

654.02 EXCESSIVE SOUND IN RESIDENTIAL AREAS AND DWELLINGS.

(a) **Policy.** The making, creation or maintenance of certain audible and discernable sounds are hazardous to the public health, welfare, peace and safety, as well as the quality of life of the citizens of Loudoun County. It is the policy of the Board of Supervisors to prevent such sounds, while appropriately preserving each citizen's First Amendment rights, and to ensure the people of the County are provided with an environment free from the type of sound that may jeopardize the public health, welfare, peace and safety, or degrade the quality of life.

(b) **Definitions.** The following words, terms and phrases used in this section shall have the meanings ascribed to them as set forth herein, except where the context clearly indicates a different meaning:

(1) "Agricultural operation" means any operation devoted to the bona fide production of crops, or animals, or fowl including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture activity.

(2) "Audible" means the sound that can be heard by the human ear, with or without a medically approved hearing aid or device.

(3) "Discernible" means that the sound is sufficiently distinct so as to clearly identify its source.

(4) "Emergency" means any occurrence or set of circumstances involving actual or imminent physical injury or illness or property damage that requires immediate action.

(5) "Emergency operation" means any emergency service provided by law enforcement, fire/rescue or any other emergency service requiring a prompt response.

(6) "Emergency work" means any work performed for the purpose of preventing or alleviating the physical injury/illness or property damage threatened or caused by an emergency, including work performed 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.

(7) "Hotel" means any place offering to the public for compensation transitory lodging or sleeping accommodations, overnight or otherwise, including but not limited to facilities known under various names such as hotels, motels, travel lodges, tourist homes, or hostels.

(8) "Instrument, machine or device" means and refers to any musical instrument, radio, phonograph, compact disc player, MP3 player, cassette tape player, amplifier, or any other machine or device for producing, reproducing, broadcasting or the amplification of sound.

(9) "Residential area" means the parcel on which a residential dwelling is located and any contiguous rights-of-way, roads, streets, lanes, sidewalks, or other such means of egress and ingress to any such parcel.

(10) "Residential dwelling" means any building or other structure, including multifamily and mixed use structures, in which one or more person lives on a permanent or temporary basis, including, but not limited to, houses, apartments, condominiums, hotels, motels, and bed and breakfasts.

(11) "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.

(12) "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.

(13) "Sound generation or to generate sound" means any conduct, activity or operation, whether human, mechanical, electronic or other, including, but not limited to, any instrument, machine or device, whether continuous, intermittent or sporadic, and whether stationary or ambulatory in nature, which produces or results in a sound that is audible and discernible to the human ear.

(c) General Prohibition. No person shall permit, operate, or cause any source of sound or sound generation to create a sound that is audible and discernible in any other person's residential dwelling with the doors and windows to that other person's residential dwelling closed.

(d) Specific Prohibitions. Except as otherwise provided in this section, the sounds generated by the following acts, among others, are declared to be plainly audible noise in violation of this section, and are specifically prohibited:

(1) The sound generated by the collection of refuse, waste, or recycling in residential areas and/or within 100 yards of a residence between the hours of 9:00 p.m. and 6:00 a.m.

(2) The operation of power lawn or landscaping equipment between the hours of 9:00 p.m. and 7:00 a.m.

(3) The operation of powered model vehicles outdoors between the hours of 9:00 p.m. and 7:00 a.m.

(4) The spinning of tires, racing of engines or other noise, or other similar acts in a motor vehicle or motorcycle, as well as the emission of noise created by the absence of a muffler and/or exhaust system conforming to the provisions of Virginia Code §§ 46.2-1047 and 46.2-1049 on a motor vehicle or motorcycle.

(5) The using, operating, or permitting to be played, used or operated, any instrument, machine or device for the producing or reproducing of sound in such a manner where the sound is plainly audible to any person other than the player(s) or operator(s) of the instrument, machine or device and those who are voluntarily listening to the sound and is plainly audible and discernable at a distance of 100 feet or more from the source of the sound; provided, however, that the provisions of this subsection shall not apply to any event sponsored by the county, state or federal government. The operation of any such instrument, machine or device between the hours of 11:00 p.m. and 7:00 a.m., in such a manner as to be plainly audible at a distance of 100 feet from the source of the sound shall be prima facie evidence of a violation of this section.

(6) The sounding of any horn or signaling device/alarm on any motor vehicle, motorcycle, bicycle, or other vehicle on any street or public place of the county, continuously or intermittently for more than twenty consecutive seconds, except as a danger warning or as permitted by state law. If such signaling device/alarm sounds continuously for 15 minutes after the arrival of a law enforcement officer and the owner cannot be located, such officer may arrange for the vehicle to be towed.

(7) Construction, demolition and/or maintenance activities which produce sound between the hours of 9:00 p.m. and 7:00 a.m. (or until 9:00 a.m. on Saturdays, Sundays, and federal holidays).

(e) Exemptions. Sounds produced by the following activities are not prohibited by this section:

(1) Agricultural operations.

(2) The operation of power lawn or landscaping equipment for golf course maintenance between the hours of 5:30 a.m. and 9:00 p.m.

(3) Bells, chimes or other similar instruments or devices from a place of worship.

(4) Emergency operations including but not limited to, audible signal devices which are employed as warning or alarm signals (other than vehicle alarms) in the event of an emergency, including sirens, loud speakers, or sound produced by power generators during power outages and other emergency situations.

(5) Emergency work, including the sound of emergency communications radios in public safety vehicles.

(6) Parades, fireworks or other similar events which are approved by appropriate County authorities, unless other regulations or terms of a zoning permit apply.

(7) Lawful activities which constitute protected expression pursuant to the First Amendment to the United States Constitution, but not amplified expression.

(8) Operation of a public facility or a public use including, but not limited to, any sound which would not be an exempt sound if it was produced by the operation of a non-public facility or non-public use.

(9) School or organized youth athletic or contests or practices, and other school activities.

(10) Warning devices such as back-up alarms on trucks and other equipment.

(11) Activities sponsored by the County of Loudoun.

(12) Any activity for which the regulation of noise has been preempted by state or federal law.

(13) Transportation, including, but not limited to, public and private airports (except as otherwise regulated), aircraft and other means of public transit.

(14) Lawful discharge of firearms.

(f) Violations.

(1) Any person who violates any provision of this section shall be deemed to be guilty of a Class 3 misdemeanor for a first offense. Any person who violates a provision of this section within six months after a previous conviction under this ordinance shall be guilty of a Class 2 misdemeanor. Any person who violates a provision of this section within one year of a previous conviction under this ordinance shall be guilty of a Class 1 misdemeanor.

(2) The person operating or controlling the sound generation or source shall be guilty of any violation caused by that generation or source. If such person cannot be identified, there shall be a rebuttable presumption that any owner, tenant, resident, manager, or authorized user of the premises physically present on the property where the violation is occurring is operating or controlling the sound generation or source.

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

(4) Nothing herein shall serve to prevent a citizen aggrieved by any violation of this Chapter from applying to a Magistrate for the issuance of a warrant for any such violation.

(Ord. 82-01. Passed 1-19-82; Ord. 16-10. Passed 7-13-16; Ord. 18-19. Passed 11-14-18.)