

CITIZEN INFORMATION SHEET: NOISE ORDINANCE

	APPLIES	DOESN'T APPLY
PROPERTY	<ul style="list-style-type: none"> • Zoned Agricultural or Residential, with a residence • Zoned Agricultural or Residential, with >1 residence 	<ul style="list-style-type: none"> • Zoned Business or Industrial • Managed apartment complexes [The Retreat and 2000 West]
NOISE SOURCE OR TYPE	<ul style="list-style-type: none"> • Residential activity 	<ul style="list-style-type: none"> • Agricultural Activity (see box below) • Commercial or business activity • Companion Animal noises • Firearms Shooting • Conditional Use Permit activity • Special Event Permit activity • Parade Permit activity • Fireworks Permit activity
AGRICULTURAL ACTIVITIES EXEMPTION		<ul style="list-style-type: none"> • Raising/keeping animals, fowl, bees • Production/harvest of crops • Crops includes fruits, vegetables, meat, dairy, poultry, fiber, nuts, tobacco, trees, timber, flowers, other nursery products • Production/harvest silviculture activity • Production/harvest aquaculture activity • Other, similar activities

These must be met before a violation has occurred:

NUISANCE CRITERIA	<ul style="list-style-type: none"> • Repetitive: Same type of noise must occur on more than one occasion • Noise must unreasonably and substantially interfere with someone's peaceful enjoyment of residential property • Consider the volume, pitch, duration, repetition, and time of day of the noise to determine if it is a nuisance
WARNING	<ul style="list-style-type: none"> • Must identify the property address that is the source of the nuisance noise • Identify an owner, tenant, resident, or occupant of the property who is responsible for the nuisance noise or has been present during the nuisance noise • Write a letter identifying the nuisance noise, the date(s) and time(s) it has occurred, and asking for the nuisance noise to stop • Send the letter certified mail, return receipt requested to that owner, tenant, resident, or occupant at the property • If the GIS (Geographic Information System) identifies a property owner at a different address, also send a copy of the letter, certified mail, return receipt requested, to the property owner at that address • Keep a copy of the letter and proof of certified mail for court
VIOLATION	<ul style="list-style-type: none"> • The same type of noise occurs again after the warning has been given

SAMPLE WARNING LETTER TO VIOLATOR:

Certified Mail, Return Receipt Requested

DATE

Owner, Tenant, Resident or Occupant AND Property Owner in GIS system
Property Address If different property address

RE: Nuisance Noise from [Property Address]

The [describe the nuisance noise, like loud music] coming from your residential property has unreasonably and substantially disturbed or interfered with the peaceful enjoyment of my residential property located at [your address] on the following dates/times:

List dates, times, and duration of repetitive noise and describe type and volume of noise.

I am writing to let you know that I have been disturbed by this nuisance noise and to request that you cause it to stop [or occur more quietly /or occur for a shorter period of time/ or occur at a different time of day] so it will not create a nuisance that is disturbing at my residence.

I believe that the nuisance noise from your property is in violation of Goochland County's Nuisance Noise ordinance (copy enclosed). I am providing you this notice as required by the ordinance. If you fail to stop the nuisance noise after receiving this warning, I may seek a summons against you for a violation of the Nuisance Noise ordinance and you could be subject to a civil penalty or other enforcement action.

PROCESS FOR NUISANCE NOISE VIOLATION:

1. Determine the residential property from which the nuisance noise occurs.
2. Determine who is causing the noise or the identity of an owner, tenant, resident, or occupant who is on the property when the nuisance noise occurs.
3. Create a record of the dates, times, and duration of the nuisance noise you hear at your residence.
4. Capture the nuisance noise through a video or audio recording taken from your residence.
5. Provide a written warning to the owner, tenant, resident or occupant who has created the noise or been present when it occurs and, if the GIS property records identify a property owner listed at a different address than the property address, send that property owner a written warning, too. Send the written warnings via certified mail, return receipt requested. Keep a copy of your written warnings and the certified mail paperwork, including the returned green card (after delivery is made or attempted).
6. Write down the dates, times, and duration of the nuisance noise that occurs after the written warning was received.
7. Go to the Goochland County Sheriff's Office to appear before the Magistrate Judge (typically virtually). Bring all your information, documents, and recordings with you.
8. If the magistrate issues the summons, you will be given a date and time to appear in Goochland County General District Court. Again, bring all your information, documents and recordings with you. to prove the violation.

Goochland County Code Chapter 10 Offenses Article II Noise Nuisances

10-41 Purpose.

Residents should be able to use and enjoy their homes free from repetitive noise that rises to the level of a nuisance. To that end, this article prohibits the creation of a noise nuisance on residential property which, by virtue of its volume, pitch, duration, repetition, and time of day, unreasonably and substantially disturbs or interferes with someone else's peaceful enjoyment of their residential property.

10-42 Definitions.

Agricultural activities. The raising or keeping of animals, fowl, or bees; the production or harvest of all crops including: fruits, vegetables, meat, dairy, poultry, fiber, nuts, tobacco, trees, timber, and flowers or other nursery products; the production or harvest of products from silviculture and aquaculture activity; and other, similar activities. Any activities added in the future to the definition of "agricultural operation" in the Right to Farm Act, Virginia Code § 3.2-300, are incorporated by this reference.

Nuisance. A nuisance is something that injuriously affects public safety or health, or which causes a material, substantial, repetitive, and unreasonable interference with the private use and enjoyment of another person's residential property.

Residential property. Residential property means any property on which one or more dwelling units exist, regardless of the property's zoning designation. For residential property containing more than one dwelling unit, a noise violation may be found if the noise generated in one dwelling unit or in a common area creates a noise nuisance in another dwelling unit located on the same property; however multifamily structures operated by a management company are exempt from this article.

10-43 Noise Nuisance Violation.

A. Noise nuisance.

It is a violation of this article for any person to intentionally or unintentionally make repetitive noise, or allow the making of repetitive noise, except the noises exempted below, on residential property that, by reason of its volume, pitch, duration, repetition, and time of day, unreasonably and substantially disturbs or interferes with someone else's peaceful enjoyment of residential property they own, rent, or occupy.

B. Persons responsible.

Any person who controls the noise source can be held responsible for a violation, but if that person cannot be reasonably ascertained, then any owner, tenant, resident or occupant who is physically present on the residential property during the nuisance noise, and to whom the required warning has been provided can be held responsible.

C. Warning.

No person shall be found in violation of this article unless there has been presented before the court competent evidence that the complainant or a law enforcement official had, prior to the issuance of any summons or warrant, requested the abatement of the nuisance complained of, and that such nuisance continued after the request for abatement. Written notice of the violation must be sent, certified mail, return receipt requested, to the property from which the noise nuisance emanated and, if a different

address is listed for the property owner on the county's geographic information system (GIS), also to the property owner(s) at the address shown in GIS.

10-44 Exemptions.

The following are exempt such that nuisance noise from them cannot form the basis of a noise nuisance:

1. Agricultural activities;
2. Approved business or commercial activity on residential property;
3. Companion animal noises which violate Code § 3-104; and
4. All shooting of firearms that is lawful under state and local laws and regulations.
5. Activities permitted by zoning, special events permits, parade permits, fireworks permits, or other governmental approvals;
6. Multi-family structures operated by a management company; and
7. Activities for which noise regulation has been pre-empted by federal or state law.

10-45 Penalties.

A. Violations of this article carry a civil penalty not to exceed \$250 for the first offense and not to exceed \$500 for subsequent offenses.

B. The public nuisance procedures set forth in Virginia Code § 48-1 et. seq. may be used for violations of this article.

C. If the violation is unabated at the time of a court finding, the court shall order the violator to abate or remedy the violation in compliance with this article within a time period established by the court. Failure to abate or remedy the violation within the specified time period shall constitute a separate violation.

D. In addition to and not in lieu of the other penalties, the county may apply to the circuit court for an injunction against any continuing, including intermittently continuing, violation of this article, and may seek any other remedy or relief authorized by law.