

NOISE ORDINANCE

Section A. Short Title.

This article shall be known as the "Noise Ordinance of the County of Pulaski, Virginia".

Section B. Declaration of policy.

It is hereby declared to be the public policy of the County of Pulaski to promote an environment for its citizens free from excessive noise that jeopardizes their health or welfare or degrades the quality of life within Pulaski County.

Section C. Definitions.

The following words and phrases, when used in this article shall have the meaning assigned to them in this section.

Emergency work shall mean work made necessary to restore property, public or private, to a safe condition following a state of emergency or a local emergency as defined by the Commonwealth of Virginia Emergency Services and Disaster Law of 1973, Chapter 3.2 of title 44 of the Code of Virginia, 1950, as amended, or its successor, or work required to protect persons or property from immediate exposure to danger, including work performed by the Pulaski County Public Service Authority or 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.

Motor vehicle shall mean a self-propelled vehicle including passenger cars, trucks, truck-trailers, semi-trailers, recreational vehicle's, campers, racing vehicles, and any motorcycles (including, but not limited to, motor scooters, mini-bikes, all-terrain vehicles and three-wheelers) as defined in Section 46.2-100 of the Code of Virginia, 1950, as amended, and motorized boats.

Noise disturbance means any sound which (a) endangers or injures the safety or health of any person; (b) annoys or disturbs a reasonable person of normal sensitivities; or (c) endangers or injures personal or real property.

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

Section D. Exceptions from this article.

The provision of this article shall not apply to:

- (1) The emission of sound for the purpose of alerting persons to the existence of an emergency or to the emission of sound in the performance of emergency work;
- (2) Music, bells, chimes or other sounds which are emanating from a church, or other place of worship;
- (3) Sound generated at any time from school or county sponsored athletic or recreational events;
- (4) Sound generated by activities which are an official or an approved part of any county or state approved or licensed festival or activity, provided such exemption shall terminate at 10:00 p.m.;
- (5) Sounds generated in commercial and industrial zoning districts which are necessary and incidental to the uses permitted therein;
- (6) Sound for which a variance has been granted in accordance with Section H of this article;
- (7) Sounds generated from any agricultural activity or agribusiness; and
- (8) Sounds generated from or incidental to emergency repairs to public utilities or any emergency public works function.

Section E. General prohibition.

In addition to the specific prohibitions contained in this article, no person shall make, continue, permit, or cause to be made, continued or permitted any noise disturbance within the county.

Section F. Specific acts as noise disturbances.

The following acts are declared to be noise disturbances in violation of this article. The acts so specified shall not be deemed to be an exclusive enumeration of those acts which may constitute a noise disturbance under Section E and provided that the acts so specified below may still constitute a noise disturbance under Section E independently of the hours of the day such acts take place.

(1) Engaging in, or operating or causing to be operated any equipment used in the construction, repair, alteration or demolition of buildings, streets, roads, alleys or appurtenances thereto between the hours of 10:00 p.m. and 7:00 a.m. the following day; except, emergency repairs to public utilities or any emergency public works function which may be done at any time.

(2) Repairing, rebuilding or modifying any motor vehicle or other mechanical equipment or device between the hours of 10:00 p.m. and 7:00 a.m. the following day in a manner so as to be plainly audible across property boundaries.

(3) Sounding the horn or warning device of a vehicle, except when necessary as a warning during the operation of the vehicle.

(4) Operating or permitting the use or operation of any radio receiving set, musical instrument, television, phonograph, computer, compact disc players, tape recorders, cassette player, or any other device for the production of sound, between the hours of 10:00 p.m. and 7:00 a.m. the following day, at a volume sufficient to be plainly audible across property boundaries or through partitions common to two (2) residences within a building or plainly audible at fifty (50) feet from such device.

(5) Using or operating a loudspeaker or other sound amplification devices in a fixed or movable position exterior to any building, or mounted upon any motor vehicle or mounted in the interior of a building with the intent of providing service to an exterior area for the purpose of commercial advertising, giving instruction, information, directions, talks, addresses, lectures, or providing entertainment to any persons or assemblage of persons on any private or public property, between the hours of 10:00 p.m. and 7:00 a.m. the following day.

(6) Using tuning or operating any motor vehicle without factory installed mufflers or their equivalent, on any public street, road or walkway in the county or on private property within a residential zoning district.

(7) Using a radio receiving set, an audio cassette player, a compact disc player, or other device for the production of sound in a motor vehicle at a volume sufficient to be plainly audible at fifty (50) feet from such vehicle.

(8) Failure to deactivate an alarm system plainly audible at fifty (50) feet from such alarm within a reasonable time.

Section G. Penalties.

A violation of any provisions of this article shall constitute a Class 1 misdemeanor. Each separate act on the part of the person violating this article shall be deemed a separate offense, and each day a violation is permitted to continue unabated shall constitute a separate offense.

Section H. Undue hardship waiver.

(a) Any person responsible for a noise source may apply to the Board of Supervisors for a waiver, or partial waiver, from the provisions of this article. The Board of Supervisors may grant such waiver, or partial waiver, upon a finding that any of the following circumstances exists:

- (1) The noise does not endanger the public health, safety or welfare; or
- (2) Compliance with the provisions of this article from which a waiver is sought would produce serious economic hardship without producing substantial benefit to the public.

(b) In determining whether to grant such waiver, the Board of Supervisors shall consider 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 article 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 of hardship which may result from the enforcement of the provisions of this article.

(c) No waiver, or partial waiver, issued pursuant to this article shall be granted for a period to exceed one year, but any such waiver, or partial waiver may be renewed for successive like periods if the Board of Supervisors shall find such renewal is justified after again applying the standards set forth in this ordinance. No renewal shall be granted except upon written application therefor.

Section I. Jurisdiction.

The provisions of this Ordinance shall apply in all parts of Pulaski County, Virginia, which are not within the jurisdictions of the incorporated municipalities.

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey, Mr. Hale and Mr. Conner.
Voting no: none.