

City Council Work Session

April 6, 2021

Alexandria Noise Ordinance - City Council Briefing



Goals for Work Session




1. Recap Existing Noise Program & Progress to Date
2. Review (a) Necessary Changes to Noise Ordinance and (b) Major Policy Considerations
3. Receive **Council Feedback on Policy Considerations & Enforcement Approach**
4. Plot Path Forward for Ordinance & Future Enforcement



Common Noise Sources

COMPARATIVE NOISE LEVELS (DBA)

COMMON OUTDOOR SOUND LEVELS

 Car Horn at 3 ft.

 Gas Lawn Mower at 3 ft.
Diesel Truck at 150 ft.

 Noisy Urban
Busy Highway at 50 ft.

Commercial Area

Quiet Urban

 Quiet Rural

NOISE
LEVEL
dB(A)

110

100

90

80

70

60

50

40

30

20

10

0

COMMON INDOOR SOUND LEVELS

Rock Band

Inside Subway Train (New York)

Food Blender at 3 ft.

Garbage Disposal at 3 ft.
Shouting at 3 ft.

Vacuum Cleaner at 10 ft.

Normal Speech at 3 ft.

Large Business Office
Dishwasher Next Room

Small Theatre, Large Conference Room
(Background)

Library
Bedroom at Night
Concert Hall (Background)

Broadcast & Recording Studio

Threshold of Hearing



How is Noise Regulated in Alexandria?



■ Regulated by Permitted Hours

- Construction – M-F: 7 am – 6pm; Saturdays: 9 am to 6 pm
- Trash collection - Oct-Apr : 7AM- 11 PM; May- Sept: 6 AM -11 F
- Power lawn equipment - M-F: 7 AM- 9 PM; Sat/Sun: 9 AM- 9 PM



■ Decibel Limits by Property Use Limit and predominant U _ _

- Residential - 55 dB(A), commercial - 60 dB(A), industrial - 70 dB(A) at property lines

■ Exemptions

- Safety signals, warning devices, emergency pressure relief valves, aircraft, trains, emergency public work, etc.

■ Issuance of Noise Variance Permits

- Temporary construction activities, special events, weddings in parks, amplified music in public places, etc.

Background & How We Got Here



- Initiated review of noise code due to **necessary changes**
- Public review of draft revised ordinance – Summer 2019
- Extensive outreach including presentations to civic groups and HOAs and web-based surveys – Summer/Fall 2019
- At direction of Council, SUPs now contain less strict noise conditions centered on compliance with the noise ordinance.
- Council approved contingent reserve budget for an additional night/weekend zoning inspector for FY2020, pending a comprehensive review of enforcement
- Enforcement mechanisms and resources are intertwined with noise provision/policy changes and have proved challenging

Ordinance Revision Process Principles



Necessary Changes

- 2009 Supreme Court of VA ruling (Tanner vs. City of Virginia Beach)
- Federal or State preemption
- Presumptions of violation
- Civil and criminal penalties

Policy Changes – Why?

- Update outdated provisions
- Clarify provisions and make them more understandable to the public
- Improve enforceability
- Equity
- Comparability to neighboring NOVA jurisdictions
- Address vibrancy and some common noise issues

Six Major Policy Considerations



1. Replace '**predominant use**' with 'property use of noise source' in determining noise limit at property lines?
2. Establish new "**institutional**" property use category for churches, schools, hospitals and government buildings?
3. Adopt "**plainly audible**" standard for night-time (11 pm to 7 am) residential property use?
4. Increase **daytime** (7 am to 11 pm) decibel **standard** for **commercial** use from 60 to 65 dB(A)?
5. Allow **SUP noise conditions** to be less restrictive than noise ordinance?
6. Expand the "**Noise in public places** - Central Business District" provisions to the entire city?

1. Replace 'Predominant Use' with 'Property Use of Noise Source' for Determining Noise Limits at Property Lines?



Intent: Consistent noise standard based on property use and clarify expectation and enforcement procedure

Concerns:

- Allow more noise in certain situations, e.g., school located in residential area
- Difficult to determine predominant use in a mixed-use building

Options:

- Keep predominant use (but define predominant use)
- Use the property use of noise source to determine noise standard at property lines

2. Establish New Institutional Property Use Category for Hospitals, Schools, Churches, and Government Buildings?



Intent: Certain property uses do not conform to the three categories within existing ordinance:

- Hospitals, schools, churches, government buildings

Concerns: May increase noise limits in certain situation such as school located in residential area

Options:

- Set noise standard at same level as commercial use
- Add category but keep decibels limit at 60 dB(A)
- Introduce category in conjunction with keeping predominant use

3. Adopt “Plainly Audible” Standard for Night-time (11 PM – 7AM) Residential Property Use?



Intent: Facilitate noise enforcement by police officers not equipped with noise meters

Concerns:

- Might significantly increase enforcement needs
- Residents: Support provision

Options

- Keep residential standard at 55 dB(A) at nighttime
- Adopt “plainly audible” for residential use at night



4. Increase Daytime Decibel Limits for Commercial Use from 60 to 65 dB(A)

Intent: Allow for more flexibility and vibrancy

- Consistent with neighboring jurisdictions yet providing protection to residents during nighttime

Concerns: Residential vs. Commercial interests

- Business community supports as written
- Residents want
 - Earlier weekday vs. weekend hours
 - Night to begin earlier, 9 PM vs. 11 PM

Options:

- Apply city-wide
- Apply only to identified Commercial areas (Old Town, Mt Vernon Ave, and/or other, etc.)
- Adopt but set specific time and day

5. Allow SUP Noise Conditions to be less Restrictive than Noise Ordinance?



Intent: Allow for flexibility in setting SUP conditions that reflects surrounding area of business

- SUP process allows for public hearings and public input

Concerns: Business vs. resident interests

- Residents generally oppose due to concerns about increased noise
- Business community generally supports

Options:

- No change; noise ordinance always applies
- Allowing SUP to be less restrictive than noise ordinance

6. Expand the “Noise in public places - Central Business District” Provisions to the Entire City?



Intent: Currently there are two standards for noise in public places. One applies to the Central Business District (CBD) and the other applies to the rest of the city.

- The standard that applies to the rest of the city has to be amended for legal compliance

Concerns:

- Residents are concerned about potential increased noise level

Options:

- Adopt uniform noise standard in public places for entire city
- Apply the CBD standard for selected central business districts such as Old Town, Mt Vernon and/or others and a different standard for the rest of the city

Minor Policy Considerations



- **Powered Lawn and Garden equipment**
 - Consider removing 75 dB(A) max permissible level at property line
 - Most equipment exceeds the standard when being used close to the property lines
 - Maintain current permitted hours

- **Consider increasing penalty fines**
 - First violation: \$50 to \$100
 - Second violation: \$100 to \$250
 - Third violation: stays at \$500

Non-Business Hours Enforcement & Staffing Requirements



Council approved FY2020 funding in contingency reserve for a multi-tasked nighttime zoning/noise inspector

- Staff believes that one position is not sufficient to provide 100% coverage

Option 1: Status quo

- No change from current status with uneven after-hours enforcement effectiveness

Option 2: Limited APD response

- Reduce APD involvement to only those incidents that involve public safety
- All others are referred by DECC for next business day administrative action
- After-hours enforcement would be significantly impacted

Option 3: Hiring of Non-business hours Multi-tasked/Noise Inspector(s)

- Role(s): Primary Responder or Joint Response with APD support depending on type of noise complaints
 - Trained and equipped for all noise responses during on duty
 - Perform other functions/ inspections/ tasks as determined
 - Effectiveness increased with number of inspectors

Next Steps - Proposed Multi-phase Approach for Council Consideration



MULTI-PHASE APPROACH TO NOISE ORDINANCE REVISION

- **Spring 2021-** Revision 1: Council consideration of revised noise ordinance **incorporating all necessary changes** to make it enforceable, legal and constitutional
- **Summer/Fall 2021** – Additional community outreach
- **Fall 2021** - Revision 2: Council consideration of any policy changes
- FY 2023 budget discussion and Council consideration for additional resources for noise ordinance enforcement