

ORDINANCE #21-03

AN ORDINANCE ADOPTING AND ENACTING A NOISE ORDINANCE FOR THE COUNTY OF ESSEX, VIRGINIA

WHEREAS, after a duly advertised and held public hearing on June 8, 2021, the Board of Supervisors of Essex County believes it is appropriate to establish, adopt and enact a special events ordinance for the County of Essex, Virginia; and amend the Essex County Code accordingly;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, that the Board of Supervisors of Essex County, Virginia, does this 8th day of June 2021, establish, adopt and enact the following noise ordinance for the County of Essex, Virginia, and amends the following portions of the Essex County Code, to read as follows:

Chapter 22—OFFENSES AND MISCELLANEOUS REGULATIONS

Sec. 22-7—Loud Noises Prohibited

It shall be unlawful for any person:

(a) To use any device capable of producing or reproducing sound in such a manner or with such volume or duration that it is plainly audible (i) across a residential boundary or through the partition of another dwelling unit in a building or (ii) at 50 or more feet from the source of the sound.

(b) To yell, shout, whistle, or sing between the hours of 10:00 p.m. and 8:00 a.m. in such a manner as to be plainly audible (i) across a residential real property boundary or (ii) through the partitions of another dwelling unit within a building.

(c) To allow any animal or bird, except farm animals in agricultural districts, to create noise such that it is plainly audible at least once a minute for ten consecutive minutes (i) across a residential boundary or through the partition of another dwelling unit in a building or (ii) at 50 or more feet from the animal or bird.

(d) To operate, install, have, or permit on the outside of any store, shop, business establishment, or commercial building any speaker or other sound-producing device capable of emitting music, noise, or sounds 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, signaling the ringing of a telephone, indicating danger from smoke, fire, or a burglary, or indicating the beginning or stopping of work or school.

(f) To create plainly audible noise in residential areas between the hours of 10:00 p.m. and 5:00 a.m. in connection with the loading or unloading of refuse, waste or recycling, landscaping, timbering, construction, and/or demolition.

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(g) To operate a motor vehicle or motorcycle with a gutted muffler, muffler cutout, straight exhaust, or without an exhaust in good working order, as provided by the Code of Virginia.

(h) This chapter shall not apply to any special event, parade, public park or recreation area, school sponsored activity on school grounds, sporting event, public function, firework display, lawful discharge of firearms, religious service or activity, or noise generated by emergency personnel in the provision of providing emergency services.

(i) Any person violating any of the provisions of this chapter shall be deemed guilty of a Class 2 misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than two hundred fifty dollars (\$250.00) for the first offense, five hundred dollars (\$500.00) for the second offense within a twelve (12) month period, and one thousand dollars (\$1,000.00) for any subsequent offense within the same twelve (12) month period. The violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

AND, BE IT FURTHER ORDAINED AND ENACTED, that this ordinance shall take effect immediately.

ADOPTED: This 8th day of June 2021.

AYES: Johnson, Akers, Gill, Magruder, Smith;

NAYS: N/A

ABSTENTIONS: N/A

ABSENT: N/A

ATTEST:



Michael A. Lombardo, Clerk
Board of Supervisors of the County of Essex, Virginia

