

## AN ORDINANCE OF THE COUNTY OF MIDDLESEX PERTAINING TO NOISE CONTROL AND IMPOSING PENALTIES FOR EXCESSIVE NOISE

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF MIDDLESEX COUNTY, VIRGINIA, THAT THE FOLLOWING ORDINANCES NEWLY ADOPTED:

### NOISE CONTROL

Section 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 controlled. It is, therefore, the policy of the county to reduce noise in the county and to prohibit unnecessary, excessive and annoying noises from all sources subject to its police power. Section 2. Definitions. For the purposes of this article, certain terms shall have the meanings ascribed to them in this section, unless the context clearly indicates otherwise: Dwelling complex means an apartment complex, residential condominium or any other collection of dwelling units, which are located on a single tract, or parcel of real property. Dwelling unit means one or more rooms arranged, designed or intended to be occupied as separate living quarters by one or more persons and including permanent provisions for living, sleeping, eating, cooking and sanitation. Large party public nuisance means a gathering of ten or more people where the gathering is not contained within a structure, but spills outdoors into balconies, yards, common areas, parking lots, or other outdoor spaces, which creates a noise disturbance. Motor vehicle means every vehicle defined as a motor vehicle by § 46.2-100 of the Code of Virginia (1950), as amended. Noise disturbance means any sound which by its character, intensity and duration: (1) Endangers or injures the health or safety of persons within the county, or

(2) Annoys or disturbs reasonable persons of normal sensitivities within the county. Public property means any real property owned or controlled by the county or any governmental entity. Real right-of-way means any street, avenue, boulevard, highway, sidewalk or alley. Real property boundary means the property line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person. Residential has reference to single-family, two-family, and multifamily zoning district classifications, pursuant to the Middlesex County Zoning Ordinance. 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 characteristic of sound, including duration, intensity and frequency. Section 3. Noise disturbances – Prohibited generally. It shall be a public nuisance for any person to willfully make, permit to be made, continue or cause to be made, permitted or continued any noise disturbance and upon being found guilty thereof, such person shall be subject to a fine of not less than \$100.00 and not more than \$500.00 for each violation. Section 4. Same – Specific prohibitions. Subject, to the exceptions provided in Section 5, any of the following acts, or the causing or permitting thereof, among others, is declared to be a noise disturbance constituting a public nuisance in violation of this ordinance, but such enumeration shall not be deemed to be exclusive: (1) Radios, television sets, musical instruments and similar devices. Operating, playing or permitting the operation or playing of any radio, amplifier, television, record, tape or compact disc player, drum, musical instrument or similar device: a. On Sunday through Thursday, between the hours of 11:00 p.m. and 8:00 a.m. and on Friday and Saturday, between the hours of midnight and 8:00 a.m. in such manner as to be heard across a

residential real property boundary or when the sound source is located within or on the grounds of a dwelling complex in such manner as to permit sound to be heard within any dwelling unit of the dwelling complex other than a dwelling unit from which sound emanates; or b. When the sound source is located within or upon a motor vehicle on or upon public right-of-way or public property or on the grounds of a dwelling complex and the sound can be heard more than 50 feet from its source. (2) Loudspeakers, public address systems and sound trucks. a. Using, operating or permitting the operation of any loudspeaker, public address system, mobile sound vehicle or similar device amplifying sound therefrom on a public right-of-way or public property for any commercial purposes; or (3) Horns, whistles, etc. Sounding or permitting the sounding of any horn, whistle or 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) Yelling, shouting, etc. Yelling, shouting, whistling or singing between the hours of 11:00 p.m. and 8:00 a.m. from Sunday through Thursday, and between the hours of midnight to 8:00 a.m. on Friday and Saturday, so as to create a noise disturbance across a residential real property boundary or on a public right-of-way or public property or so as to create a noise disturbance to any occupant of a dwelling unit in a dwelling complex other than a dwelling unit from which such noise emanates. (5) Schools, public buildings, churches and hospitals. The creation of any noise disturbance within any school, court, public building, church or hospital or on the grounds thereof. (6) Any large party public nuisance as defined hereinabove, occurring at any hour of the day or night.

Section 5. Same – Exceptions. Sections 3 and 4 of this ordinance shall have no application to any sound generated by any of the following: (1) Sound which is reasonably necessary for the protection or preservation of property or the health, safety, life or limb of any person. (2) Non-commercial public speaking and public assembly activities conducted on any public right-of-way or public property for which a permit has been issued by the county, within such hours, at such locations and with such other limitations as may be imposed for the issuance of the permit. (3) Radios, sirens, horns and bells on police, fire or other emergency response vehicles when operated pursuant to the intended purposes of such vehicles. (4) Parades, fireworks, school-related activities and other special events or activities for which a permit has been issued by the county, within such hours, at such locations and subject to such other limitations as may be imposed as conditions for the issuance of the permit. (5) Activities on or in municipal and school athletic facilities and on publicly owned property and facilities which have been specifically authorized in advance by the owner or agent in charge of such property or facility; provided that such activities do not take place between the hours of 11:00 p.m. and 8:00 a.m., on Sunday through Thursday, or between the hours of midnight and 8:00 a.m., on Friday and Saturday. (6) Fire alarms and burglar alarms complying with Chapter 3.1 of this Code. (7) The operation of mobile lawn and garden equipment powered by an internal combustion engine such as lawn mowers, pressure washers, weed eaters, leaf blowers and chain saws; provided the operation of such equipment is limited to the hours of 6:00 a.m. to 9:00 p.m., and such equipment is operated with the original manufacturer's equipped or equivalent muffler(s) or other sound dissipating devices. (8) The construction, repair, maintenance, demolition or alteration of structures; streets and other vehicular ways; sewer, water, electric, gas,

cable and other utility lines; or the clearing or excavation of property and related activities between the hours of 6:00 a.m. and 9:00 p.m.; except that emergency operations necessary for the health, safety and welfare of the county and its residents may be conducted at any time. (9) The operation of equipment and machinery in any lawful business in the normal course of such business, or in planting, tending or harvesting activities in a zoning district where agriculture business operations are allowed, whether such agriculture operations are allowed of right or legally non-conforming. (10) Activities permitted by law for which a specific license or permit for a demonstrated public purpose has been granted by the county, state or federal government; including, but no limited to, noise generated by and necessary for the

conduct of public festivals, operations or airplanes and airports, operations of trains, railway stations and railway yards, operations of ships and shipyards, and celebrations of recognized federal, state and local holidays. (11) Lawful and permitted sports activities including racetracks and speedways.

Adopted by the Board of Supervisors of Middlesex County, Virginia on this 21st day of December, 2004.

YES NO

LENORA O. WEBER \_\_\_X\_\_\_

WAYNE H. JESSIE, SR. \_\_\_X\_\_\_

FRED S. CRITTENDEN \_\_\_X\_\_\_

JOHN D. MILLER, JR. \_\_\_X\_\_\_

KENNETH W. WILLIAMS \_\_\_X\_\_\_

THIS ORDINANCE SHALL BE EFFECTIVE UPON ADOPTION