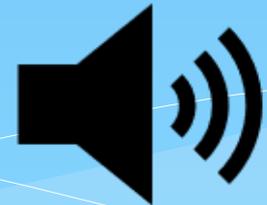


City of Alexandria, Virginia

# Alexandria Noise Ordinance Phase II Revision

City Council  
November 9, 2021



# Goals for Oral Report



**Report to Council on public feedback**

**Receive Council guidance on:**

- Staff Draft Recommendations on Policy Options
- Proposed Noise Enforcement Protocols

# Summary of Outreach Efforts To Date



- 2019 initial draft of revised noise ordinance incorporating the 10 policy options were sent out for public input
- Extensive outreach to Planning Commission, Chamber of Commerce and several civic associations was conducted summer-Fall 2019
- Public input on the 10 policy options were extensively received as part of Phase II revision
  - Information package was sent to all civic associations and individuals providing input during the 2019 outreach campaign
  - 359 people responded to Feedback Form survey (one month duration)
  - Public meeting were attended by 29 people raising about 40 to 50 questions and comments

# Community Feedback – Top Noise Issues



- 359 Persons Responded during a one-month survey
- **Construction site noise – 32.0%**
- **Powered lawn equipment – 31.5%**
- Train & metro horns – 20.6%
- Construction noise from neighbors – 20.1%
- Loud music/other noise from neighbors – 17.8%
- Barking dogs and other animal noises – 17.8%
- Car & motorcycle noises relating to speeding, muffler modifications or drag racing – 16.7%

# Policy Option – Should the City remove the ‘predominant use’ standard and apply decibel standard based on the property use of the noise source?



- "Predominant use" is defined as the majority of property uses of the same type around the 200 feet perimeter of the noise source
- The intent is to make it more equitable and easier to understand and enforce
- Community feedback: Yes (66.2%), No (33.8%)
- **Staff recommends removing the predominant use and adopting decibel standard based on the property use of the noise source**

# Policy Option - Should the City adopt new changes to the noise ordinance to better enforce neighbor-to-neighbor noise in multi-familial buildings or leave the enforcement to condominium HOAs and/or building/property management?



- It is extremely difficult and resource-intensive to enforce noise between units within the interior of multi-family and/or mixed-use buildings; it also poses safety concerns for City staff
- Community feedback: Yes (59%), No (41%)
- **Staff recommends against regulating noise within the interior of multi-family and/or mixed-use buildings**
- **Staff also recommends drafting a model noise policy for buildings to consider adopting**

## **Policy Option - Should the City consider increasing daytime (7 a.m. to 11 p.m.) decibel standard for commercial use from 60 to 65 decibels while keeping the nighttime (11 p.m. to 7 a.m.) standard at 60 decibels?**



- The intent is to allow for more vibrancy in commercial areas during daytime but preserve the present noise limits during nighttime (11 pm to 7 am)
- Community feedback: Yes (58.9%), No (41.1%); some residents expressed concerns with 11 pm being too late
- **Staff recommends increasing the daytime decibel standard for commercial use to 65 decibels while keeping the nighttime standard at 60 decibels**

# Policy Option - Should the City adopt the “plainly audible” standard for night-time (11 p.m. to 7 a.m.) residential property use?



- The intent is to apply this provision only to noise from one residence to another and allow enforcement officer to determine violations without the use of a noise meter
- Community feedback: Yes (81.1%), No (18.9%)
- **Staff recommends adopting the plainly audible standard**
  - **Alternatively, maintaining current 55 decibel standard**

# Policy Option - Should the City remove the decibel limit at property lines of 75 dB(A) for power lawn equipment and only control its use by permitted hours?



Weekdays: 7 a.m. to 9 p.m.

Weekends and holidays: 9 a.m.

- The intent is to remove the 75 dB(A) limit since it is not enforceable because most power lawn equipment exceeds this limit when used close to the property lines
- Legislative authority to regulate leaf blowers needed
- Community feedback: Yes (41.1%), No (58.9%); some residents expressed concerns about permitted times being too long
- **Staff recommends removing the 75 dB(A) standard and maintaining the current permitted hours**

# Policy Options & Staff Recommendations

<p>Should the City consider a policy option that does not allow loading, unloading and delivery activities between 11 p.m. and 7 a.m. if these activities are within 500 feet of residential areas?</p>	<p><b>Staff recommends adopting this policy.</b></p> <p>Community feedback (CF): Yes (78%); No (22%)</p>
<p>Should the City regulate do-it-yourself (DIY) construction activities and only allow these activities during the following hours? Currently, these activities are exempt from the noise ordinance.</p> <ul style="list-style-type: none"><li>Monday – Friday: 7 a.m. to 9 p.m.</li><li>Weekends and holidays: 9 a.m. to 9 p.m.</li></ul>	<p><b>Staff recommends adopting this policy and keeping the same permitted hours as the power lawn equipment</b></p> <p>CF: Yes (79.6%); No (20.4%)</p>
<p>Should the City expand the “Noise in public places - Central Business District” provisions to the entire City?</p>	<p><b>Staff recommends adopting this policy.</b></p> <p>CF: Yes (59.3%); No (40.7%)</p>

# Policy Options & Staff Recommendations

<p>Currently, every Special Use Permit (SUP) has to comply with the City noise ordinance as a minimum. Should the City allow SUP noise conditions to be less restrictive than the noise ordinance?</p>	<p><b>Staff recommends against allowing for more flexibility. Every SUP needs to comply with City noise ordinance as a minimum.</b></p> <p>CF: Yes (26.1%); No (73.9%)</p>
<p>Should the City increase the civil penalty for violating the noise ordinance from the present \$50 for first violation, \$100 for second violation and \$500 for third violation?</p>	<p><b>Staff recommends increasing civil penalty as follows:</b></p> <ul style="list-style-type: none"><li>• First violation: \$100; second : \$250; third: \$500</li></ul> <p>CF: Yes (73.2%); No (26.8%)</p>

# Proposed Noise Enforcement Protocols



- Enforcement will be done primarily by technically trained civilian staff in a TBD department (T&ES or P&Z) and Alexandria Police Department (APD)
- Technical staff will provide responses from 8 a.m. to midnight 7 days a week with support from APD depending on the noise source
- APD provides coverage from midnight to 8 a.m.

# Proposed Additional Noise Enforcement Staffing



- Two additional full-time noise positions
  - Positions reside in TBD department
  - Positions will also handle additional duties including SUP enforcement and other duties as assigned
- On-call duties as required to cover vacation and sick leave
- Staff estimated coverage 60% to 75% of the time; to be re-assessed after one year

# Phase II Revision – Timeline & Next Steps



**December 14:** Introduction of the revised noise ordinance and first reading

**December 18:** Second reading, Council public hearing and consideration of adoption of the proposed noise ordinance