

ORDINANCE NO. 1300

APPROVED BY THE BOARD OF SUPERVISORS: September 13, 2022

ORDINANCE – To Amend and Reordain Section 10-67 Titled “Penalty and enforcement” and Section 10-68 Titled “Prohibited noises enumerated” of the Code of the County of Henrico to Limit Daytime Noise in Residential Areas from Stereos, Televisions, Musical Instruments, and Similar Devices

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA:

1. That Section 10-67 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 10-67. Penalty and enforcement.

(a) No person may be charged with a violation of the provisions of section 10-68 unless:

- (1) A complainant appears before a magistrate and requests a summons to be issued; or
- (2) A violation is committed in the presence of a police officer.

(b) Notwithstanding the provisions of subsection (a), no person may be charged with a violation of subparagraph (2) of section 10-68 occurring between 7:00 a.m. and 11:00 p.m. unless the violation is committed in the presence of a police officer.

(c) Any person convicted of violating any of the provisions of section 10-68 will be punished by a fine not to exceed \$500.00. Any person convicted of a second offense within less than five years after a first offense under this article will be punished by a fine not to exceed \$1,000.00. Any person convicted of a third offense within less than ten years after a first offense under this article will be punished by a fine not to exceed \$2,500.00.

(d) Each day a violation continues unabated constitutes a separate offense.

(e) Criminal enforcement against a person violating this article is not a bar against, or a prerequisite for, taking any other action permitted by this Code or the Code of Virginia to abate the violation.

2. That Section 10-68 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 10-68. Prohibited noises enumerated.

It is unlawful for any person to cause or permit to be caused any of the following prohibited sounds or noises:

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(2) *Sound-producing and sound-reproducing devices.* The use, operation, or playing of any radio, phonograph, television, projector, record, compact disc, tape, digital music, MP3 or DVD player, musical instrument, microphone, loudspeaker, sound amplifier, or similar device designed or used for producing or reproducing sound, regardless of whether such sound-producing or sound-reproducing device is located inside of a structure or outside of or on a structure, in such a manner or with such volume or duration that it is plainly audible:

- a. Inside the confines of the dwelling unit, house, or apartment of another person; or
- b. In residential areas, at 50 or more feet from the device between 11:00 p.m. and 7:00 a.m.

The prohibition in this subparagraph (2) does not apply (i) when the source of the sound is in a commercial establishment located in areas zoned for urban mixed use or (ii) between the hours of 7:00 a.m. and 11:00 p.m. when the source of the sound is a recreational or athletic facility or commercial, industrial, or other non-residential property.

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3. That this ordinance will be in full force and effect on and after its passage as provided by law.