

AN ORDINANCE TO AMEND TOWN CODE SECTIONS 13-103 AND 13-104  
REGARDING AMPLIFIED SOUND

BE IT ORDAINED by the Council of the Town of Blacksburg that:

1. The Blacksburg Town Code is hereby amended by amending and reordaining §§ 13-103 and 13-104, as follows:

**Section 13-103. Same - Specific prohibitions.**

Subject to the exceptions provided in section 13-104, any of the following acts, or the causing or permitting thereof, is declared to be excessive noise, constituting a Class 2 misdemeanor and a public nuisance:

- (1) Radios, television sets, musical instruments, *loud speakers* and ~~similar other sound amplification~~ devices. Operating, playing, *using* or permitting the operation or ~~playing use~~ of any radio, television, ~~record, tape or compact disc or music~~ player, drum, musical instrument, ~~or similar device~~ *loud speaker, sound amplifier or other device capable of producing or reproducing sound:*
  - a. In such a manner as ~~to permit sound~~ to be ~~heard~~ *plainly audible* across a residential real property boundary or through partitions common to two (2) dwelling units within a building; or
  - b. In such a manner as to be plainly audible at a distance of fifty (50) feet or more from the building in which it is located; or
  - c. When the sound is plainly audible at a distance of fifty (50) feet or more from its source.
- ~~(2) — Loudspeakers, public address systems and sound trucks. Using, operating or permitting the operation of any loudspeaker, public address system, mobile sound vehicle or similar device amplifying sound therefrom for any purpose between the hours of 10:00 p.m. and 8:00 a.m. in such a manner as to permit sound to be heard across a residential real property boundary, or through partitions common to two (2) dwelling units within a building.~~
- (32) 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.

- (43) Explosive, fireworks and similar devices. Using or firing any explosives, fireworks or similar devices which create impulsive sound in such a manner as to permit sound to be heard across a residential real property boundary or through partitions common to two (2) dwelling units within a building, or on any public right-of-way or public property, in either case between the hours of 10:00 p.m. and 8:00 a.m. An exception to the hours limitation of this subsection may be granted by town council through a fireworks permit.
- (54) Yelling, shouting, etc. Yelling, shouting, whistling or singing between the hours of 10:00 p.m. and 8:00 a.m. in such a manner as ~~to permit sound to be heard~~ *plainly audible* across a residential real property boundary or through partitions common to two (2) dwelling units within a building.
- (65) Schools, public buildings, places of worship, and hospitals. The creation of any noise on the grounds of any school, court, public building, place of worship, or hospital in a manner that is plainly audible within such school, court, public building, place of worship or hospital and interferes with the operation of the institution.
- (76) Mass outdoor social gatherings. Using or causing to be used sound amplifying equipment for the purpose of producing music or entertainment for a mass outdoor social gathering, unless such use is registered with the town manager, as provided in Section 13-106 below.
- (87) Vehicles.
- a. Operation of a motor vehicle or operation of a motorcycle within the town with a gutted muffler, muffler cutout, straight exhaust, or without an exhaust in good working order, as provided by Code of Virginia, §§ 46.2-1047 and 46.2-1049. Violations of this subsection shall be considered traffic infractions punishable as provided for in Town Code section 12-113.
  - b. Operation of sound amplifying equipment in a motor vehicle at a volume sufficient to be plainly audible at a distance of fifty (50) feet from the vehicle.
- (98) Construction. The erection, including excavation, demolition, alteration, or repair of any building or improvement between the hours of 7:00 p.m. and 7:00 a.m., except in the case of emergency under a permit granted by the town manager. In considering the granting, conditioning, or denial of the permit, the town manager shall be guided by the following standards:
- a. Nature of the emergency;
  - b. Proposed extended hours of operation;

- c. Duration of period of requested extended hours;
  - d. Character of the area surrounding the construction site; and
  - e. Number of residential units which would be impacted by the extended hours of construction.
- (109) Pneumatic hammer, chain saw, etc. The operation between the hours of 7:00 p.m. and 7:00 a.m. of any chain saw, pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or other appliance.
- (110) Animals. The owning, keeping, or possessing of any animal or animals (except dogs, which are covered by chapter 5, article II of this Code) which frequently or habitually howl, bark, meow, or squawk in such a manner that creates noise that is plainly audible at least once a minute for ten (10) consecutive minutes (1) inside the confines of the dwelling unit, house or apartment of another or (2) at fifty (50) or more feet from the animal or bird. This subsection shall not apply to any bona fide agricultural activity.
- (111) Large party public nuisance. A gathering of ten (10) or more people where the gathering is not contained within a structure, but spills outdoors into balconies, yards, common areas, parking lots, or other outdoor spaces, ~~which creates excessive noise as prohibited by this chapter~~ *and produces noise that is plainly audible at a distance of fifty (50) feet or more.*
- (112) Commercial vehicle and trash collection vehicle operation. Except in the downtown commercial zoning district, the operation of a commercial vehicle or trash collection vehicle between the hours of 10:00 p.m. and 7:00 a.m., in such a manner as to be plainly audible at any residence one hundred (100) or more yards away.

#### **Section 13-104. Same - Exceptions.**

Sections 13-102 and 13-103 shall have no application to any sound generated by any of the following:

- (1) Sound which is necessary for the protection or preservation of property or the health, safety, life or limb of any person.
- (2) Public speaking and public assembly activities conducted *without the use of sound amplifying equipment* on any public right-of-way or public property.

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2. This ordinance shall be effective upon its adoption.

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Mayor

ATTEST:

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Town Clerk

1st Reading: \_\_\_\_\_

2nd Reading & Adoption: March 14, 2017

APPROVED AS TO CONTENT:

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Police Department

APPROVED AS TO LEGAL SUFFICIENCY:

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Town Attorney