Noise Ordinance

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. Nothing in this Ordinance shall be construed to limit, hinder, or in any way interfere with the normal conduct of daily work activity, either commercial or residential.

Prohibitions.

(a) No person shall permit, operate, or cause any source of sound or sound generation to create a sound that is plainly audible in any other person's residential dwelling or place of business with the doors and windows of that residential dwelling or place of business closed.

(b) No person shall permit, operate, or cause any source of sound or sound generation to create a
sound that is in excess of sixty-five (65) A-weighted decibels (dBA) measured at the emitter's property line or at any point within any other affected property.

(c) No person operating in a public place or in a motor vehicle in a public place shall allow a sound to emanate from or around the motor vehicle that is plainly audile at a distance of fifty (50) feet from the motor vehicle.

Rebuttable Presumption

Any person owning, operating or controlling the sound generation or source shall be guilty of any violation caused by that sound generation or source.

If it cannot be determined which person is the owner, operator, driver or controller of the sound generation or source, any owner, tenant, resident, operator or manager physically present on the property where the violation is occurring is subject to a rebuttable presumption that they are the one operating or controlling the sound generation or source.
Exceptions

(a) The following noises are exempt generally from the provisions of this ordinance.

(1) The emission of sound for the purpose of alerting persons to the existence 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) 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) 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.
(6) Locomotives and other railroad equipment and aircraft

(7) Household tools, lawnmowers, and other lawn care equipment with manufacturer's recommended mufflers installed, between 6:00 a.m. and 10:00 p.m.

(8) The production of agricultural, horticultural and forestall products, including, but not limited to sawmill operations.

(9) 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.

(10) Animal shelters or kennels, as hereinafter defined, that house 5 or more dogs, which were in existence prior to March 17, 2020.

(11) Sporting events or other activities operated and conducted under the sponsorship of an official organization such as a hunt club, civic organization, public or private
school or that which occurs on or in any municipal, county, state, federal property or facility.

(12) Agricultural activities on agriculturally zoned property associated with crops, livestock, and livestock products, including field crops, fruits, vegetables, horticultural specialties, cattle, sheep, domesticated game animals, hogs, goats, horses, poultry, milk, honey, eggs, aquaculture, timber including Christmas trees, and dogs working or being trained to work in conjunction with any agricultural activity.

(13) Lawful discharge of firearms, not to exceed more than 2 hours every 6 hours, or lawful hunting.

(14) Clocks, bells, carillons, and other calls to worship emanating from a public building, church or place of worship.

(15) Noise generated by a business on industrially zoned property.

(16) Railroads and any sound emanating from any area permitted by the Virginia Department of Mines, Minerals and Energy, or any division thereof.
(17) The emission of sound for the purpose of alerting persons to the existence of an emergency, provided that such alarm signals cease once any threat is no longer imminent.

(18) The emission of sound in response to any emergency situation by law enforcement, fire and rescue personnel or any other public employee.

(19) Use and operation of any equipment to remove snow or ice.

(20) Operation of backup generators during power outages resulting from storms or other emergencies.

(21) Heat pumps and/or air conditioners operated in accordance with manufacturer's specifications.

(22) Electric garage door openers when properly installed and operated according to manufacturer's specifications and alarms or noise emanating from a motor vehicle when locking or unlocking such vehicle.
(23) Motor vehicles traveling on a public right-of-way and any other activities for which the regulation of noise has been preempted by federal or state law.

(24) Any noise associated with a use permitted by the issuance of special exception or special use permit for that use on the subject property.

(b) The following activities or sources of sound shall be exempt during the hours of 6:00 a.m. to 10:00 p.m., unless specifically noted otherwise, from the prohibitions in this chapter:

(1) Activities related to the construction, repair, maintenance, remodeling or demolition, grading or other improvement of real property.

(2) Refuse collection and sanitation services, except that refuse collection and sanitation services may begin at 6:00 a.m.

(3) Testing of audible signal devices which are employed as warning or alarm signals in case of fire, emergency, theft, or burglary, or imminent danger, except such testing shall not occur after 8:00 p.m.
Definitions

*Agricultural production:* 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:* 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, furbearing animals, milk, eggs and furs.

*Animal shelters or kennels:* a kennel or shelter that has a kennel license from Buckingham County
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 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.

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

Plainly audible: sound that can be heard by the human ear with or without a medically approved hearing aid or device. Discernible means that the sound is sufficiently distinct such that its source can be clearly identified.

Penalties

Any person who violates this ordinance for the first time shall be subject to a civil penalty of two hundred fifty dollars ($250.00) for the first offense. Any person who violates this ordinance for a second or subsequent time within 6 months of the first conviction shall be guilty of a
Class 2 misdemeanor. These penalties may be charged for every distinct alleged violation and shall be deemed a separate and subsequent offense.

Severability

If any provision of this chapter 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 chapter.