

AN ORDINANCE TO AMEND THE
CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED,

BY AMENDING SECTIONS 15-1 and 15-1.5,

CHAPTER 15, OFFENSES - MISCELLANEOUS,

ARTICLE I. GENERAL

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County:

(1) *That Chapter 15 of the Code of the County of Dinwiddie, 1985, as amended, is amended by inserting the following language shown underlined and deleting the following language marked as strikethrough:*

Sec. 15-1. - Prohibited noise.

- (a) It shall be unlawful for any person, in all areas of the county, (1) ~~between the hours of 12:04 a.m. and 7:00 a.m. on Saturday and Sunday mornings; January 1, the fourth Monday in May; July 4; the first Monday in September; the fourth Thursday in November; and December 25; between the hours of 11:59 p.m. and 7:00 a.m. the following morning, beginning on the evenings of: Friday; Saturday; December 31; the last Monday in May; July 4; the first Monday in September; the fourth Thursday in November; and December 25,~~ and (2) between the hours of ~~10:04~~ 10:00 p.m. and 7:00 a.m. ~~the following morning,~~ beginning on Sunday, Monday, Tuesday, Wednesday, and Thursday nights (except for those six days specifically identified in (1) above):
- (1) To use, operate or play any radio, phonograph, television, record, compact disc or tape player, musical instrument, loudspeaker, sound amplifier or other machine or device capable of producing or reproducing sound in such a manner or with such volume or duration that it is plainly audible (i) inside the confines of the dwelling unit, house or apartment of another person or (ii) at 100 or more feet from the device, except for devices permitted to be used at public parks or recreation fields, sporting events, school-sponsored activities on school grounds, or duly authorized parades, public functions or commemorative events.
- (2) To allow noise that is plainly audible inside the confines of the dwelling unit, house or apartment of another person.
- (b) It shall be unlawful for any person, between the hours of ~~10:04~~ 10:00 p.m. and 5:00 a.m. on each day of the week, in residential areas of the county, to create plainly audible noise in connection with the loading or unloading of refuse, waste or recycling collection vehicles.
- (c) It shall be unlawful for any person, between the hours of ~~10:04~~ 10:00 p.m. and 7:00 a.m. on each day of the week, in residential areas of the county, to create plainly audible noise in connection with lawn care, leaf removal, gardening, tree maintenance or removal and other landscaping or lawn activities.
- (d) It shall be unlawful for any person, at any time on any day of the week:
- (1) In all areas of the county except for those zoned agricultural and rural residential, to allow any animal or bird except farm animals (as such term is defined in Section 58.1-3505 of the Code of Virginia, 1950, as amended) to create noise such that it is plainly audible at least once a minute for ten consecutive minutes (i) inside the confines of the dwelling unit, house or apartment of another, or (ii) at 100 or more feet from the animal or bird.

- (2) In all areas of the county, to operate, install, have or permit on the outside of any store, shop, business establishment, warehouse or commercial building, any loudspeaker or other sound-producing or reproducing device capable of emitting music, noise, sounds, tapes or voice in such manner that it is plainly audible on any public sidewalk or street unless it is used only intermittently for announcing or paging an individual or unless it signals the ringing of a telephone, danger from smoke, a fire or a burglary or the beginning or stopping of work or school, or unless it is operated in accordance with conditions of zoning.
 - (3) In all areas of the county, to play or permit the playing of any radio, stereo, tape player, compact disc player, loud speaker or other electronic device or mechanical equipment used for the amplification of sound, which is located within a motor vehicle and which is plainly audible from outside the motor vehicle at a distance of 100 feet or more from the vehicle. This subsection shall not apply to sirens, loud speakers and emergency communications radios in public safety vehicles, nor shall it apply to motor vehicle alarms or other security devices.
 - (4) In all areas of the county zoned residential, except for residential, conservative, district R-R, to operate an off-road motorcycle or all-terrain vehicle in such a manner as to create noise that is plainly audible at least once a minute for five consecutive minutes inside the confines of a dwelling unit, house or apartment of another.
- (e) It shall be unlawful for outdoor amplified music at an agritourism venue public or private event after the hours of 11:59 p.m. on Friday and Saturday evenings until 7:00 a.m. the following morning, and 10:00 p.m. on Sunday through Thursday evenings until 7:00 a.m. the following morning, to create noise that is plainly audible inside the confines of the dwelling unit, house or apartment of another person, unless authorized by a conditional use permit or special events permit approved by the county.
- (f) Violations of this section shall constitute a misdemeanor punishable by a fine of not less than \$0.00 nor more than \$500.00.
- (g) For the purposes of this Section 15-1 and Dinwiddie County Code Section 15-1.5, all terms defined by Section 46.2-100 of the Code of Virginia, 1950, as amended, shall have the meanings ascribed to them therein.

Sec. 15-1.5. - Exemptions from prohibited noises.

The following noises shall be exempt from Dinwiddie County Code Section 15-1:

- (a) Noises made in connection with any threat to public safety or any response to such threat. Noises made by fire alarms, burglar alarms, and car alarms are exempt only for a reasonable period of time after the owner of the premises responsible for the alarm, or a party designated as the responsible party for the alarm, receives notice of the sounding of the alarm.
- (b) Noises made by the operation of motor vehicles (but not including music emanating therefrom), locomotives and other railway equipment, and airplanes and other aviation equipment, as well as noise made in connection with constructing or maintaining roads, highways, railroad tracks, or other means of travel. The exception set forth in this section 15-1.5(b) shall not apply to noise otherwise prohibited by Dinwiddie County Code Section 15-1(d)(4).
- (c) Noises made in connection with events ~~authorized, sanctioned or sponsored by a political subdivision of the Commonwealth of Virginia, including but not limited to publicly authorized, sanctioned or sponsored parades, fireworks, festivals, athletic events, special events, and events held in compliance with a valid county special event permit.~~ or authorized by a conditional use permit or special events permit approved by the county.

- (d) Noises made in connection with events authorized by, sponsored by, or occurring at public or private schools in the county, including but not limited to athletic, musical or theatrical events or practices.
- (e) Noises made in connection with a religious service or event, including but not limited to singing, bells, chimes, pianos, organs, and other musical instruments.
- (f) Noises made in connection with normal commercial, industrial, or agricultural operations of a person or entity, subject to compliance with all applicable federal, state and local laws, regulations, and permits.
- (g) Noises authorized by federal or state law or which are regulated by federal or state law, including but not limited to noise made in connection with federal or state military activity.

(2) *That this ordinance shall become effective immediately upon adoption.*