

Chapter 11 OFFENSES—MISCELLANEOUS¹

ARTICLE I. IN GENERAL

Sec. 11-19. Noise.

(a) The following acts, are declared to be a violation of this section:

- (1) *Blasting horns.* The creation by means of any signal device of any loud or harsh noise blowing beyond five (5) seconds, and the sounding of such device for any unnecessary period of time;
- (2) *Pets.* The keeping of any animal which, by causing frequent or long continued noise, shall disturb the comfort or repose of any persons in the vicinity between the times of 8:00 a.m. and 10:00 p.m. Sunday through Monday;
- (3) *Vehicles.* The use of any automobile, motorcycle or vehicle so out of repair, so loaded or used or repaired in such manner as to create loud or unnecessary noises, particularly grating, grinding, rattling, or riveting;
- (4) *Whistles.* The blowing of any whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger;
- (5) *Exhaust discharge.* The discharge into the open air of the exhaust from any steam engine, stationary internal combustion engine or motorboat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom. Such muffler or other device installed may not be a gutted muffler, muffler cutout, or straight exhaust. The exhaust system is required to be in good working order and in constant operation to prevent excessive or unusual levels of noise; provided however, that for motor vehicles, such exhaust system shall be of a type installed as standard factory equipment, or comparable to that designed for use on the particular vehicle as standard factory equipment. An exhaust system is a violation of this section if it permits the escape of noise in excess of that permitted by the standard factory equipment exhaust system of private passenger motor vehicles or trucks of standard make;
- (6) *Devices using compressed air.* The use of any mechanical device operated by compressed air, unless the noise created thereby is effectively muffled and reduced;
- (7) *Building operations.* The erection, including excavation, demolition, alteration or repair, of any building in a residential or business district other than between the hours of 8:00 a.m. and 7:00 p.m. Monday through Friday, except in cases of urgent necessity in the interest of public safety, and then only with approval from the proper town officials. Building Operations during the weekend (Saturday and Sunday) and Federally-designated Holidays, or outside the hours listed above, shall require approval from the Town Manager, with notification provided to the Town Council. Conditions may be placed on the approval to control the amount of noise emitted from the site. Violating the approval Conditions may result in the revocation of the weekend/Holiday/outside normal hours work approval;

¹State law reference(s)—Crimes and offenses generally, Code of Virginia, Title 18.2.

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- (8) *Noises near schools, hospitals, churches, etc.* The creation of any excessive noise on any street adjacent to any school, institution of learning, library, sanitarium, hospital or court, while the same is in session, or adjacent to any church during the church services, which interferes with the work or worship in any such place or institution; provided, that signs must be displayed in such streets indicating that the same is a school, hospital, church, library, sanitarium or court;
- (9) *Loading and unloading operations.* The creation of loud and excessive noises in connection with loading or unloading any vehicle or repairing any vehicle or opening and destroying bales, boxes, crates and containers except between 9:00 a.m. and 7:00 p.m.;
- (10) *Bells or gongs.* The sounding of any bell or gong attached to any building or premises which is plainly audible in a dwelling in the vicinity thereof with the windows and doors closed with the exception of churches or any government building or courthouse;
- (11) *Hawking, peddling or soliciting.* Shouting, loud talking, crying or soliciting by peddlers, hawkers, taxicab drivers, solicitors and vendors which is clearly audible and done for the purpose of commerce;
- (12) *Noise to attract attention.* The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any performance or event, show, sale or the display or advertisement of merchandise by the creation of noise;
- (13) *Loudspeakers or amplifiers.* The use of any mechanical loudspeaker or amplifier, except by special permission of the town manager when the public will not be unreasonably disturbed thereby. An amplified noise permit shall be issued by the town manager prior to the use of any loudspeaker or sound amplifier. Personal amplified noise on residentially zoned properties is exempt from obtaining a permit;
- (14) *Business noises at night near residences.* The operation of any garage, filling station, auto repair business, taxi business, plant, store, factory or other place of business, between the hours of 8:00 p.m. and 8:00 a.m.
- (b) Any violation of this section shall be penalized on a first offense as a two hundred fifty dollar (\$250.00) civil fine. Any subsequent offense shall be penalized as a five hundred dollar (\$500.00) fine for each occurrence after a twenty-four-hour period.

(Code 1981, § 10-16; Ord. No. 1992-25, 10-13-92; Ord. No. 2020-08, 11-10-20; Ord. of 6-8-21(1))

Cross reference(s)—Animals and fowl, Ch. 3; buildings, Ch. 4; motor vehicles and traffic, Ch. 10; solicitors, Ch. 13; taxicabs, Ch. 16.

State law reference(s)—Power of town to regulate noise from motorcycle mufflers, Code of Virginia, § 15.1-29.12; power of town to regulate or prohibit the use of explosive devices to repel birds, Code of Virginia, § 15.1-29-13; loudspeakers prohibited near polling places, Code of Virginia, § 24.1-96.1.