

- **Chapter 16 - NOISE CONTROL<sup>11</sup>**

- **Sec. 16-1. - Title and application of chapter.**

This chapter may be cited as the "Noise Control Ordinance of the City of Charlottesville." It shall be applicable to the control of noises originating within the city limits.

(Code 1976, § 16.1-1)

- **Sec. 16-2. - Declaration of findings and policy.**

The council hereby finds and declares that excessive sound is a serious hazard to the public health, welfare, peace and safety and the quality of life; that a substantial body of science and technology exists by which excessive sound may be substantially abated; that the people have a right to and should be ensured an environment free from excessive sound that may jeopardize the public health, welfare, peace and safety or degrade the quality of life; and that it is the policy of the city to prevent such excessive sound.

(Code 1976, § 16.1-1.1)

- **Sec. 16-3. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*A-weighted sound level* means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

*Background noise level* shall mean the aggregate of all sound sources impacting at the place where a specific sound generation is measured or evaluated, excluding the specific sound generation itself.

*Decibel (dB)* means a unit for measuring the volume of a sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals (twenty (20) micronewtons per square meter).

*Downtown Business District* means, for the purposes of this chapter, that portion of the city's downtown business district bordered by Market Street on the north, Water Street on the south, Ridge-McIntire Road on the west, and to 7th Street, S.E. on the east (as if extended in a straight line in a southerly direction from its current terminus to Water Street), consisting of public streets, public sidewalks and pedestrian walkways, public open spaces, outdoor cafe areas operated under any permit granted by the city, public or privately-owned alleys and any privately-owned outdoor property that is open to the public for commercial or recreational purposes.

*Emergency* means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

*Emergency work* means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

*Gross vehicle weight rating (GVWR)* means 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.

*Instrument, machine or device* means and refers to any musical instrument, radio, phonograph, compact disc player, cassette tape player, amplifier or any other machine or device for producing, reproducing or amplification of sound.

*Motor carrier vehicle engaged in interstate commerce* means 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.

*Motorcycle* means any motor vehicle designed to travel on not more than three (3) wheels in contact with the ground and any four-wheeled vehicle weighing less than five hundred (500) pounds and equipped with an engine of less than six (6) horsepower, excepting farm tractors.

*Motor vehicle* means 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.

*Noise* means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

*Property boundary* means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned, leased or otherwise legally controlled by one (1) person from that owned, leased or otherwise legally controlled by another person, including intra-building real property divisions.

*Residential zone* means any location within an R-1, R-1U, R-1S, R-1U(S), R-2, R-2U, R-3, R-UMD, R-UHD, the McIntire/Fifth Street Residential Corridor, RMHP or PUD district as set forth in [Chapter 34](#) of this Code.

*Restaurant* means any building or structure where in the normal course of business food or drink is available for eating on the premises, in consideration for payment. For purposes of this chapter, the term restaurant includes, but is not limited to, bars, lounges, taverns, coffee shops and cafes.

*Sound* means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

*Sound generation* means any conduct, activity or operation, whether human, mechanical, electronic or other, and whether continuous, intermittent or sporadic, and whether stationary or ambulatory in nature, which produces or results in an audible sound.

*Sound level* means 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.

*Sound level meter* means an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter and weighting networks used to measure sound pressure levels.

**Cross reference**— Definitions and rules of construction generally, [§ 1-2](#).

- **Sec. 16-4. - Administration and enforcement of chapter.**

The noise control program established by this chapter shall be enforced and administered by the police department with the assistance of other city departments as required.

(Code 1976, § 16.1-3)

- **Sec. 16-5. - Violations of chapter.**

(a)

Any person who violates any provision of this chapter shall be deemed to be guilty of a Class 4 misdemeanor.

(b)

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 manager physically present on the property where the violation is occurring is rebuttably presumed to be guilty of the violation.

(Code 1976, § 16.1-8; 3-3-08)

**Cross reference**— Penalty for Class 4 misdemeanor, [§ 1-11](#).

- **Sec. 16-6. - Exceptions from chapter.**

No provisions of this chapter shall apply to the emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work.

(Code 1976, § 16.1-7)

- **Sec. 16-7. - Testing of sound level meters.**

In order to implement and enforce this chapter effectively, the chief of police shall develop and promulgate standards and procedures for testing and validating sound level meters used in the enforcement of this chapter.

(Code 1976, § 16.1-4)

- **Sec. 16-8. - Maximum sound levels in residential zones.**

(a)

*Nighttime.* No person shall permit, operate or cause any source of sound to create a sound level in a residential zone or within any residential building during the hours between 10:00 p.m. and 6:00 a.m. in excess of fifty-five (55) dB(A) when measured at or outside the property boundary.

(b)

*Daytime.* No person shall permit, operate or cause any source of sound to create a sound level in a residential zone or within any residential building during the hours between 6:00 a.m. and 10:00 p.m. in excess of sixty-five (65) dB(A) when measured at or outside the property boundary.

(c)

*Measurements in multifamily structures.* In a structure used as a multifamily dwelling the police department may take measurements to determine sound levels from common areas within or outside

the structure or from other dwelling 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.

(d)

*Exemptions.* The following activities or sources of noise shall be exempt from the daytime prohibition set forth in subsection (b) of this section:

(1)

Band performances or practices, athletic contests or practices and other school-sponsored activities on the grounds of public or private schools or the University of Virginia.

(2)

Athletic contests and other officially sanctioned activities in city parks.

(3)

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

(4)

Gardening, lawn care, tree maintenance or removal and other landscaping activities.

(5)

Church bells or carillons.

(6)

Religious or political gatherings and other activities protected by the First Amendment to the United States Constitution.

(7)

Activities for which the regulation of noise has been preempted by federal law.

(8)

Public and private transportation, refuse collection and sanitation services.

(Code 1976, § 16.1-5)

**Charter reference**— Requirement for exemptions set out in subsection (d), § 50.5A.

• **Sec. 16-9. - Motor vehicle maximum sound levels; amplified sound from vehicles.**

(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 (50) feet or more, exceeds the level set forth in the following table:

Vehicle Class	Sound level in dBA	
	Speed limit <u>35</u> MPH or less	Speed limit over <u>35</u> MPH
All motor vehicles of GVWR or GCWR of 6,000 lbs. or more	86	90
Any motorcycle	82	86

Vehicle Class	Sound level in dBA	
	Speed limit <a href="#">35</a> MPH or less	Speed limit over <a href="#">35</a> MPH
Any other motor vehicle or any combination of vehicles towed by any motor vehicle	76	82

(b)

This section shall not apply to any motor carrier vehicle engaged in interstate commerce.

(c)

Notwithstanding any other provisions of this section or provisions of this chapter related to noise, it shall be unlawful for any person to play or operate or permit the playing, use or operation of any radio, tape player, compact disc player, loud speaker or other electronic device used for the amplification of sound, which is located within a motor vehicle being operated or parked on public or private property within the city, including any public or private street or alley, in such manner as to disturb the peace, quiet and comfort of passersby or other persons outside of the subject motor vehicle. The operation of any such machine or device between the hours of 10:00 p.m. and 6:00 a.m. in such a manner as to be audible to the human ear at a distance of one hundred (100) or more feet from the vehicle in which it is located shall be prima facie evidence of a violation of this section. Such acts for purposes of this subsection are hereby found to be the creation of unreasonably loud, disturbing and unnecessary noise in the city.

The provisions of this subsection shall not apply to motor vehicles driven in a duly authorized parade, nor to motor vehicle alarms or other security devices, nor to the emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work.

(Code 1976, § 16.1-6; 8-18-97)

**Cross reference**— Motor vehicles and traffic, [Ch. 15](#).

• **Sec. 16-10. - Sound levels; Downtown Business District.**

(a)

In the Downtown Business District, it shall be unlawful for any person to make, cause or continue any sound generation in such a manner as to unreasonably disturb the comfort, health, peace, quiet, safety, or welfare of others.

(b)

The use or operation of any instrument, machine, device or human voice to cause a sound generation of seventy-five (75) db(A) or more at a distance of ten (10) feet or more from the source of the sound generation shall constitute prima facie evidence of a violation of [section 16-10\(a\)](#) above.

(c)

The prohibitions set forth within this section shall not apply to any sound generation which occurs:

(1)

As part of a "community event," as that term is defined within City Code [section 28-29\(c\)](#); or

(2)

[Reserved];

(3)

As part of any emergency signal device, such as a gong, bell, siren, whistle, or horn, or any similar device for the purposes set forth within [section 16-6](#); or

(4)

From public and private transportation, refuse collection and sanitation services.

(d)

Sound generation from a special event, conducted in accordance with a valid permit issued by the city in accordance with the city's special events regulations, shall be in compliance with the noise level and sound amplification requirements set forth in the permit for that special event, in lieu of the prohibitions set forth within this section.

(9-17-01; 3-3-08; 5-2-11)

- **Sec. 16-11. - Sound levels; restaurants and music halls.**

No person shall permit, operate or cause any amplified sound to create a sound level emanating from a restaurant or music hall during the hours between 11:00 p.m. and 6:00 a.m. in excess of seventy-five (75) dB(A) (fifty-five (55) dB(A) in the Neighborhood Commercial Corridor district, described at City Code [section 34-541](#)) when measured at a residential property boundary.

(3-3-08; 3-1-10(1); 8-16-10(2))

- **Sec. 16-12. - Sound level measurement.**

(a)

The decibel level of any noise regulated by this chapter may be measured by the use of a sound level meter which measures sound pressure levels. Such measurements shall be accepted as prima facie evidence of the level of noise at issue in any court or legal proceeding to enforce the provisions of this chapter.

(b)

The accuracy of the sound level meter may be tested by a calibrator. Any sworn report of the results of any test of the calibrator for the accuracy of a sound level meter shall be admissible in court in any criminal or civil proceeding, as evidence of the facts therein stated.

(c)

An individual operating a sound level meter pursuant to the provisions of this chapter shall issue a certificate to indicate:

(1)

That the sound level meter used to take the decibel level reading was operated in accordance with the manufacturer's specifications;

(2)

That the city has on file a sworn report which states that the sound level meter has been tested within the past twelve (12) months and has been found to be accurate;

(3)

The name of the accused;

(4)

The location of the noise;

(5)

The date and time that the reading was made; and

(6)

The decibel level reading.

Such certificate, when attested by the operator taking the decibel level reading, shall be admissible in court in any criminal or civil proceeding as evidence of the facts therein stated and of the decibel level reading. A copy of the certificate shall be delivered to the accused upon request.

(9-17-01; 3-3-08)