

Adopted by Fluvanna County Board of Supervisors on 10-19-2022

**AN ORDINANCE TO REPEAL CHAPTER 15.1 OF THE FLUVANNA COUNTY CODE  
AND TO ADD A NEW CHAPTER 15.2 IN ITS PLACE TO REGULATE EXCESSIVE  
NOISE AND ACTIVITIES RELATED THERETO AND TO PROVIDE FOR  
PENALTIES FOR VIOLATIONS THEREOF**

BE IT ORDAINED BY THE FLUVANNA COUNTY BOARD OF SUPERVISORS that Chapter 15.1 of the Fluvanna County Code be, and the same is hereby, REPEALED;

AND BE IT FURTHER ORDAINED BY THE FLUVANNA COUNTY BOARD OF SUPERVISORS that a new Chapter 15.2 be, and the same is hereby, ADOPTED, as follows:

**Chapter 15.2 - NOISE CONTROL**

**State Law reference**— General powers of counties, see Code of Va., § 15.2-1200, 15.2-980.

Sec. 15.2-1. - Purpose and intent.

The Board of Supervisors hereby finds and declares that excessive or unwanted sound is a serious hazard to the public health, safety, welfare, and quality of life, and that the inhabitants of the County have a right to and should be free from an environment of excessive or unwanted sound. Therefore, it is the policy of the County and the purpose and intent of this chapter to prohibit such excessive or unwanted sound as provided herein.

Sec. 15.2-2. - Administration and enforcement.

The Sheriff is hereby designated the agent of the Board of Supervisors in the administration and enforcement of this chapter. The Sheriff may be assisted in the enforcement of this chapter by employees of the Department of Zoning, the Department of Engineering and Public Works, and other officers and employees of the County.

Sec. 15.2-3. - Applicability.

This chapter shall apply to sound generated within the County, regardless of whether the complainant or the receiving property is within or without the County. This chapter shall be in addition to any sound or noise regulations set forth in the zoning ordinance.

Sec. 15.2-4. - Definitions.

The following definitions shall apply to this chapter.

- (1) *Emergency operation*. The term *emergency operation* means any emergency service provided by any police, sheriff, fire or fire and rescue department, any ambulance service or any other emergency service requiring a prompt response, and any emergency repair of public facilities or public utilities.
- (2) *Motorcycle*. The term *motorcycle* means any motorized vehicle, whether registered as a motor vehicle or not, designed to travel on not more than three (3) wheels in contact with the ground and any four (4)-wheeled vehicle weighing less than five hundred (500) pounds, excepting riding mowers, farm and lawn tractors.

- (3) *Motor vehicle.* The term *motor vehicle* means any self-propelled device or device designed for self-propulsion, upon or by which any person or property is or may be drawn or transported upon a road, except devices moved by human power or used exclusively upon stationary wheels or tracks.
- (4) *Noise.* The term *noise* means any sound which is excessive, but does not include any sound which is exempt pursuant to Section 15.2-7 of this chapter.
- (5) *Person.* The term *person* means any natural person, association, partnership, corporation or other legal entity.
- (6) *Road.* The term *road* means a public or private thoroughfare which affords access to abutting property.

Sec. 15.2-5. - Prohibited noise generally.

No person shall permit, operate or cause any source of sound or sound generation that is audible in any other person's residence with the doors and windows to such other person's residence closed.

Sec. 15.2-6. – Specifically prohibited acts enumerated.

Except as otherwise provided in this section, the sounds generated by the following, among others, are declared to be plainly audible noise in violation of this chapter, and are specifically prohibited:

- (1) The collection of refuse, waste or recycling within 100 yards of a residence between the hours between the hours of 9:00 p.m. and 6:00 a.m.
- (2) The operation of power lawn or landscaping equipment between the hours of 9:00 p.m. and 7:00 a.m.
- (3) The operation of powered model vehicles outdoors between the hours of 9:00 p.m. and 7:00 a.m.
- (4) The spinning of tires, racing of engines or other noise, or other similar acts, in a motor vehicle or motorcycle, as well as the emission of noise created by the absence of a muffler and/or exhaust system conforming to the provisions of Virginia Code Secs. 46.2-1047 and 46.2-1049 on a motor vehicle or motorcycle.
- (5) The use or permitting the use of any instrument, machine or device for the producing or reproducing of sound in such a manner where the sound plainly audible to any person other than the players or operators of the instrument, machine or device and those who are voluntarily listening to the sound; provided, however, that the provisions of this subsection shall not apply to any event sponsored by the County, Commonwealth or federal government.
- (6) The use of any horn or other signaling device/alarm on any motor vehicle, motorcycle, bicycle or other vehicle on any street or public place of the County continuously or intermittently for more than twenty consecutive seconds, except as a danger warning or as otherwise permitted by state law. If such signaling device/alarm continuously for 15 minutes after the arrival of a law enforcement officer, and the owner cannot be located, such officer may arrange for the vehicle to be towed.

- (7) Construction, demolition and/or maintenance activities which produce sound between the hours of 11:00 p.m. and 6:00 a.m. or between 6:00 p.m. and 9:00 a.m. on Saturdays, Sundays and legal holidays.
- (8) The discharge of firearms for target practice, function testing or recreation between the hours of 9:00 p.m. and 7:00 a.m., except as exempted by the provisions of Section 15.2-7.

**\*Editor's note**— Authorizing counties to regulate the noise of motor vehicles or motorcycles, see Code of Va., § 15.2-919.

Sec. 15.2-7. – Exempt sounds.

The sounds generated by the following shall not be prohibited by this chapter:

- (1) *Emergency operations.* The performance of emergency operations including, but not limited to, audible signal devices which are employed as warning or alarm signals in case of fire, collision or imminent danger.
- (2) *Silvicultural or agricultural activities.* Lawful bona fide silvicultural or agricultural activities including, but not limited to, logging activities and sounds caused by livestock.
- (3) *Construction, demolition and/or maintenance activities.* Construction, demolition and/or maintenance activities between 6:00 a.m. and 11:00 p.m. or between 9:00 a.m. and 6 p.m. on Saturdays, Sundays and legal holidays.
- (4) *Transient sounds from transportation.* Transient sounds generated by transportation including, but not limited to, public and private airports (except as otherwise regulated), aircraft, railroads and other means of public transit.
- (5) *School and other athletic contests or practices, and other school activities.* School and other athletic contests or practices, and other school activities, but only if conditions are imposed which regulate the generation of sound including, but not limited to, conditions regulating the hours of the activity and the amplification of sound.
- (6) *Parades, fireworks and similar officially sanctioned events.* Sounds generated from parades, fireworks or other similar events which are officially sanctioned, if required. This exemption shall not apply to private fireworks displays.
- (7) *Yard maintenance activities.* Routine yard maintenance activities including, but not limited to, mowing, trimming, clipping, leaf blowing and snow blowing, except as prohibited by the provisions of Sec. 15.2-6(2).
- (8) *Public facilities.* The operation of a public facility or public use.
- (9) *Warning devices.* A horn or warning device of a vehicle when used as a warning device, including back-up alarms for trucks and other equipment, except as prohibited by Sec. 15.2-6(6).
- (10) *Church bells or chimes.* Bells, chimes or other similar instrument or devices, which are not electronically amplified, from a church or other place of worship.

- (11) *Firearms*. The lawful discharge of a firearm, except as prohibited by the provisions of Sec. 15.2-6(8).
- (12) *Animals*. Sounds generated from animals including, but not limited to, barking dogs.
- (13) *Protected expression*. Any other lawful activity which constitutes protected expression pursuant to the First Amendment of the United States Constitution, but not amplified expression.

Sec. 15.2-8. – Complaints of noise.

No person shall be charged with a violation of this chapter unless the complainant appears before a magistrate and requests a summons to be issued. However, when a violation is committed in the presence of the Sheriff, any of his deputies or any other police officer, he shall have the authority to initiate all necessary proceedings.

Sec. 15.2-10. – Violation and penalty.

.Any person who violates any provision of this chapter may be assessed a civil penalty in accordance with Virginia Code Sec. 15.2-980. The amount of such penalty shall be \$25 for the first hour (or part thereof) of continuous violation, plus an additional \$25 for each additional hour of continuous violation for the first offense, up to a total of \$250; and shall be \$50 for the first hour (or part thereof) of continuous violation, plus an additional \$50 for each additional hour of continuous violation for each subsequent offense, up to a total of \$500.