

1 **Noise Ordinance**

2
3 **Declaration of Policy**

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5 At certain levels, noise can be detrimental to the health,
6 welfare, safety and quality of life of inhabitants of the
7 county, and in the public interest noise should be restricted.
8 It is, therefore, the policy of the county to reduce, and
9 eliminate where possible, excessive noise and related
10 adverse conditions in the community, and to prohibit
11 unnecessary, excessive, harmful and annoying noises.
12 Nothing in this Ordinance shall be construed to limit,
13 hinder, or in any way interfere with the normal conduct of
14 daily work activity, either commercial or residential.
15

16 **Prohibitions.**

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

23
24 (b) No person shall permit, operate, or cause any
25 source of sound or sound generation to create a

1 sound that is in excess of sixty-five (65)
2 A-weighted decibels (dBA) measured at the
3 emitter's property line or at any point within any
4 other affected property.

- 5
6 (c) No person operating in a public place or in a
7 motor vehicle in a public place shall allow a sound
8 to emanate from or around the motor vehicle that
9 is plainly audible at a distance of fifty(50) feet from
10 the motor vehicle.

11
12 **Rebuttable Presumption**

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

16
17 If it cannot be determined which person is the owner,
18 operator, driver or controller of the sound generation or
19 source, any owner, tenant, resident, operator or manager
20 physically present on the property where the violation is
21 occurring is subject to a rebuttable presumption that they
22 are the one operating or controlling the sound generation or
23 source.

1 **Exceptions**

2
3 (a)The following noises are exempt genrally from the
4 provisions of this ordinance.

5
6 (1) The emission of sound for the purpose of alerting
7 persons to the existence of sound in the performance of
8 emergency work;

9
10 (2) Music, bells, chimes or other sounds which are
11 emanating from a church, temple, synagogue or other place
12 of worship;

13
14 (3) Radios, sirens, horns and bells on police, fire, or
15 other emergency response vehicles.

16
17 (4) Parades, fireworks displays, school-related
18 activities, and other such public special events or public
19 activities.

20
21 (5) Fire alarms and burglar alarms, prior to the giving
22 of notice and a reasonable opportunity for the owner or
23 person in possession of the premises served by any such
24 alarm to turn off the alarm.

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1 (6) Locomotives and other railroad equipment and
2 aircraft

3
4 (7) Household tools, lawnmowers, and other lawn care
5 equipment with manufacturer's recommended mufflers
6 installed, between 6:00 a.m. and 10:00 p.m.

7
8 (8) The production of agricultural, horticultural and
9 forestall products, including, but not limited to sawmill
10 operations.

11
12 (9) Noise caused by, or arising out of, activities related
13 to repair, maintenance, replacement or alteration of public
14 utility systems or parts thereof, and appurtenances thereto,
15 where such activity is reasonably necessary to further a
16 public safety interest and/or to minimize disruption in the
17 provision of public services, e.g., water and sewer service.

18
19 (10) Animal shelters or kennels, *as hereinafter defined*,
20 that house 5 or more dogs, which were in existence prior to
21 March 17, 2020.

22
23 (11) Sporting events or other activities operated and
24 conducted under the sponsorship of an official organization
25 such as a hunt club, civic organization, public or private

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1 school or that which occurs on or in any municipal, county,
2 state, federal property or facility.

3
4 (12) Agricultural activities on agriculturally zoned
5 property associated with crops, livestock, and livestock
6 products, including field crops, fruits, vegetables,
7 horticultural specialties, cattle, sheep, domesticated game
8 animals, hogs, goats, horses, poultry, milk, honey, eggs,
9 aquaculture, timber including Christmas trees, and dogs
10 working or being trained to work in conjunction with any
11 agricultural activity.

12
13 (13) Lawful discharge of firearms, not to exceed more
14 than 2 hours every 6 hours, or lawful hunting.

15
16 (14) Clocks, bells, carillons, and other calls to worship
17 emanating from a public building, church or place of
18 worship.

19
20 (15) Noise generated by a business on industrially
21 zoned property.

22
23 (16) Railroads and any sound emanating from any area
24 permitted by the Virginia Department of Mines, Minerals
25 and Energy, or any division thereof.

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1 (17) The emission of sound for the purpose of alerting
2 persons to the existence of an emergency, provided that
3 such alarm signals cease once any threat is no longer
4 imminent.

5
6 (18) The emission of sound in response to any
7 emergency situation by law enforcement, fire and rescue
8 personnel or any other public employee.

9
10 (19) Use and operation of any equipment to remove
11 snow or ice.

12
13 (20) Operation of backup generators during power
14 outages resulting from storms or other emergencies.

15
16 (21) Heat pumps and/or air conditioners operated in
17 accordance with manufacturer's specifications.

18
19 (22) Electric garage door openers when properly
20 installed and operated according to manufacturer's
21 specifications and alarms or noise emanating from a motor
22 vehicle when locking or unlocking such vehicle.

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1 (23) Motor vehicles traveling on a public right-of-way
2 and any other activities for which the regulation of noise has
3 been preempted by federal or state law.

4
5 (24) Any noise associated with a use permitted by the
6 issuance of special exception or special use permit for that
7 use on the subject property.

8
9 (b) The following activities or sources of sound shall be
10 exempt during the hours of 6:00 a.m. to 10:00 p.m., unless
11 specifically noted otherwise, from the prohibitions in this
12 chapter:

13
14 (1) Activities related to the construction, repair,
15 maintenance, remodeling or demolition, grading or other
16 improvement of real property.

17
18 (2) Refuse collection and sanitation services, except
19 that refuse collection and sanitation services may begin at
20 6:00 a.m.

21
22 (3) Testing of audible signal devices which are
23 employed as warning or alarm signals in case of fire,
24 emergency, theft, or burglary, or imminent danger, except
25 such testing shall not occur after 8:00 p.m.

1 **Definitions**

2
3 *Agricultural production:* the production for
4 commercial purposes of crops, livestock and livestock
5 products, but not land or portions thereof, used for
6 processing or retail merchandising of such crops, livestock
7 or livestock products.

8
9 *Agricultural products:* crops, livestock and livestock
10 products, which shall include, but not be limited to the
11 following:

12 (1) Field crops, including corn, wheat, oats, rye,
13 barley, hay, tobacco, peanuts, potatoes and dry beans;

14 (2) Fruits, including apples, peaches, grapes,
15 cherries and berries;

16 (3) Vegetables, including tomatoes, snap beans,
17 cabbage, carrots, beets and onions;

18 (4) Horticultural specialties, including nursery
19 stock, ornamental shrubs, ornamental trees and flowers;

20 (5) Livestock and livestock products, including
21 cattle, sheep, hogs, goats, horses, poultry, furbearing
22 animals, milk, eggs and furs.

23
24 *Animal shelters or kennels:* a kennel or shelter that has
25 a kennel license from Buckingham County

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1 *Emergency work:* work made necessary to restore
2 property to a safe condition following a public calamity, or
3 work required to protect persons or property from
4 immediate exposure to a danger, including work performed
5 by public service companies when emergency inspection,
6 repair of facilities, or restoration of services is required for
7 the immediate health, safety or welfare of the community.

8
9 *Person:* any individual, corporation, cooperative,
10 partnership, firm, association, trust, estate, private
11 institution, group, agency or any legal successor,
12 representative, agent or agency thereof.

13
14 *Plainly audible:* sound that can be heard by the human
15 ear with or without a medically approved hearing aid or
16 device. Discernible means that the sound is sufficiently
17 distinct such that its source can be clearly identified.

18
19 **Penalties**

20
21 Any person who violates this ordinance for the first
22 time shall be subject to a civil penalty of two hundred fifty
23 dollars (\$250.00) for the first offense. Any person who
24 violates this ordinance for a second or subsequent time
25 within 6 months of the first conviction shall be guilty of a

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1 Class 2 misdemeanor. These penalties may be charged for
2 every distinct alleged violation and shall be deemed a
3 separate and subsequent offense.

4
5 **Severability**

6
7 If any provision of this chapter should be determined
8 by a court of competent jurisdiction to be invalid, such
9 determination shall not affect the validity of the remaining
10 provisions of this chapter.