

ORDINANCE NUMBER 16-O-121

AN ORDINANCE TO AMEND SECTIONS 34-188 AND 34-189 OF THE CODE OF THE CITY OF SUFFOLK CONCERNING PENALATIES FOR EXCESSIVE NOISE

BE IT ORDAINED by the Council of the City of Suffolk, Virginia, that Sections 34-188 and 34-189 of the Code of the City of Suffolk, Virginia, is hereby amended to read as follows:

Sec. 34-188. - Prohibited generally.

It shall be a class 3 ~~2~~ misdemeanor and a public nuisance for any person to willfully make, permit, continue or cause to be made, permitted or continued any excessive noise for a first offense.

It shall be a class 2 misdemeanor and a public nuisance for any person to willfully make, permit, continue or cause to be made, permitted, or continued any excessive noise within twelve (12) months after a previous conviction.

Sec. 34-189. - Specific prohibitions.

Subject to the exceptions provided in section 34-190, any of the following acts, or the causing or permitting of such acts, among others, is declared to be excessive noise constituting a class 3 ~~2~~ misdemeanor for a first offense and a class 2 misdemeanor for subsequent offenses within twelve (12) months after a previous conviction and a public nuisance:

- (1) *Radios, television sets, musical instruments, similar devices.* Operating, playing, or permitting the operation or playing of any radio, amplifier, television, record, tape or compact disc player, drum, musical instrument or similar device:
 - a. In such manner or with such volume as to permit sound to be heard across a residential real property boundary; or across a commercial real property boundary; or through partition walls common to two dwelling units within a building; or that is plainly audible at a distance of 50 feet or more from the building in which it is located; or that is plainly audible at a distance of 50 feet or more from its source; or
 - b. When the sound source is located within a motor vehicle in or upon right-of-way or public property and the sound can be heard more than 50 feet from its source.
- (2) *Loudspeakers, public address systems, sound trucks.* Using, operating or permitting the operation of any loudspeaker, public address system, mobile sound vehicle or similar device amplifying sound therefrom:
 - a. On a public right-of-way or public property for any commercial property for any commercial purpose; or

- b. For any noncommercial purpose between the hours of 10:00 p.m. and 8:00 a.m. such that the sound can be heard across a residential real property boundary; or across a commercial real property boundary; or through partition walls common to two dwelling units within a building; or that is plainly audible at a distance of 50 feet or more from the building in which it is located; or that is plainly audible at a distance of 50 feet or more from its source.
- (3) *Horns, whistles, etc.* Sounding or permitting the sounding of any horn, whistle or other auditory sounding device on or in any motor vehicle on any public right-of-way or public property, except as a warning of danger.
- (4) *Yelling, shouting, etc.* Yelling, shouting, whistling or singing between the hours of 10:00 p.m. and 8:00 a.m. so as to permit the sound to be heard across a residential real property boundary; or across a commercial real property boundary; or through partition walls common to two dwelling units within a building; or that is plainly audible at a distance of 50 feet or more from the building in which it is located; or that is plainly audible at a distance of 50 feet or more from its source; or on a public right-of-way or public property.
- (5) *Schools, public buildings, churches, hospitals.* The creation of any excessive noise within any school, institution of learning, court, public building, church or hospital, or on their grounds thereof or on any adjacent street.
- (6) *Animals.* Keeping any animal that, by causing frequent or long-continued noise, that can be heard across a residential real property boundary; or across a commercial real property boundary; or through partition walls common to two dwelling units within a building; or that is plainly audible at a distance of 50 feet or more from the building in which it is located; or that is plainly audible at a distance of 50 feet or more from its source.
- (7) *Vehicles.* Using any automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise that is plainly audible at a distance of 50 feet or more from its source.
- (8) *Exhaust noises.* Discharging into the open air the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, or motorboat engine except through a muffler or other device that will effectively prevent loud or explosive noises from such engine.
- (9) *Commercial or industrial business.* Operating, loading or unloading any vehicle, including, but not limited to, trucks, or the opening of bales, boxes, crates or containers in the outdoors in zones other than industrial within 100 yards of a lawfully occupied dwelling between the hours of 10:00 p.m. and 6:00 a.m.

- (10) *Construction noise.* Operating or causing to be operated between the hours of 10:00 p.m. and 6:00 a.m., any equipment used in the construction, repair, alteration or demolition work on buildings, structures, alleys, or appurtenances thereto in the outdoors in any zoning district within 100 yards of a lawfully occupied dwelling. This section shall not apply to construction of public projects, the repair or maintenance work performed on such projects or work performed by private or public utility companies for the repair of facilities or the restoration of services.

BE IT FURTHER ORDAINED that this Ordinance shall be in effect upon its passage.

READ AND PASSED: DECEMBER 21, 2016

TESTE: _____
Erika S. Dawley, MMC, City Clerk