sewer and electrical services.
2. Emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work.
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.
5. Band performances or practices, athletic contests or practices and other school-sponsored activities on the grounds of public or private schools, colleges or universities.
6. Athletic contests and other officially-sanctioned activities in County-owned parks and recreational facilities.
7. Fire alarms, burglar alarms and car alarms, prior to the giving of notice and a reasonable opportunity for the owner or person in possession of the premises or vehicle served by any such alarm to turn off the alarm.
8. Religious services, religious events or religious activities or expressions, including, but not limited to music, singing, bells, chimes and organs which are part of such service, event, activity or expression.
9. Locomotives or railroad equipment.
10. Sounds emanating from areas permitted by the Virginia Department of Mines, Minerals and Energy or any division thereof.

11. Military activities of the Commonwealth or of the United States of America.
12. Agricultural operations, as defined in Section 3.2-300 of the Code of Virginia and sawmills, provided such operations comply with all other applicable laws, regulations and ordinances.
13. Political gatherings and other activities protected by the First Amendment to the United States Constitution.
14. Activities for which the regulation of noise has been preempted by federal law.
15. Business being performed on industrial property.

Sec. 10-43. Penalty and enforcement.

1. *Civil Penalties:* Any person may request that the magistrate issue, ~~and an animal control officer (as to animal noise) or other code enforcement officer may issue,~~ a civil summons to any person violating the provisions of this article. Any person found violating any provision of this article shall pay a civil penalty not to exceed two hundred fifty dollars (\$250.00) for each first offense and five hundred dollars (\$500.00) for each subsequent offense.
2. *Continued violation:* Each day a violation continues unabated shall constitute a separate offense.
3. *Responsible person:* The person operating or controlling a noise source shall be guilty of any violation caused by that source. If that cannot be determined, any owner, tenant, resident or manager physically present on the property where the violation is occurring shall be presumed to be operating or controlling the noise source. It shall be unlawful for a property owner knowingly to allow other persons to create noise prohibited by this article within the boundaries of his or her property.
4. *Injunctive relief:* In addition to and not in lieu of the penalties prescribed in this section, the County may apply to the circuit court for an injunction against the continuing violation of any of the provisions of this article and may seek any other remedy or relief authorized by law.

Sec. 10-44. Severability.

If any provision of this article should be determined by a court of competent jurisdiction to be invalid, such determination shall not affect the validity of the remaining provisions of this article.