

1 Introduction and first reading: May 11, 2021
2 Public hearing: May 15, 2021
3 Second reading and enactment: May 15, 2021
4

5 AN ORDINANCE to amend Chapter 5 (NOISE CONTROL) of Title 11 (HEALTH,
6 ENVIRONMENTAL, AND SANITARY REGULATIONS) of the Code of the City of
7 Alexandria, Virginia, 1981, as amended.
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9

10 THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:
11

12 Section 1. That Chapter 5 of Title 11 of the Code of the City of Alexandria, Virginia,
13 1981, as amended, be, and the same hereby is, amended by deleting the text shown in strikethrough
14 and adding the text shown in underline as follows:
15

16 **CHAPTER 5 - Noise Control**

17 **Sec. 11-5-1 - Title.**

18 This chapter shall be known and may be cited as the noise control code of the city.

19 **Sec. 11-5-2 - Definitions.**

20 For the purposes of this chapter, the following words and phrases shall have the meanings
21 respectively ascribed to them by this section:

- 22 (1) *Aircraft*. Any device that is used or intended to be used for flight in the air, engaged in
23 carrying persons or property.
- 24 (2) *Acoustics*. The science of sound including its generation, propagation, measurement and
25 physiological and psychological effects.
- 26 (3) *Ambient noise*. The all encompassing noise associated with a given environment, being
27 usually a composite of sounds from many sources, near and far.
- 28 (4) *A-weighted sound level [dB(A)]*. A quantity, in decibels read from a sound level meter, that
29 is switched to the weighting network labeled "A." The A-weighted network shall be as
30 specified under the most recent specifications of the American National Standards Institute,
31 Inc., New York, N.Y. (ANSI).
- 32 (5) *Center frequency*. For acoustic measurement, the center frequency of an octave band which
33 is the geometric mean of the upper and lower frequency limits of the band.
- 34 (6) *Commercial use area*. The area within 200 feet of all boundaries of any property producing
35 noise or, where such property is a railroad, the area within 200 feet perpendicular to the
36 centerline of the railroad track at the source of the noise, when the predominant use of the
37 properties in that area is for commercial purposes.
- 38 (7) *Construction*. Any or all activity necessary or incidental to the erection, demolition,
39 assembling, altering, installing or equipping of buildings, public or private highways, roads,

- 1 railroads, premises, parks, utility lines including any lines in already constructed tunnels, or
2 other property, including land clearing, grading, excavating and filling.
- 3 (8) *Construction device*. Any device designed and intended for use in construction including,
4 but not limited to any air compressors, backhoes, concrete vibrators, cranes (derrick), cranes
5 (mobile), dozers (track and wheel), generators, graders, loaders (track and wheel), mixers,
6 pavement breakers, pavers, pile drivers, power hoists, rock drills, rock crushers, rollers,
7 scrapers, and shovels.
- 8 (9) *Continuous noise*. Noise whose level remains essentially constant without interruption or
9 break.
- 10 (10) *Decibel (dB)*. A unit of sound magnitude equal to 20 times the logarithm to the base 10 of
11 the ratio of the sound pressure being measured to a reference sound pressure of 20
12 micronewtons per square meter or 0.0002 microbars, abbreviated "dB."
- 13 (11) *Director*. The director of the department transportation and environmental services of the
14 City of Alexandria or his duly authorized representative.
- 15 (12) *Emergency signal device*. Any gong, bell, siren, whistle or any horn or any similar device
16 the use of which is permitted on authorized vehicles or which are mounted on poles, buildings,
17 towers or other supports.
- 18 (13) *Emergency work*. Work made necessary to restore property to a safe and working condition
19 following a public calamity, or work required to protect persons or property from imminent
20 danger.
- 21 (14) *Engineer*. The noise pollution specialist designated or appointed by the director.
- 22 (15) *Exhaust system*. A system which removes and transports air or gas from a device.
- 23 (16) *Hertz*. A unit of measurement of frequency numerically equal to cycles per second.
- 24 (17) *Impulsive noise*. A short burst of acoustical energy such as, but not limited to, that produced
25 by weapon fire, punch press or drop hammer. A pressure time history of a single impulse
26 includes a rapid rise to a maximum peak pressure followed by a somewhat slower decay, both
27 occurring within one second.
- 28 (18) *Industrial use area*. The area within 200 feet of all boundaries of any property producing
29 noise or, where such property is a railroad, the area within 200 feet perpendicular to the
30 centerline of the railroad track at the source of the noise, when the predominant use of
31 properties in that area is for industrial purposes.
- 32 (18.1) *Institutional use area*. Any property that is operated by a government, nonprofit, or quasi-
33 public use or institution, such as a library, public or private school, religious institution,
34 hospital, convalescent home, nursing home, continuum of care facility, or municipally owned
35 or operated building, structure, or land used for public purposes.
- 36 (19) *Internal combustion engine*. A device for the production of energy by means of combustion
37 under pressure.
- 38 (20) *Microbar*. Unit of pressure commonly used in acoustics and equal to one dyne per square
39 centimeter or one-tenth (0.1) Newtons per square meter.

- 1 (21) *Motorcycle*. Every motor vehicle designed to travel on not more than three wheels in
2 contact with the ground and any four wheeled vehicle weighing less than 500 pounds and
3 equipped with an engine of less than six horsepower.
- 4 (22) *Motorized construction device*. Any construction device which is a motor vehicle.
- 5 (23) *Motor vehicle*. Every device in, upon or by which any person or thing is or may be
6 transported or drawn upon a highway which is self-propelled or designed for self-propulsion,
7 except devices used exclusively upon stationary rails or tracks.
- 8 (24) *Muffler*. An apparatus generally consisting of but not limited to a series of chambers or
9 baffles for the purpose of transmitting gases while reducing sound level.
- 10 (25) *Newton*. A unit of pressure. The force required to accelerate one kilogram of mass at one
11 meter per second squared.
- 12 (26) *Noise*. A steady-state or impulsive sound or sounds occurring on either a continuous or
13 intermittent basis. ~~or any sound which annoys or disturbs humans or which causes or tends to~~
14 ~~cause an adverse psychological or physiological effect on humans.~~
- 15 (27) *Noise level*. See sound pressure level.
- 16 (28) *Octave band*. An interval in the audible range of sound that has an upper frequency
17 numerically exactly twice that of its lower frequency.
- 18 (29) *Owner*. Owner shall have no connotations other than that customarily assigned to the term
19 "person," but shall include bodies politic and corporate, associations, partnerships, personal
20 representatives, trustees and committees, as well as individuals.
- 21 (30) *Person*. Any individual, corporation, cooperative, partnership, firm, association, trust,
22 estate, public or private institution, group, agency, political subdivision of this state or any
23 legal successor, representative, agent or agency of the foregoing.
- 24 (31) *Power equipment*. Motorized or engine driven equipment such as, but not limited to,
25 powered saws or chain saws and powered hand tools including hydraulic and pneumatic hand
26 tools. Does not include air or surface transportation vehicles, construction devices, sound
27 signaling devices or power lawn and garden equipment.
- 28 (32) *Power lawn and garden equipment*. Powered devices for care and maintenance of lawns
29 and gardens, including but not limited to, edgers, garden tractors, hedge clippers, home
30 tractors, lawn mowers, snow and leaf blowers, tillers, and trimmers.
- 31 (33) *Property*. The smallest area owned or leased by the same person or persons.
- 32 (34) *Rail rapid transit system*. A railroad used exclusively for local service in the transportation
33 of passengers as a common carrier for hire together with the appurtenances, facilities and
34 equipment thereof.
- 35 (35) *Railroad*. All the rights-of-way of any common carrier operating a railroad, whether owned
36 or operated under contract, agreement or lease.
- 37 (36) *Residential use area*. The area within 200 feet of all boundaries of any property producing
38 noise or, where such property is a railroad, the area within 200 feet perpendicular to the
39 centerline of the railroad track at the source of noise, when the predominant use of properties
40 in that area is for residential purposes.

- 1 (37) *Slow meter response.* The dynamic response of a sound level meter, as specified under the
2 most recent specification of the American National Standards Institute, Inc., New York, N.Y.
3 (ANSI) for sound level meters.
- 4 (38) *Sound.* An auditory sensation evoked by alternating compression and expansion of air, or
5 other medium, accompanied by changes in pressure, particle velocity or displacement.
- 6 (39) *Sound level.* The weighted sound pressure level in decibels obtained by use of a sound level
7 meter with a metering response (fast or slow) and A, B or C weighting networks as specified
8 by the American National Standards Institute, Inc., New York, N.Y. (ANSI).
- 9 (40) *Sound level meter.* An instrument comprising a microphone, amplifier, and output meter,
10 and frequency weighting networks, that is used for the measurement of sound levels in a
11 manner specified by the American National Standards Institute, Inc., New York, N.Y. (ANSI),
12 in its standards 1.4-1971 or latest revision.
- 13 (41) *Sound pressure.* The difference between the barometric or average pressure and the
14 instantaneous pressure created at a given point by a source of sound: measured in Newtons
15 per square meter.
- 16 (42) *Sound pressure level (in decibels).* 20 times the logarithm to the base of 10 of the ratio of
17 the pressure of the sound being measured to a reference sound pressure of 20
18 micronewtons/m²(0.0002 microbars).
- 19 (43) *Sound reproduction device.* A device intended primarily for the production or reproduction
20 of sound including, but not limited to, any musical instrument, radio receiver, television,
21 receiver, tape recorder, phonograph and sound amplifying system.
- 22 (44) *Sound signal device.* A device designed to produce a sound signal when operated, including
23 but not limited to, any klaxon, air horn, whistle, bell, gong, siren, but not an emergency signal
24 device.
- 25 (45) *Warning device.* Sound signal devices used to alert and warn people. ~~The members of the~~
26 ~~environmental policy commission in office as of the effective date of this ordinance shall~~
27 ~~continue to serve the unexpired portion of their term of office.~~

28 **~~Sec. 11-5-3 - Tests for unlawful noise.~~**

29 ~~The standards which shall be considered in determining whether a violation of this chapter~~
30 ~~exists may include, but shall not be limited to the following:~~

- 31 ~~(1) — level of noise;~~
- 32 ~~(2) — whether the nature of the noise is usual or unusual;~~
- 33 ~~(3) — whether the origin of the noise is natural or unnatural;~~
- 34 ~~(4) — proximity of noise to residential sleeping facilities;~~
- 35 ~~(5) — nature and zoning of the area within which the noise emanates;~~
- 36 ~~(6) — density of inhabitation of the area within which the noise emanates;~~
- 37 ~~(7) — time of day or night the noise occurs;~~
- 38 ~~(8) — duration of the noise;~~

- 1 (9) ~~whether the noise is recurrent, intermittent or constant; and~~
- 2 (10) ~~whether the noise is produced by a commercial or noncommercial activity.~~

3 **Sec. 11-5-4 - Noises prohibited—enumeration.**

4 (a) ~~It shall be unlawful for any person to make, continue, or cause to be made or continued any~~
5 ~~excessive, unnecessary or unusually loud noise or any noise which unreasonably annoys,~~
6 ~~disturbs, injures or endangers the comfort, health, safety, welfare, or environment of others,~~
7 ~~within the limits of the city.~~

8 (b) ~~The following acts, among others, are declared to be unlawful, but this enumeration shall~~
9 ~~not be deemed to be exclusive, namely:~~

10 (1) ~~Sound signaling device. The sounding of any sound signal device on any automobile,~~
11 ~~motorcycle or other vehicle on any street or public place of the city, except as a warning of~~
12 ~~danger or as provided in subsection 11-5-6(b), so as to create any unreasonably loud or harsh~~
13 ~~sound, for any unnecessary and unreasonable period of time or when traffic is for any reason~~
14 ~~held up. The sounding of any sound signal device attached to a motor vehicle, wagon or~~
15 ~~manually propelled cart, from which food or any other items are sold, more frequently than~~
16 ~~once every two minutes in any one city block and with a duration of more than 10 seconds for~~
17 ~~any single emission.~~

18 (2) ~~Sound reproduction device. The using or operating of any sound reproduction device radio~~
19 ~~receiving set, musical instrument, phonograph, or other machine or device for the producing~~
20 ~~or reproducing of sound, or permitting the same to be played, used or operated in such manner~~
21 ~~as to disturb unreasonably the comfort, health, peace, safety, or welfare and environment of~~
22 ~~the neighboring inhabitants. The operation of any set, instrument, phonograph, machine or~~
23 ~~device between the hours of 11:00 p.m. and 7:00 a.m. in such manner as to be plainly audible~~
24 ~~across property boundaries at a distance of 50 feet from the building, structure or vehicle in~~
25 ~~which it is located shall be prima facie evidence of a violation of this section, except such~~
26 ~~operation by a public service company or the city to restore and maintain services provided~~
27 ~~by it. as to be plainly audible across property boundaries at a distance of 50 feet from the~~
28 ~~building, structure or vehicle in which it is located, except such operation by a public service~~
29 ~~company or the city to restore and maintain services provided by it.~~

30 (3) ~~Sound reproduction device for advertising. The using or operating of any radio receiving set,~~
31 ~~musical instrument, phonograph or other machine or device for the producing or reproducing~~
32 ~~of sound, or permitting the same to be played, used or operated upon the public streets for the~~
33 ~~purpose of commercial advertising or attracting the attention of the public to any building,~~
34 ~~structure, or commercial event. Reserved.~~

35 (4) ~~Noise in public places. The making by any person of unreasonably loud or unnecessary~~
36 ~~noise, including but not limited to that made by the human voice in public places, particularly~~
37 ~~between the hours of 11:00 p.m. and 7:00 a.m. so as to annoy or disturb unreasonably the~~
38 ~~comfort, health, welfare, and environment, peace or safety of persons in any office, or in any~~
39 ~~dwelling, hotel or other type of residence, or of any person in the vicinity. Reserved.~~

40 (5) ~~Animals, birds, etc. The keeping of any animal or bird which by causing frequent or long~~
41 ~~continued noise disturbs the health, comfort, safety, welfare or peace and environment of any~~
42 ~~person in the vicinity. Reserved.~~

- 1 ~~(6) Steam whistles. The blowing of any locomotive steam whistle or steam whistle attached to~~
2 ~~any stationary boiler except to give notice of the time to begin or stop work or as a warning~~
3 ~~of fire or danger, or upon request of proper city authorities. Reserved.~~
- 4 (7) Exhausts. The discharge into the open air of the exhaust of any ~~steam engine, stationary~~
5 ~~internal combustion engine, motor boat, or motor vehicle except through a muffler or other~~
6 ~~device pursuant to Virginia Code § 46.2-1049 which will effectively prevent loud or explosive~~
7 ~~noises therefrom.~~
- 8 ~~(8) Defect in vehicle or load. The use of any automobile, motorcycle, or vehicle so out of repair,~~
9 ~~so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling,~~
10 ~~backfiring or other noise. Reserved.~~
- 11 (9) ~~Loading, unloading, opening boxes. The creation of an unreasonably loud and excessive~~
12 ~~noise in connection with loading or unloading any vehicle or the opening and destruction of~~
13 ~~bales, boxes, crates, and containers, except as provided by section 11-5-7 of this chapter.~~
14 ~~Reserved.~~
- 15 (10) Construction or repairing of buildings, streets, walks, railways, sewers, utility lines, etc.
16 The erection (including excavation), demolition, alteration or repair, and any and all activity
17 necessary or incidental thereto, of any building, except a dwelling house when the activity is
18 being conducted by an owner or occupant or agent thereof and not for profit, any street, walk,
19 railway, sewer, utility line or other construction other than between the hours listed in Table
20 I except in case of urgent necessity in the interest of public health and safety or to restore and
21 maintain public service and then only with a permit from the city manager, which permit may
22 be granted for a period not to exceed six days while the necessity continues and which permit
23 may be renewed for periods of six days while the necessity continues. If the city manager
24 should determine that the public health and safety will not be impaired by any erection,
25 demolition, alteration or repair and if he shall further determine that failure to permit erection,
26 demolition, alteration or repair during such hours would result in loss or inconvenience to any
27 party in interest, he may after consultation with the director grant permission for the work to
28 be done within the hours prohibited in Table I, upon application being made at the time the
29 permit for the work is awarded or during the progress of the work.
- 30 (11) ~~Schools, courts, churches, hospitals, nursing homes, public libraries. The creation of any~~
31 ~~excessivnoise on any street adjacent to any school, institution of learning, church, public~~
32 ~~library or court while the same are in use, or adjacent to any hospital or nursing home which~~
33 ~~unreasonably interferes with the working of such institution or which disturbs or unduly~~
34 ~~annoys patients in the hospital or nursing home, provided conspicuous signs are displayed in~~
35 ~~such streets indicating that the same is a school, court, church, hospital, nursing home or public~~
36 ~~library. Reserved.~~
- 37 (12) ~~Hawkers, peddlers. The shouting and crying of peddlers, hawkers and vendors which~~
38 ~~disturb the peace and quiet of the neighborhood. Reserved.~~
- 39 (13) ~~Model aircraft. The using, running, operating or flying or the permitting to be used, run,~~
40 ~~operated or flown of any model aircraft or similar contrivance now known or hereinafter~~
41 ~~invented, used or designed for flight in the air, in such a manner that there is produced loud,~~
42 ~~harsh, intense or continuous noise which disturbs the peace, quiet, comfort or repose of any~~
43 ~~person, except in areas and at times designated by the director of recreation who is hereby~~

1 authorized to designate areas and times where and when the model aircraft may be run or
2 flown without annoyance to the persons in the vicinity. Reserved.

3 (14) ~~Metal rails, pillars and columns, transportation thereof. The transportation of rails, pillars~~
4 ~~or columns of iron, steel or other materials, over and along streets and other public places~~
5 ~~upon carts, drays, cars, trucks or in any other manner so loaded as to cause unreasonably loud~~
6 ~~noises or as unreasonably to disturb the peace and quiet of such streets or other public places.~~
7 Reserved.

8 (15) Construction devices and power equipment. The operation or permitting the operation
9 during the hours prohibited in Table I of any construction device or power equipment ~~which~~
10 ~~is attended by loud or unusual noise as determined by the director,~~ unless permitted in
11 accordance with section 11-5-7 of this chapter.

TABLE I		
	Prohibited Hours	
Day	Before	After
Monday through Friday	7:00 a.m.	6:00 p.m.
Saturday	9:00 a.m.	6:00 p.m.
Sunday	All Hours	
Holidays in Sec. 11-5-5(a)(5)a.		

12 (16) Power lawn and garden equipment. The operation or permitting the operation during the
13 times listed in Table II of any power lawn or garden equipment.

14

15

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TABLE II		
	Prohibited Hours	
Day	Before	After

Monday through Friday	7:00 a.m.	9:00 p.m.
Saturday, Sunday, Holidays as listed in Sec. 11-5-5 (a)(5)a.	9:00 a.m.	9:00 p.m.

1 (17) Ventilation and air conditioning. The operation or permitting the operation of ventilation
2 systems and air conditioning systems whose components, air ducts and vent opening may be
3 installed on the roof or ground, in windows or walls the use of which exceeds the noise levels in
4 Table III.

5 (18) Trash collection. No person shall operate or permit the operation of any refuse collection
6 motor vehicle for collection of solid waste except as permitted by title 5, chapter 1 of the city
7 code.

8 (19) *Pile driving*. Notwithstanding any contrary provision of this chapter, no person shall
9 operate, and no person shall permit the operation by any employee, independent contractor or
10 other person of, any pile driving equipment, except between the hours of 9:00 a.m. to 6:00
11 p.m., Monday through Friday, and 10:00 a.m. to 4:00 p.m., Saturday. The city manager is
12 authorized, in his discretion, to grant relief from the provisions of this section, under the
13 procedures set forth in section 11-5-7. In deciding whether to grant such relief, the city
14 manager shall consider (i) the location at which pile driving is proposed to be conducted, (ii)
15 its proximity to residential areas, business districts, public parks, recreation facilities, historic
16 areas and tourist destinations, (iii) the availability and cost of alternative methods of
17 construction, (iv) the mitigation measures available or proposed, (v) the impact upon the
18 construction project, and upon the public, and (vi) such additional factors as the manager
19 determines may be relevant to avoid ~~undue annoyance, disturbance, injury, or danger~~ to the
20 welfare of residents, business employees and patrons, park patrons, students, tourists and other
21 visitors to the city. For purposes of this subsection, pile driving shall mean the driving of
22 piles into the earth through the use of a gravity- or pneumatic-driven hammer or similar device

1 or mechanism, and person shall include any state, or agency, instrumentality or contractor of
2 a state, in addition to the meaning defined in section 11-5-2(30).

3 **Sec. 11-5-4.1 - Same—central business district.**

4 (a) Notwithstanding any conflicting provision of this chapter or other law, it shall be unlawful
5 for any person to engage in, or to suffer or permit on or with property under such person's
6 control, any sound generation, as defined in this section, in or on any public or private street,
7 sidewalk or alley, any public park, marina or open space, or any private outdoor property that
8 is open to the public for commercial or recreational purposes, within the central business
9 district established by section 8-300(A) of the City of Alexandria Zoning Ordinance, except
10 as is permitted by this section.

11 (b) "Sound generation" shall mean any conduct, activity or operation, whether human,
12 mechanical, electronic or other, and whether continuous, intermittent or sporadic, and whether
13 stationary, ambulatory or from a vehicle, which produces or generates sound in excess of the
14 volume levels, and for a duration of time greater than the duration, specified in this section.

15 (c) Between the hours of 7:00 a.m. and 11:00 p.m., Monday through Sunday, no sound
16 generation shall result in sound having a volume of 75 db(A) or more, at a distance greater
17 than 10 feet from the place at which the sound is being generated or produced, for an aggregate
18 duration of time greater than 60 seconds in any one hour period or be. ~~Any sound that is~~
19 ~~plainly audible above the background noise level to a person of normal hearing acuity at a~~
20 ~~distance greater than 50 feet from the place at which the sound is being generated or produced~~
21 ~~shall be presumed to exceed 75 db(A) at 10 feet of distance and thus violate this subsection,~~
22 ~~and the burden shall be on the person responsible for such sound generation to prove~~
23 ~~otherwise.~~

24 (d) Between the hours of 11:00 p.m. and 7:00 a.m., no sound generation shall exceed a volume
25 of 65 db(A) at a distance greater than 10 feet from the place at which the sound is being
26 generated or produced, for an aggregate duration of 60 seconds between such hours. ~~Any~~
27 ~~sound that is~~ or be plainly audible above the background noise level to a person of normal
28 hearing acuity at a distance greater than 50 feet from the place at which the sound is being
29 generated or produced ~~shall be presumed to exceed 65 db(A) at 10 feet of distance and thus~~
30 ~~violate this subsection, and the burden shall be on the person responsible for such sound~~
31 ~~generation to prove otherwise.~~

32 (e) This section shall not apply to any sound generation which occurs:

- 33 (1) as part of a city-sponsored festival or event;
- 34 (2) at a designated performance area within a public park, marina or open space in conformity
35 with regulations promulgated by the city manager or the director of parks, recreation and
36 cultural activities;
- 37 (3) in conformity with regulations promulgated by the city manager for the use of market square;
- 38 (4) under a special permit, displayed at the place of sound generation, issued by the city manager
39 pursuant to section 11-5-7; or

- 1 (5) on private property pursuant to a special use permit, displayed at the place of sound
2 generation, approved by the city council under section 11-500 of the City of Alexandria
3 Zoning Ordinance.
- 4 (g) This section shall be enforced by the director, the chief of police, the director of citizen
5 assistance, the director of parks, recreation and cultural activities within any public park,
6 marina or open space, and the director of general services within market square, and by their
7 respective designees.
- 8 (h) As used in this section, "background noise level" means all sound sources impacting at the
9 place of measurement, excluding the specific source that is suspected of violating this section.
- 10 (i) A violation under the section may be proved by either or both:
- 11 (1) Testimony or other evidence that the sound generation was plainly audible above the
12 background noise level at the distance from the source, and for the duration of time, specified
13 in subsections (c) or (d); or
- 14 (2) Testimony or other evidence that the sound generation equalled or exceeded the sound level,
15 at the distance from the source, and for the duration of time, specified in subsections (c) or
16 (d), as measured with a sound level meter, maintained in good working order, and having an
17 accuracy specification of 2 dB at 114 dBSPL (sound pressure level) or better, and using the A
18 weighting network of such meter. The measurement of sound level under this section, made
19 with such meter, need not comply with the provisions of section 11-5-5.

20 **Sec. 11-5-5 - Same—decibel provisions.**

- 21 (a) Classification of use areas: residential, commercial, ~~and industrial,~~ and institutional.
- 22 (1) Except as otherwise provided by this chapter, on or after July 1, 1977, it shall be unlawful
23 to project a sound or noise beyond the boundaries of the property from which such noise
24 emanates which exceeds any of the limiting noise spectra set forth in Table III of this
25 subsection which are applicable to that property. For the purposes of this section, the limiting
26 noise spectra set forth in Table III of this subsection for industrial use areas shall be deemed
27 to be the limiting noise spectra applicable to any property which is not located in a residential,
28 commercial, ~~or industrial,~~ or institutional use area.
- 29 (2) The measurement of sound or noise pursuant to this subsection shall be as follows:
- 30 a. The measurement of sound or noise shall be made with sound level meters type 1 or type 2
31 and meeting the standards prescribed by the American National Standards Institute, Inc., New
32 York, New York. The instrument shall be maintained in calibration and good working order.
33 Octave band corrections may be employed in meeting the response specification. A calibration
34 shall be made of the system before and after the noise measurements. Measurements recorded
35 shall be taken so as to provide a proper representation of the noise source. The microphone
36 during measurement shall be positioned so as not to create any unnatural enhancement or
37 diminution of the measured noise. A windscreen for the microphone shall be used when
38 required. Other than for instantaneous sound levels or for stated lengths of time, such as eight-
39 hour or 24-hour averages, the following procedure will be used. With a continuous noise
40 source in operation, a minimum of nine sound level readings will be taken at least 20 seconds
41 apart excluding any readings taken if there is significant noise from extraneous sources. If the
42 noise source is periodic or cyclical in nature, nine readings at least 20 seconds apart will be

- 1 made only during those parts of the cycle when the source is operating, No readings will be
 2 made during the parts of the cycle when the source is not operating. The median of the valid
 3 readings will be used as the average sound level.
- 4 b. The slow meter response of the sound level meter shall be used to determine that the
 5 maximum permissible dB(A) readings or the octave band levels set forth in Table III below
 6 have not been exceeded.
- 7 c. Unless otherwise specified the measurement shall be made at the boundary of the property on
 8 which such noise is generated, or perceived, as appropriate not less than three and one-half
 9 (3½) feet above ground.
- 10 d. Compliance with the noise limits is to be maintained at any elevation at the boundary.
- 11 (3) The limits hereinabove referred to shall be in accordance with the following table:
 12

TABLE III			
MAXIMUM PERMISSIBLE SOUND LEVELS			
		Octave Band	
Use Areas	Maximum dB(A)	Center Frequency Hertz-(HZ)	Levels dB
Residential	55	31.5	70
		63	69
		125	64
		250	59
		500	53
		1,000	47
		2,000	42

		4,000	38
		8,000	35
Commercial	60	31.5	75
		63	74
		125	69
		250	64
		500	58
		1,000	52
		2,000	47
		4,000	43
		8,000	40
Industrial	70	31.5	85
		63	84
		125	79
		250	74
		500	68
		1,000	62
		2,000	57
		4,000	53
		8,000	50

<u>Institutional</u>	<u>60</u>	<u>31.5</u>	<u>75</u>
		<u>63</u>	<u>74</u>
		<u>125</u>	<u>69</u>
		<u>250</u>	<u>64</u>
		<u>500</u>	<u>58</u>
		<u>1,000</u>	<u>52</u>
		<u>2,000</u>	<u>47</u>
		<u>4,000</u>	<u>43</u>
		<u>8,000</u>	<u>40</u>

- 1 (4) The maximum permissible sound levels established in Table III for application to the
2 boundaries of a property shall not applied to construction sites. Construction site noise shall be
3 regulated by section 11-5-4(b)(10) and 11-5-4(b)(15) and other appropriate sections of this
4 chapter.
- 5 (5) a. Days which shall have the same restrictions as Sundays are New Year's Day (the first day
6 of January), Memorial Day (the last Monday in May). Independence Day (July 4), Labor Day
7 (the first Monday in September). Thanksgiving Day (the fourth Thursday in November), and
8 Christmas Day (December 25).
- 9 b. The provisions of section 11-5-5(a)(5)a. of this chapter shall not be applicable to any noise
10 which is emitted without interruption for 24 hours every day for at least seven consecutive
11 days, when the noise varies in intensity by less than three decibels in a 24-hour period;
12 provided, that a permit for the emission of such noise has been issued by the city manager.
13 Any permit shall be issued pursuant to section 11-5-7 of this chapter. Any permit issued by
14 the city manager pursuant to this section, shall be valid until such time as the city manager,
15 after giving notice in writing, to the applicants for the permit at least 30 days in advance, shall
16 modify or revoke the permit.
- 17 (b) Power equipment and power lawn and garden equipment. It shall be unlawful to operate in
18 the city any equipment which creates a noise or sound that exceeds the noise level limits set
19 out in Table IV below. This equipment shall not be used during hours prohibited by either
20 section 11-5-4(b)(15) or section 11-5-4(b)(16), as applicable.

—	
TABLE IV	
LIMITING NOISE LEVELS FOR POWER LAWN OR GARDEN EQUIPMENT AND POWER EQUIPMENT	
—	
Maximum Permissible Noise Level	75 dB(A)
Location of Measurements	Property Line of Noise Source
Measurement Procedure	As stated in sec. 11-5-5(a)(2)a.

1 ~~(e) — Motorized vehicles and equipment. It shall be unlawful to operate a motor vehicle within the~~
2 ~~city which creates a noise or sound which exceeds the noise level limits set out in Table V~~
3 ~~below. The measurement of sound or noise shall be made with standards prescribed by the~~
4 ~~American National Standards Institute, Inc., New York, New York. A calibration shall be~~
5 ~~made of the sound level meter before and after any noise measurement. The slow meter~~
6 ~~response of the sound level meter shall be used. Measurement shall be approximately three~~
7 ~~and one half feet above ground and a windscreen for the microphone shall be used when~~
8 ~~required.~~

9
10 style="text-align: center;">==
11 style="text-align: center;">TABLE V
12 style="text-align: center;">LIMITING NOISE LEVELS FOR MOTOR VEHICLES
13 style="text-align: center;">==

13 ~~(a) — Passenger cars: (Reserved for future use)~~

14 ~~(b) — Motorcycles, and motor bicycles: (Reserved for future use)~~

15 ~~(c) — Motorized construction device:~~

16 ~~90 dB(A) measured at 50 feet ... Maximum allowable limit for equipment purchased~~
17 ~~prior to July 1, 1977.~~

18 ~~85 dB(A) measured at 50 feet ... Maximum allowable limit for equipment purchased~~
19 ~~after July 1, 1977.~~

20 ~~(d) — Refuse collection vehicle:~~

21 ~~Arithmetic average of readings on four sides at a distance of seven meters at maximum~~
22 ~~engine speed for compacting with vehicle stationary shall not exceed 79 dB(A)~~
23 ~~after October 1, 1980, and 76 dB(A) after July 1, 1982.~~

24 ==

1 ~~(d) — Places of entertainment. Noise levels and conditions of operation shall conform to title 9,~~
2 ~~chapter 7 of the city code.~~

3 ~~(e) — Noises — rail rapid transit systems.~~

4 ~~(1) — It shall be unlawful to operate or permit to be operated a rail rapid transit system including~~
5 ~~but not limited to its rolling stock, track and track beds, passenger stations, tunnels, elevated~~
6 ~~structures, yards, depots and garages in violation of any of the provisions of this subsection.~~

7 ~~(2) — It shall be unlawful to operate or permit to be operated in the city a rail rapid transit system~~
8 ~~train which emits maximum transient noise levels in excess of those set forth in Table VI,~~
9 ~~below. The measurement of sound or noise shall be made with sound level meters, type 1 or~~
10 ~~type 2 meeting the standards prescribed by the American National Standards Institute, Inc.,~~
11 ~~New York, New York. A calibration shall be made of the sound level meter before and after~~
12 ~~any noise measurement. The slow meter response of the sound level meter shall be used.~~
13 ~~Measurement shall be not less than three and one-half feet above ground and a windscreen for~~
14 ~~the microphone shall be used when required. For purposes of this subsection, the limiting~~
15 ~~noise level set forth in part(c) of Table VI below shall be deemed to be the noise level~~
16 ~~applicable to transient noise which is emitted in an area that is not a residential, commercial~~
17 ~~or industrial use area.~~

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TABLE VI
LIMITING NOISE LEVELS*
(Above ground trains)

=====

(a) Residential	75 dB(A)
(b) Commercial	80 dB(A)
(c) Industrial	90 dB(A)

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24
25
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~~*At a point 100 feet from track center line, or the nearest nonindustrial property line, whichever is the greater distance from the track center line.~~

Sec. 11-5-6 - Exemptions.

The following uses and activities shall be exempt from the provisions of this chapter:

- (1) Noises of safety signals, warning devices, and emergency pressure relief valves.
- (2) Noises resulting from any authorized police, fire or emergency vehicle, when responding to an emergency call or acting in time of emergency.

- 1 (3) Noises resulting from emergency work as defined in section 11-5-2.
- 2 (4) Any other noise resulting from activities of a temporary duration permitted by law and for
3 which a license or permit therefor has been granted by the city in accordance with section 11-
4 5-7.
- 5 (5) Any aircraft operated in conformity with, or pursuant to federal law, federal air regulations,
6 and air traffic control instruction used pursuant to and within the duly adopted federal air
7 regulations. Any aircraft operating under technical difficulties, in any kind of distress, under
8 emergency orders of air traffic control or being operated pursuant to and subsequent to the
9 declaration of an emergency under federal air regulations.
- 10 (6) Any railroad operated in conformity with, or pursuant to federal law or regulations.
- 11 (7) Work necessary to restore and maintain services provided by public service companies, the
12 rail rapid transit system and the city.
- 13 (8) Noises resulting from the operation of rail rapid transit systems, ~~provided the noise does not~~
14 ~~exceed the noise level set forth in subsection 11-5-5(e) of this chapter applicable on July 1,~~
15 ~~1977 at the point at which the noise occurs.~~
- 16 (9) Interstate motor carriers, and medium and heavy trucks manufactured and operated in
17 accordance with federal noise standards. Such vehicles may not be operated with a defective
18 muffler or with tampered or missing noise control devices.

19 **Sec. 11-5-7 - Application for special permit.**

- 20 (a) Applications for a permit for relief on the basis of undue hardship from a noise level or time
21 limits designated in this chapter may be made to the city manager or his duly authorized
22 representative. Any permit granted by the city manager hereunder shall contain all conditions
23 upon which the permit has been granted and shall specify a reasonable time that the permit
24 shall be effective. The city manager, or his duly authorized representative, shall grant the relief
25 as applied for if he finds:
- 26 (1) that additional time is necessary for the applicant to alter or modify his activity or operation
27 to comply with this chapter; or
- 28 (2) the activity, operation or noise source will be of temporary duration, or cannot be done in a
29 manner that would comply with other subsections of this section, and that no other reasonable
30 alternative is available to the applicant.
- 31 (b) The city manager, or his duly authorized representative, may prescribe any conditions or
32 requirements he deems necessary to minimize adverse effects upon the community or the
33 surrounding neighborhood.
- 34 (c) Any permit issued pursuant to this chapter shall be valid no longer than three years from the
35 date it is issued. Upon the expiration of any such permit no new permit may be issued except
36 in compliance with all the provisions of this section.

37 **Sec. 11-5-8 - Administration.**

- 38 (a) The director shall be charged with administering and enforcing the provisions of this chapter.

- 1 (b) The city manager shall, upon the request of the director, allocate such resources of the police
2 department as the city manager shall deem necessary to assist the director in the administration
3 and enforcement of the provisions of this chapter.
- 4 (b.1) The fire marshal, deputy fire marshals, new construction inspectors and existing structures
5 inspectors within the code enforcement bureau shall have concurrent jurisdiction to enforce
6 the provisions of this chapter relating to construction, construction devices and power
7 equipment as defined in section 11-5-2 of this Code.
- 8 (c) The engineer and the director shall whenever possible coordinate their activities to the end
9 that noise pollution in the city is regulated, prevented, abated and controlled.
- 10 (d) In addition to any other powers vested in him, the director may, subject to the availability of
11 funds:
- 12 (1) conduct studies, investigations and research relating to noise pollution and its prevention,
13 abatement and control;
- 14 (2) issue such orders as may be necessary to effectuate the purposes of this chapter and enforce
15 the same by all appropriate administrative and judicial proceedings;
- 16 (3) hold hearings relating to any aspect of or matter in the administration of this chapter;
- 17 (4) secure necessary scientific, technical, administrative and operational services, including
18 laboratory facilities, by contract or otherwise;
- 19 (5) prepare and develop a comprehensive plan or plans for the prevention, abatement and control
20 of noise pollution;
- 21 (6) advise, consult and cooperate with other local governmental units, agencies of the state,
22 industries, interstate or interlocal agencies and the federal government, and with interested
23 persons and groups;
- 24 (7) review those matters having a bearing upon noise pollution referred by other agencies(such
25 as planning, zoning, building and fire departments) and make reports, including
26 recommendations, to the referring agencies with respect thereto;
- 27 (8) collect and disseminate information and conduct educational and training programs relating
28 to noise pollution;
- 29 (9) encourage voluntary cooperation by persons or affected groups to achieve the purposes of
30 this chapter;
- 31 (10) do any and all acts which may be necessary for the successful prosecution of the policy of
32 this chapter and such other acts as may be specifically enumerated herein;
- 33 (11) prepare annually a report to the city council on progress in implementation and enforcement
34 of the provisions of the noise control code and make recommendations to the council of any
35 changes in the noise control code he deems desirable;
- 36 (12) may coordinate the noise control activities of all agencies and departments of the city
37 government and advise, consult, cooperate and coordinate noise control activities with other
38 local governmental units, state agencies, interstate and interlocal agencies, the federal
39 government, and with interested persons and groups with respect to the provisions of this
40 chapter;

1 (13) may make recommendations to the city council for changes to this chapter to make it
2 consistent with all preemptive state and federal legislation.

3 (e) The city manager shall submit to the city council recommended noise design limits to be
4 incorporated in city planning and zoning and the design and construction of buildings, streets
5 and highways and in the routing and rerouting of motor vehicle and pedestrian traffic.

6 **Sec. 11-5-9 - Inspections.**

7 Any duly authorized officer, employee, or representative of the engineer or the director may,
8 when granted permission by the owner, or some person with reasonably apparent authority to act
9 for the owner, enter and inspect any property, premises or place at any reasonable time for the
10 purpose of investigating or testing either an actual or suspected source of noise pollution, or of
11 ascertaining the state of compliance with the chapter and regulations enforced pursuant thereto.

12 **Sec. 11-5-10 - Enforcement procedure.**

13 (a) Whenever the director has reason to believe that a violation of any provision of this chapter
14 or a rule or regulation issued pursuant thereto has occurred, he may give notice of the violation
15 to the owner failing to comply with this chapter, ordering him to take such corrective measures
16 as are necessary within a reasonable time thereafter. The notice and order shall be in writing
17 and shall be served personally upon the person to whom directed, or if he be not found, by
18 mailing a copy thereof by certified mail to his usual place of abode and conspicuously posting,
19 a copy at the premises affected by notice and order, if any.

20 (b) Nothing in this chapter shall prevent the director from making efforts to obtain voluntary
21 compliance through warning, conference or any other appropriate means.

22 **Sec. 11-5-11 - Emergency procedure.**

23 Notwithstanding the provisions of this chapter or any other provision of law, if the director
24 finds that any owner is causing or contributing to noise pollution and that the causing or
25 contributing to noise pollution creates an emergency which requires immediate action to protect
26 the public health or safety, the director shall order the owner to reduce or discontinue
27 immediately the causing or contributing to noise pollution and such order shall be complied with
28 immediately. The order shall be deemed properly served if a copy thereof is delivered personally,
29 or if the owner involved is not found, by mailing a copy thereof by certified mail to the owner
30 involved at the premises involved or his business or residence address, if known, and by posting
31 a copy thereof in a conspicuous place in or about the premises affected.

32 **Sec. 11-5-12 - Penalties.**

33 (a) Civil violation. Any person who commits, permits, assists in or attempts any violation of this
34 chapter, whether by act or omission, shall be liable for a civil violation as follows:

35 (1) The first violation of this chapter by such person shall be punished by a civil penalty in the
36 amount of \$50.

37 (2) The second violation of this chapter committed by such person within seven days of the first
38 violation shall be punished by a civil penalty in the amount of \$100.

- 1 (3) The third ~~and any subsequent~~ violation of this chapter committed by such person within 14
2 days of the first violation shall be punished by a civil penalty in the amount of \$500.
- 3 (b) Criminal violation. Any person who commits, permits, or assists in more than three
4 violations of this chapter within 12 months, whether by act or omission, Any person who
5 knowingly refuses or neglects to comply with any written order to cease or abate any violation
6 of this chapter, issued by an authorized enforcement officer, shall be guilty of a class 2
7 misdemeanor.
- 8 (c) Each hour of a continued violation shall constitute a separate offense under this chapter.
- 9 (d) Procedures.
- 10 (1) Civil Violations.
- 11 (i) (1) If an authorized enforcement officer determines that a violation of this chapter has
12 occurred, the officer may cause a notice of the violation to be served on any or all persons
13 committing, permitting, assisting in or attempting such violation.
- 14 (ii) (2) The notice shall provide that the person charged with a civil violation may elect to make
15 an appearance in person, or in writing by mail, to the treasurer of the city, and admit liability
16 for or plead no contest to the violation, abate the violation, and pay the civil penalty
17 established for the violation, all within the time period fixed in the notice.
- 18 (iii) (3) If a person charged with a civil violation does not elect to admit liability or plead no
19 contest, and abate the violation, the violation shall be tried in the Alexandria General District
20 Court upon a warrant in debt or motion for judgment, with the same right of appeal as provided
21 for civil actions at law.
- 22 (iv) (4)In the event the violation exceeds the jurisdictional limits of the General District Court,
23 the violation shall be tried in the Alexandria Circuit Court.
- 24 (2) Criminal Violations.
- 25 (i) If an officer of the police department determines that a violation of section 11-5-12(b) has
26 occurred, a summons or arrest for a criminal violation may be issued or had.
- 27 (ii) If an officer of the police department issues a summons or arrest for a criminal violation, such
28 must be on a Virginia Uniform summons unless an exception in Virginia Code § 19.2-74(A)
29 is applicable.
- 30 ~~(4)~~ (e) A finding of admission of liability or a plea of no contest to a civil violation shall not be
31 deemed evidence of a criminal violation for any purpose.
- 32 ~~(5)~~ (f) A notice of civil violation, or a summons or arrest for a criminal violation, as provided in
33 this section, may be issued or had, notwithstanding that no prior notice of violation and
34 ordering of corrective measures as provided in section 11-5-10 has been given.
- 35 ~~(6)~~ (g) The provisions for judicial review contained in section 11-5-16 shall have no application
36 to notices of violation, or summons or arrests, issued or made under the provisions of this
37 section.
- 38 (h) Any person operating or controlling a noise source shall be guilty of any violation caused by
39 it. If the person operating or controlling the noise source cannot be identified, any owner,
40 tenant, resident, or manager physically present on the property where the noise source is

1 located may be charged if the circumstances establish their dominion and control over the
2 noise source.

3 **Sec. 11-5-13 - Additional remedy; injunction.**

4 The operation or maintenance of any device, instrument, vehicle or machinery in violation
5 of any provision hereof ~~and which causes discomfort or annoyance to reasonable persons of~~
6 ~~normal sensitiveness~~ or which endangers the health, comfort, safety, welfare and environment of
7 residents in the area shall be deemed, and is declared to be, a public nuisance and may be subject
8 to abatement by a restraining order or injunction issued by a court of competent jurisdiction.

9 **Sec. 11-5-14 - Confidentiality of records.**

10 Any records or other information which relate to processes or production unique to the
11 owner or operator or which would tend to affect adversely the competitive position of the owner
12 or operator shall be only for the confidential use of the director, the engineer and other
13 departments, agencies and officers of the city, and appropriate federal and Commonwealth of
14 Virginia noise pollution control officials to the extent permitted by law, unless the owner or
15 operator shall expressly agree to their publication or availability to the general public. Nothing
16 herein shall be construed to prevent the use of such records or information by any department,
17 agency or officer of the city in compiling or publishing analyses or summaries relating the
18 general condition of the outside area; provided, that such analyses or summaries do not reveal
19 any information otherwise confidential under this section.

20 **Sec. 11-5-15 - Application of chapter.**

21 Nothing contained in this chapter shall be construed to supplant or take the place of other
22 provisions of the city code, as amended, or any other applicable provisions of law.

23 **Sec. 11-5-16 - Judicial review.**

24 (a) Any person directly and either jointly or severally aggrieved by a final order or a final
25 decision of the director is entitled to judicial review thereof under this chapter in the Circuit
26 Court of the City of Alexandria.

27 (b) Proceedings for review shall be instituted by filing a notice of appeal and a petition for
28 review with the court within 30 days after the date of the final order or final decision and
29 delivering, a copy of the notice and the petition to the director. The filing of an appeal shall
30 not act to stay the order or the effect of the decision from which the appeal is taken. Within
31 five working days after receipt the notice, the director shall file in the record of the suit a
32 statement of the reason, including any finding of fact and/or conclusion of law, upon which
33 the order or decision appealed from was based. Further proceedings shall be in accordance
34 with equity jurisprudence and procedure. The court may render its judgment upon the record
35 or it may hear such additional evidence as it deems proper.

36 (c) The court may affirm the final order or final decision from which an appeal has been taken
37 or it may remand the matter for further proceedings; or it may reverse or modify the order or
38 decision on appeal if the substantial rights of the appellant have been prejudiced because the
39 order or decision of the director is:

40 (1) in violation of any constitutional provision;

- 1 (2) in excess of lawful authority or jurisdiction;
- 2 (3) made upon unlawful procedure;
- 3 (4) affected by other error of law;
- 4 (5) unsupported by the evidence on the record considered as a whole; or
- 5 (6) arbitrary, capricious or an abuse of discretion.

6
7 Section 2. That Chapter 5 of Title 11 as amended pursuant to Section 1 of this ordinance,
8 be, and the same hereby is, reordained as part of the City of Alexandria City Code.

9
10 Section 3. That this ordinance shall become effective upon the date and at the time of its
11 final passage.

12
13 JUSTIN WILSON
14 Mayor
15

16
17 Introduction: May 11, 2021
18 First Reading: May 11, 2021
19 Publication:
20 Public Hearing: May 15, 2021
21 Second Reading: May 15, 2021
22 Final Passage: May 15, 2021
23