

## Sound Control

### 1. In General

- a. Title and application of article generally.
  - i. This article may be cited as the “Sound Control Ordinance of the City of Richmond.” It shall be applicable to the control of sounds originating within the corporate limits of the City of Richmond, Virginia.
- b. Definitions. The following terms, when used in this article, shall have the meanings hereinafter ascribed to them, unless otherwise clearly provided or indicated by the context:
  - i. “dBA” means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network.
  - ii. “ANSI” means the American National Standards Institute and any successor or successors.
  - iii. “Daytime hours” means the period each day beginning at 7:00 a.m. and ending at 9:00 p.m., local time.
  - iv. “Decibel” 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).
  - v. “Emergency” means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate curative or corrective action.
  - vi. “Emergency work” means any curative or corrective work performed for the purpose of preventing or alleviating the physical trauma or property damage caused by an emergency.
  - vii. “Excessive sound” means sound that exceeds 55 dBA during nighttime hours and sound that exceeds 65 dBA during daytime hours.
  - viii. “GVWR” means gross vehicle weight rating.
  - ix. “Gross vehicle weight rating” means the value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle.

- x. “GCWR” means gross combination weight rating.
- xi. “Gross combination weight rating” means, in cases where trailers and tractors are separable, the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle.
- xii. “Motor carrier vehicle engaged in interstate commerce” means any vehicle for which noise emissions regulations apply pursuant to Section 18 of the Noise Control Act of 1972 (P.L. 92-574), as amended, 42 U.S.C. § 4917.
- xiii. “Motor vehicle” means any device that is self-propelled or that is designed for self-propulsion, in, on or by which any person or property is or may be transported or drawn on a street, except devices moved by human power or used exclusively on stationary rails or tracks.
- xiv. “Motorcycle” means 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 500 pounds and equipped with an engine of less than six horsepower, excepting farm tractors.
- xv. “Multifamily dwelling or mixed use structure” means a structure whose principal use is as a two-family dwelling or a multifamily dwelling, and includes any dwelling unit contained within the same building as other permitted principal uses, as those terms are defined by Section 14-2220 of the City Code. It does not include hotels and motels or lodginghouses, as those terms are defined by Section 14-2220 of the City Code.
- xvi. “Nighttime hours” means the period beginning at 9:00 p.m. of each day and ending at 7:00 a.m. of the next day, local time.
- xvii. “Residential zone” means any location within any area zoned residential pursuant to the city’s zoning ordinance, and designated as such by the R- or RO- prefix in Chapter 114, Article IV, Divisions 2 through 15 of the City Code.
- xviii. “School” means a public or private school for elementary, middle or high school grades or an institution of higher education offering postsecondary degrees as a college or university.

- xix. “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 definition of sound may include any characteristic of such sound, including duration, intensity and frequency.
- xx. “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 ANSI specifications for sound level meters.
- xxi. “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.

**2. Declaration of findings and policy.**

- a. The City 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.

**3. Administration and enforcement of article generally.**

- a. The sound control program established by this article shall be enforced and administered by the Chief Administrative Officer with the assistance of other city departments as required.

**4. Testing of metering devices used to enforce article**

- a. In order to implement and enforce this article 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 article.

**5. Exemptions from article.**

- a. No provisions of this article shall apply to
  - i. The emission of sound for the purpose of alerting persons to the existence of an emergency;
  - ii. The emission of sound in the performance of emergency work;
  - iii. The emission of sound by an emergency vehicle, as defined by Section 46.2-920(C) of the Code of Virginia, for the purpose of alerting persons to the presence of the emergency vehicle;
  - iv. Activities authorized by a permit issued pursuant to Section 10 of this article.
  - v. Activities for which the regulation of sound has been preempted by federal law.
  - vi. Performances or practices by marching bands, school orchestras or ensembles and similar groups, athletic contests or practices, and other school-funded activities, taking place on the grounds of a school.
  - vii. Bells and carillons.
  - viii. Activities related to the construction, repair, maintenance, remodeling or demolition, grading or other improvements of real property during daytime hours.
  - ix. Gardening, lawn care, tree maintenance or removal, and other landscaping activities during daytime hours.
  - x. Refuse collection and sanitation services during daytime hours.

**6. Violations of article.**

- a. A violation of this article shall constitute a Class 4 misdemeanor.
- b. A second violation of this article within any twelve-month period shall constitute a Class 3 misdemeanor.
- c. A third violation and every additional violation of this article within any twelve-month period shall constitute a Class 2 misdemeanor.
- d. Any person operating or controlling a sound source shall be guilty of any violation caused by that source. If that person or persons cannot be identified

by direct evidence, a court may infer that any owner, tenant, resident or manager physically present on the property where the violation is occurring was operating or controlling the sound source. Such inference may be rebutted by any person so charged.

- e. In addition to and not in lieu of the penalties prescribed in this section, the city may apply to the circuit court for an injunction against the continuing violation of any of the provisions of this article and may seek any other remedy or relief authorized by law.

**7. Maximum sound levels in residential zones.**

- a. No person shall operate a device in such a manner as to create, or otherwise cause any source of sound to create, excessive sound at any point on the land of another person which is located in a residential zone..

**8. Maximum sound levels in multifamily dwellings or mixed use structures.**

- a. No person shall operate a device in such a manner as to create, or otherwise cause any source of sound to create, excessive sound in the residence of another person which is located in a multifamily dwelling or mixed use structure when measured at a point at least four (4) feet from the wall, ceiling or floor nearest the sound source, regardless of whether the residence is located in a residential zone.

**9. Maximum level of sound emitted by motor vehicles.**

- a. No person shall operate or cause to be operated a motor vehicle or motorcycle on a public right-of-way at any time in such a manner that the level of sound emitted by the motor vehicle or motorcycle, when measured at a distance of at least 50 feet, exceeds the level set forth in the following table:

<b>Vehicle Class</b>	<b>Sound Level in dBA</b>	
	<b>Speed Limit 35 MPH or</b>	<b>Speed Limit over 35</b>

	<b>Less</b>	<b>MPH</b>
All motor vehicles of GVWR or GCWR of 6,000 lbs. or more	86	90
Any motorcycle	82	86
Any other motor vehicle or any combination of vehicles towed by any motor vehicle	76	82

- i. This section shall not apply to any motor carrier vehicle engaged in interstate commerce.
- b. It shall be unlawful for any person to play, use or operate, or permit the playing, use or operation of, any electronic device or horn 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 a manner as to be plainly audible to the human ear at a distance of at least fifty (50) feet from the vehicle in which it is located.

**10. Permit for use of loudspeakers on vehicles or in mercantile establishments.**

- a. No person shall use any mechanical loudspeaker or amplifier on any motor vehicle or other moving vehicle or on the exterior of any mercantile establishment, for advertising or other purposes, such that it is plainly audible on the property of another person, without first obtaining a permit from the Chief Administrative Officer or his designee.
- b. Whenever the Chief Administrative Officer or his designee determines that the use of mechanical loudspeakers or amplifiers on motor vehicles or other moving vehicles or on the exterior of any mercantile establishment, for advertising or other purposes, will not create excessive sound on the property of another person, he shall grant a permit subject to such conditions as to hours of use as he may deem necessary and appropriate.

**11. Building operations at night.**

- a. Except during the course of an emergency or with a permit issued by the Commissioner of Buildings, no person shall engage in the erection (including excavating), demolition, alteration or repair of any building in such a manner (i)

as to create excessive sound during nighttime hours as measured at any point on the land of another person in a residential zone, or (ii) that the activity is plainly audible in the residence of another person.

**12. Noisy animals and birds.**

- a. No person shall allow any animal or bird to create sound such that it is plainly audible at least once a minute for 10 consecutive minutes:
  - i. inside the confines of the dwelling unit, house or apartment of another; or
  - ii. at least fifty (50) feet from the animal or bird.

**13. SEVERABILITY.**

- a. A determination of invalidity or unconstitutionality by a court of competent jurisdiction of any clause, sentence, paragraph, section or part of this article shall not affect the validity of the remaining parts thereto.