

# **PITTSYLVANIA COUNTY CODE**

## **CHAPTER 41**

### **NOISE CONTROL ORDINANCE**

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## CHAPTER 41

### NOISE CONTROL

#### **SEC. 41-1. DECLARATION OR FINDINGS AND POLICY.**

The Board of Supervisors of the County of Pittsylvania, Virginia, hereby finds and declares that excessive noise and sound is a hazard to the public health, welfare, safety, peace, and the quality of life of the citizens of Pittsylvania County; that a substantial body of science and technology exists by which excessive noise and sound may be substantially monitored, controlled and abated; that the people of the County of Pittsylvania have a right to and should be insured of an environment free from excessive sound and noise pollution, that may jeopardize the public health, welfare, safety, and peace or degrade the quality of life in Pittsylvania County; and that it is the policy of the County of Pittsylvania to prevent such excessive noise and sound.

#### **SEC. 41-2. DEFINITIONS.**

The following terms, words and phrases, when used in chapter, shall have the meanings hereinafter ascribed to them, unless otherwise clearly indicated by the context in which used:

1. **Weighted Sound Level.** The sound pressure level in decibels as measured on a sound level meter using the A-Weighing network. The level so measured and read is referred to as decibel level or reading.
2. **Decibel.** A unit for measuring the volume of sound equal to twenty (20) times the logarithm to the base ten (10) or the ratio of the pressure of the sound in microbars to a reference pressure of 0.0002 microbar; and is abbreviated db (a) or dba.
3. **Device.** Any mechanism, which is intended to, or actually produces noise when operated or handled.
4. **Emergency.** An occurrence or set of circumstances involving actual or damage, which demands immediate action.
5. **Emergency Work.** Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency, and includes 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 danger, or 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.
6. **Motor Vehicle.** Every vehicle which is self-propelled or designed for self-propulsion, including but not limited to, passenger cars, trucks, truck-trailers, semi trailers, campers, motorboats, racing vehicles, and any motorcycle as defined in the Code of Virginia Section 46.2-100, and any structure designed, used, or maintained primarily to be loaded on or affixed to a

motor vehicle to provide a mobile dwelling, sleeping place, office or commercial place. A bicycle or moped shall not be deemed to be a motor vehicle.

7. **Moped.** A bicycle-like device with pedals and a helper motor which is rated at and produces no more than two (2) brake horsepower, and which produces speeds up to a maximum of thirty (30) miles per hour (mph).

8. **Gross Vehicle Weight Rating (GVWR).** The value specified by a motor vehicle manufacturer as the recommended maximum loaded weight of a single motor vehicle, and in cases where trailers and tractors are separable, the Gross Combination Weight Rating (GCWR), which is the value specified by the manufacturer of said motor vehicle as the recommended maximum loaded weight of the combination vehicle shall be used.

9. **Noise.** Any sound which may cause or tends to cause an annoyance or disturbance, or which causes or tends to cause an adverse physiological or psychological effect on humans or animals.

10. **Noise Disturbance.** Any sound not related to emergency work as defined herein which annoys, disturbs, or perturbs reasonable persons with normal sensitivities; or any sound related to emergency work which may be perceived to injure or endanger the comfort, repose, health, peace or safety of any person or animal.

11. **Sound.** Any oscillation in pressure or particle a medium with internal forces that causes rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

12. **Sound Pressure.** The instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space.

13. **Sound Level.** The weighted sound pressure level obtained by the use of a sound level meter and the A- frequency-weighting network, as specified in American National Standards Institute Specifications for Sound Level Meters.

14. **Sound Level Meter.** An instrument which includes a microphone amplifier, RMS detector, integrator or time average, output meter, and weighting networks used to measure sound pressure levels.

15. **Person.** Any individual, corporation, cooperative, partnership, firm, association, trust, estate, private institution, group, agency, or any legal successors, representative, agent or agency thereof.

16. **Public Right-of-Way.** Means any street, avenue, boulevard, highway, alley or public space which is owned or controlled by a public governmental entity or subdivision of the Commonwealth of Virginia.

17. **Stationary Noise Source.** Any equipment or facility, fixed or movable, that is capable of emitting sound beyond the property boundary or the property on which it is located or beyond the public right-of-way upon which it is located.

18. **Property Boundary.** An imaginary, measured line along the ground surface, and its vertical extension, which separates the real property owned, leased or occupied by one person from that owned, leased or occupied by another person, but not including intra-building real property divisions.

19. **Zoning District Classifications.** The scheme or land use classifications contained in Chapter 35 of this Code.

20. **Noise Sensitive Zones.** Any property that is primarily used as a school, institution of learning, cemetery during memorial service, funeral homes, nursing homes, courtroom, place of public worship, or medical or veterinary facility, while the same is being used as such.

### **SEC. 41-3. ADMINISTRATION AND ENFORCEMENT.**

The provisions of this Chapter shall be enforced and administered by the Sheriff of Pittsylvania County, who is hereby designated as the Noise Control Officer for the County of Pittsylvania. The Sheriff may, in his discretion, ask for the assistance of other departments within the County in administering and enforcing the provisions herein.

### **SEC. 41-4. TESTING OF METERING DEVICES.**

In order to implement and enforce this Chapter effectively and consistently, the Sheriff shall, within sixty (60) days after the effective date hereof, develop and promulgate methods and procedures for testing, validating and certifying the accuracy of the sound level meters used in the enforcement of this Chapter.

### **SEC. 41-5. PROHIBITED NOISE, GENERALLY.**

#### **PCC SEC. 41-5. PROHIBITED NOISE, GENERALLY.**

- A. It shall be unlawful for any person to make, continue to make, or cause to be made or continued, a noise disturbance in the County.
- B. No person shall operate or permit to be operated or participate in the operation of any stationary noise source or any source of sound or noise which generates a sound pressure level exceeding the limits set forth in the table entitled "Maximum Sound Pressure Levels", contained in Section 41-6of this Chapter, when measured at or outside the property boundary of the noise source or at any point within any other property affected by the noise. When a noise source can be identified and its noise measured in more than one (1) zoning district classification, the limits of the most restrictive classification shall apply.

- C. No person shall operate or permit to be operated a motor vehicle on a public right-of-way which generates a sound pressure level exceeding the limits set forth in the table entitled "Motor Vehicle Maximum Sound Pressure Levels", contained in Section 40-70 of this Chapter, when measured at a distance of thirty (30) feet or more away from and off of the public right-of-way.
- D. No person shall operate or permit to be operated any stationary noise source or any source zone, which disturbs or annoys the occupants thereof, or unreasonably workings or functions of the normal noise Sensitive zone.
- E. No person shall engage in any of the following among others, which are declared to be loud, disturbing and unnecessary noise in Chapter, but such enumeration shall exclusive:
  - (1) Radios, phonographs, etc. No person shall operate or permit the playing of any radio, phonograph, music sound system, or similar device which produces, reproduces, or amplifies sound or any musical instrument on any public sidewalk or right-of-way or on any other publicly owned property or on any privately-owned property in such a manner or with such volume to disturb or annoy the quiet, comfort or repose of reasonable persons.
  - (2) Yelling, shouting, etc. No person on or in any public sidewalk, street or right-of-way or on any other publicly owned property or on any privately-owned property shall engage in yelling, shouting, hooting, whistling or singing in such a manner or with such volume as to disturb or annoy the quiet, comfort or repose of reasonable persons.
  - (3) Loudspeakers, amplifiers, etc. for advertising. No person shall use or permit the use of any musical instrument, radio, phonograph, sound amplifier or device of any kind whereby sound is cast on any highway, street or across property boundaries for the purpose of advertising or attracting the attention of the public to any performance, show, sale or display or merchandise or to any building or structure between the hours of 9:00 p.m. and 7:00 a.m. The use of such devices shall be permitted at other times provided they are not operated in such a manner or with such volume as to disturb or annoy the quiet, peace or repose of reasonable persons.
  - (4) Shouting and crying of peddlers, etc. The shouting and crying of peddlers, hawkers and vendors, which disturbs the peace and quiet of the neighborhood, is prohibited.
  - (5) Animals. No person shall keep or permit the keeping of any animal which, by causing frequent or long continued noise, shall disturb the quiet, comfort or repose of the neighborhood to such an extent as to constitute a nuisance.
  - (6) Motor vehicle amplified sound. No person shall operate or permit the use or operation of any radio receiving set or any tape player or any other device which produces, reproduces or amplifies sound in a motor vehicle in such a manner that the sound is

plainly audible by a human being of normal sensitivity more than seventy-five (75) feet from the motor vehicle.

- (7) Motor vehicle horns. Sound or permit the sounding of any horn, whistle or other device on or in a motor vehicle that can be heard more than seventy-five (75) feet from the motor vehicle, except as a warning of danger. **(B.S.M. 12/18/18)**

**SEC. 41-6. MAXIMUM SOUND PRESSURE LEVELS.**

**A. TABLE: MAXIMUM SOUND PRESSURE LEVELS**

| <b>RECEIVING LAND USE CATEGORY</b>   | <b>SOUND LEVEL LIMIT dBA</b>  |                               |
|--|-------------------------------|-------------------------------|
|  | <u>7:00 a.m. – 10:00 p.m.</u> | <u>10:00 p.m. – 7:00 a.m.</u> |
| Noise Sensitive Zone   | 55                            | 50                            |
| Residential (Includes Residential Estates District; R-1; RC-1; RMF; RPD; MHP and Conservation Districts) | 57                            | 52                            |
| Agricultural District  | 57                            | 52                            |
| Business (Includes B-1 and B-2)  | 67                            | 62                            |
| Industrial (Includes M-1 and M-2)  | 77                            | 77                            |

- B. Measurements in multi-tenant structures. In a structure used as a multi-tenant structures the Sheriff's department may take measurements to determine such sound levels from common areas within or outside the structure or from other units within the structure, when requested to do so by the owner or tenant in possession and control thereof. Such measurement shall be taken at a point at least four (4) feet from the wall, ceiling or floor nearest the noise source, with doors to the receiving area closed and windows in the normal position for the season.

**SEC. 41-7. MOTOR VEHICLE MAXIMUM SOUND PRESSURE LEVELS.**

**SOUND LEVEL LIMIT dBA**

| <b>SPEED LIMIT 35 MPH OR LESS</b> | <b>SPEED LIMIT OVER 35 MPH</b> |
|-----------------------------------|--------------------------------|
|-----------------------------------|--------------------------------|

|  |    |    |
|--|----|----|
| All motor vehicles or<br>GVMR or GCWR or<br>6,000 lbs. or more                             | 86 | 90 |
| Any other motor vehicle<br>or any combination of<br>vehicles towed by any<br>motor vehicle | 70 | 79 |

**SEC. 41-8. PENALTIES AND VIOLATIONS.**

- A. Any person who violates any provision of this shall be guilty of a Class 3 misdemeanor.
- B. Each violation of any provision of this shall constitute a separate offense, whether committed on the same or subsequent days.
- C. 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 occupant physically present on the property or in possession, either actual or constructive, of the noise source, is rebuttably presumed to be guilty of the violation.

**SEC. 41-9. EXEMPTIONS.**

The following specific activities are exempt from the provisions of this Chapter:

- A. Sound created by the operation of domestic power tools such as power lawn mowers, chain saws, weed eaters, etc. provided the operation of said equipment is limited between the hours of 7:00 o'clock a.m. and 10:00 o'clock p.m. and such equipment is operated with a standard muffler or sound dissipating devices, and provided that such device is used in such a manner as is intended by the manufacturer.
- B. Sound generated by the construction, repair, maintenance, remodeling, demolition, alteration, grading or other improvement of real property, streets, sewers or utility lines, provided such sound is limited between the hours of 7:00 o'clock a.m. and 10:00 o'clock p.m.
- C. Sound generated by the operation of any governmental function.
- D. Radios, sirens, horns and bells on police, fire or other emergency response vehicles.
- E. Parades, fireworks or other special events or activities for which a permit has been issued by the County within such hours as may be imposed as a condition for the issuance of the permit.

- F. Religious services, religious events or religious activities, including, but not limited to music, bells, chimes and organs which are a part of such religious activity.
- G. Sound amplifying equipment used at public parks or recreation fields provided the operation of such equipment has been approved by the Noise Control Officer of the County of Pittsylvania.
- H. 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 conditions as may be imposed as a condition for the issuance of the permit.
- I. Band performances or practices, athletic contests or practices and other school-sponsored activities on the grounds of public or private schools, provided that such activities have been authorized by school officials.
- J. Fire alarms and burglar alarms, prior to the giving of notice and a reasonable opportunity for the owner or tenant in possession of the premises served by any such alarm to turn off the alarm.
- K. Sound generated for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work.
- L. Activities for which the regulation of noise has been preempted by federal law.
- M. Religious or political gatherings and other activities protected by the First Amendment to the United States Constitution.
- N. The movement of aircraft or trains which is conducted in accordance with or pursuant to applicable federal laws and regulations.
- O. Sound created pursuant to a lawful special entertainment permit for a music festival, pursuant to Chapter 10 (Musical Festival) of this Code, issued by the Board of Supervisors of the County of Pittsylvania.
- P. Discharge of firearms pursuant to lawful hunting activity during lawful hours therefore under applicable state law or discharge of firearms pursuant to target practice, said target practice not to exceed duration of two hours per day on any parcel of real estate, and may only take place between sunrise and sunset. However, if a special use permit has been issued by the Pittsylvania County Board of Zoning Appeals pursuant to Section 35-179, Code of Pittsylvania County, Virginia, said special use permit may specify the lawful hours and duration of target practice.
- Q. Commercial, industrial, business or agricultural activities lawfully conducted on or permitted upon land zoned for said purposes.

- R. The Sheriff of Pittsylvania County is hereby authorized to issue special events exceptions permits pursuant to this Section, the purpose of which is to exempt any person, firm, corporation, organization, partnership, joint venture or other entity of any kind or nature from the provisions of this Chapter, under the following conditions:
1. Prior to the issuance of such permit, the Sheriff shall fully investigate the proposed activity to determine whether in his opinion the same would constitute a threat to the public health, safety and welfare, upon consideration of 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 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 hardship which may result from the enforcement of the provisions of this chapter.
  2. Should the Sheriff determine that the proposed activity will not constitute a threat to the public health, safety or welfare, he may issue a permit for the event proposed. Such permit may be limited to the conduct of activities exceeding the sound level set forth in this ordinance only at such reasonable times and at such reasonable places as may be specified in said permit.
  3. The Sheriff shall collect on behalf of the Board of Supervisors a fee of one hundred (\$100.00) dollars from the person whom makes application for such special events exceptions permit, to defray the expense of investigation and administration of the provisions of this Chapter.
  4. The Sheriff may waive said one hundred (\$100.00) dollars fee if the person, farm corporation, organization, partnership, joint venture or other entity of any kind or nature that applies for the special event exception permit is a voluntary fire department or rescue squad or auxiliary unit thereof which has been recognized by an ordinance or resolution of the Board of Supervisors, or is operated exclusively for religious, charitable, community or educational purposes, an association of war veterans or auxiliary units thereof organized in the United States, or a fraternal association operating under the lodge system; and said event proposed shall not be operated or conducted so as to produce a profit.

#### **SECTION 41-10. SEVERABILITY.**

Should any Section or portion thereof of this Chapter of the Code of the County of Pittsylvania, Virginia, be held by final order of any Court of competent jurisdiction to be unconstitutional or unenforceable, all other Sections and portions thereof of this Chapter shall remain in full force and effect.

**(This ordinance was adopted by the Board of Supervisors on June 30, 1993 and is effective that date.)**