

CHAPTER .NOISE

[History: Adopted by the Town Council of the Town of Stanley: This ordinance also repealed former Chapter 128, Noise. Adopted 10/10/1973 Amendments noted where applicable.]

Section 128-1 Loud or disturbing noise prohibited.

It shall be unlawful for any person to create, assist in creating, permit, continue or permit the continuance of any unreasonably loud or disturbing sound of such character, intensity, volume, carrying power or duration as to disturb the comfort, repose, health or safety of any individual unless the sound is made in an activity conducted for the protection or preservation of the health, safety or life of some person. For purposes of this chapter, "disturbing" is defined as an actual or imminent interference to peace or good order or a noise which endangers or injures the health or safety of humans or animals or which annoys or disturbs a reasonable person of normal sensibilities. "Any person" shall include, without limitation, the principal actor in the noise-generating activity, any landowner upon whose land the activity is undertaken, and any owner, occupant, operator or agent of the source of the noise.

Section 128-1 Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this subsection:

- (a) A-weighted decibel. The sound level, in decibels, measured with a sound level meter using the A-weighting network or scale as specified in the ANSI S1.4-1983 (specification for sound level meters). The level so read shall be post scripted dB(A) or DBA.
- (b) Daytime. The local time of day between the hours of 7:00 A.M. and 10:00 P.M.
- (c) Decibel. A unit that describes the sound pressure level or intensity of sound. The sound pressure level in decibels is 20 times the logarithm to the base ten of the ratio of the pressure of the sound in microbars to a reference pressure of 0.0002 microbar; abbreviated dB.
- (d) Emergency. Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.
- (e) Emergency work. Any work performed for the purpose or preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.
- (f) Gross vehicle weight rating (GVWR). The value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating (GCWR), which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle, shall be used.
- (g) Motor carrier vehicle engaged in interstate commerce. Any vehicle for which regulations apply pursuant to Section 18 of the Federal Noise Control Act of 1972 (P.L. 92-574), as amended, pertaining to motor carriers engaged in interstate commerce.
- (h) Motorcycle. Any motor vehicle designed to travel on not more than three wheels in contact with the ground and any four-wheeled vehicle weighing less than five hundred pounds and equipped with an engine or less than six horsepower, excepting farm tractors.
- (i) Motor Vehicle. Any self-propelled device or device designed for self-propulsion upon or by which any person or property is, or may be, drawn or transported upon a street or highway, except devices moved by human power or used exclusively upon stationary wheels or tracks.

- (j) Nighttime. The local time between the hours of 10:00 P.M. and 7:00 A.M.
- (k) Noise. Any sound which annoys or disturbs humans or which causes or tends to cause and adverse psychological or physiological effect on humans.
- (l) Noise disturbance. Any sound which:
 - (1) Endangers or injures the safety or health of humans; or
 - (2) Annoys or disturbs a reasonable person of normal sensitivities; or
 - (3) Endangers or injures personal or real property
- (m) Property. The smallest real estate owned or leased by the same person or persons.
- (n) Property line. An imaginary line along the ground surface, and its vertical extension, which separates the real property, including the dwelling units within a structure owned by one person, from that owned or leased by another person.
- (o) Sound. An oscillation in pressure, particle displacement, particle velocity or other physical parameter in a medium with internal force that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound including duration, intensity, and frequency.
- (p) 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.
- (q) Sound level meter. An instrument to measure sound pressure levels that meets or exceeds performance standards for a Type 2 meter as specified by the ANSI

Section 128-2 Enumeration of unreasonable noise.

It shall be unlawful to commit the following acts, which are declared to be unreasonably loud or disturbing noises in violation of this chapter, but this enumeration shall not be deemed to be exclusive and the specification of such acts as hereinafter set forth shall not be construed to limit the scope of the general language set forth in 81-1, namely:

- A. Blowing horns: to frequently sound any horn or signal device in any other manner or circumstances or for any other purpose than required by the laws of the state.
- B. Racing engine: to race the engine of any motor vehicle or all-terrain vehicle or motorcycle while such vehicle is not in motion, except when necessary to do so in the course of repairing, adjusting or testing the same or pursuant to the provisions of a special use permit.
- C. Use of vehicle: to use or permit to be used any other motor vehicle or all-terrain vehicle or motorcycle or engine, stationary or moving instrument, device or other thing so out of repair, so loaded or so operated or constructed in such manner as to create an unreasonably loud or excessive or unreasonable or disturbing or unnecessary noise, except pursuant to the provisions of a special use permit.
- D. It shall be unlawful for any person to use any device for the production of sound which is cast upon streets, roads, or lands for the purpose of commercial advertising.
- E. Radios, phonographs, etc. The using, operating or permitting to be placed, used or operated, whether in a building, structure, motor vehicle or otherwise, any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to be plainly audible at a distance of the greater of either the property line of the property on which such set, etc., is being operated or used or 50 feet from said set, instrument, phonograph, machine or

device; if not located in a building, structure or vehicle in which it is located or through partitions common to two persons within a building shall be a violation of this chapter.

F. Exhaust noises: the discharge into the open air of the exhaust of any steam engine, stationary or moving, or internal combustion engine, motorboat or motor vehicle, except through a muffler or other device which will effectively prevent unreasonably loud or explosive noises there from, except pursuant to the provisions of a special use permit. For purposes of this section, "muffler" is defined as an apparatus consisting of a series of chambers or baffle plates designed for the purpose of transmitting gases while effectively reducing sound emanating from such apparatus to a reasonable level.

G. Construction or repairing of buildings: the erection, including excavating, demolition, alteration or repair, of any building or structure between the hours of 10:00 p.m. and 6:00 a.m., except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Official, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues.

H. Pets: to own, keep and have in his possession or harbor any dog, other animals or birds, which by frequent or habitual howling, yelping, barking or otherwise, make such noises as are plainly audible across property boundaries or through partitions common to two persons within a building. Notwithstanding the above, nothing herein shall be construed to apply to noises emitted from farm animals, livestock or poultry.

I. Frequent yelling, shouting, hooting, whistling, singing or making any vocal noise at any location between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of the greater of either the property line of the property from which such sound is emanating or 50 feet from which said sound is emanating.

J. All such measurement of noise as listed in A thru I (except H Pets) of this section shall be measured as follows. The dBH shall not exceed 70dBH at the property line or any point on the property of another, or at any point of the interior of a residence of another between the hours of 7 am and 10pm. Such levels shall not exceed 50 dBH between the hours of 10pm and 7am.

Testing and use of Metering Devices.

In order to implement and enforce this Chapter effectively, the Chief of Police shall, within a reasonable time after the effective date of same, develop and promulgate standards and procedures for testing and validating sound level meters used in enforcement of this Chapter. Such meters shall be provided by the Town of Stanley. Such meters shall be used for enforcement of this code by Town of Stanley Police Officers who have been properly trained in their use. Calibration of such meters shall be in compliance with the recommended standards and procedures of the manufacturer and copies provide to the courts of jurisdiction

Section 182-3 Exemptions.

- A. Bond fide agricultural activities, practices, tilling, orcharding, raising of livestock or poultry and farming, including but not limited to bona fide agricultural exhibitions and fairs open to the

general public whether for an admission fee or otherwise, and the operation of equipment, machinery, tools, devices or apparatus in connection with such activities, practices, etc., are hereby expressly exempted from the provisions of this chapter.

- B. The provisions of this chapter shall not apply to activities or uses permitted under the provisions of issued special use or conditional use permits in force and effect where the noises and sounds generated by such activities or uses are addressed and controlled by the provision of said conditional use permits. Before any special use or conditional use permit shall be issued concerning a use or activity creating or causing such a noise or noises as would cause such use or activity creating or causing such a noise or noises as would cause such use or activity to be in violation of this chapter were it not for the provisions of said permit, the Town of Stanley shall make a determination that the potential danger or disturbance to the community is outweighed by the benefit to the public interest by permitting such use or activity.
- C. The provisions of this chapter shall not apply to activities or uses conducted in industrial or commercial zoned districts or in areas in connection with bona fide commercial, industrial or business activities, provided that the use or activity is in compliance with Chapter 182, Zoning, excluding, however, camping or other recreational activities, which shall not be exempt.
- D. The provisions of this chapter shall not apply to formal or informal sport shooting. The operation or use of a sport shooting range by any person shall not be the subject of a violation of this chapter, provided that the sport shooting range is operated pursuant to the provisions of a special use or conditional use permit. Or is on private land and is used by or with the permission of the landowner or tenant. Formal or informal sport shooting does not include the discharge of automatic weapons, unless, they are properly licensed for such use under existing state and federal laws (see Section 18.2-295, Code of Virginia (1950), as amended, or as defined in 26 U.S.C 5845 (b) or (f); grenades, cannons (whether powder-fired, carbide or compressed gas) or other like types of firearms and weaponry; unless such use is in conjunction with a recognized ceremonial or similar act by an organization such as a VFW post, or by special use permit.

Section 182-4 Administration and enforcement

- A. The Police Chief of Stanley or his officers where the alleged violation of this chapter is due to noise generated by an animal, shall administer and enforce this chapter with all the rights and authority provided for in this chapter. Any said deputy shall have the authority to make any necessary inspection, with the consent of the owner, occupant, operator or agent, to enforce any provisions of this chapter, whenever any such deputy has reasonable cause to believe that there is a violation of this chapter. If any owner, occupant, operator or agent fails to allow or refuses free access and entry to the premises where a noise source is located, or any part thereof, with respect to which an inspection authorized by this chapter is sought to be made, any such officer or the Town Manager or his duly authorized agent may, upon a showing of probable cause to believe a violation of this chapter is being or has been committed, secure a search warrant or petition and obtain from a court of competent jurisdiction an order authorizing such inspection.
- B. Nothing herein shall be construed to prevent the abatement, by injunction or otherwise, of such noises as may constitute a nuisance.

- C. Whenever the administrator or his agent or any of said law enforcement officers determines that any noise source meets the requirements set forth in this chapter, he may obtain a warrant or summons for the prosecution of such violation.

Section 192-5 Motor Vehicle Maximum Sound Levels.

A **No person shall operate or cause to be operated a public or private motor vehicle or motorcycle on a public right of way at any time in such a manner that the sound level emitted by the motor vehicle or motorcycle when measured at a distance of fifty feet or more exceeds the level set forth in the following table:**

	Sound Level in DBA	
	Speed Limit	Speed Limit
	35 M.P.H. or less	Over 35 M.P.H.
All motor vehicles of GVWR or GCWR of 6,000 Lbs. or more	86	90
Any motorcycle	82	76
Any other motor vehicle or Any combination of Vehicles towed by any Motor vehicle	76	82

Violations and penalties.

Any person convicted of a violation of Section - 182 shall be guilty of a misdemeanor punishable by confinement in jail for not more than six months and a fine of not more than \$1,000, either or both. Each such occurrence shall constitute a separate offense.