

**ORDINANCE NO 2018-1
NOISE ORDINANCE
OF
WYTHE COUNTY, VIRGINIA**

A public hearing was held on _____ 2018 at _____ .m. in the Board Room of the Wythe County Office Building, 340 South Sixth Street, Wytheville, Virginia to consider enacting Ordinance Number 2018-1, entitled, "Noise Ordinance of Wythe County," as follows:

Section 1: Authority

Pursuant to the provisions of the Code of Virginia (1950), as amended, a locality may, by ordinance, prohibit or regulate public nuisances.

Section 2: Prohibited conduct

(A) It shall be unlawful for any person to:

- (1) Operate or play any radio, phonograph, television, record, compact disc or tape player, musical instrument, loud speaker, sound amplifier or other machine or device capable of producing or reproducing sound in such a manner or with such volume or duration that it is plainly audible inside the confines of the dwelling unit, house ,apartment, or business unit of another person or at (50) fifty feet or more from the device, except for devices permitted to be used at public parks or recreation fields, sporting events, duly authorized parades, public functions, commemorative events, signals identifying danger from smoke or fire, signals identifying the beginning or stopping of work or school.
- (2) To play or permit the playing of a radio, stereo ,tape player, compact disc player, loud speaker or other electronic device or mechanical equipment used for the amplification of sounds which is located within a motor vehicle and which is plainly audible from outside the motor vehicle at a distance of (50) fifty feet or more from the vehicle. This provision shall not apply to sirens, loud speakers and emergency communications radios, in public safety vehicles, nor shall it apply to motor vehicle alarms. Motor vehicle exhaust systems are covered under Virginia state code 46.2-1047, 46.2-1049, 46.2-1050.
- (3) To allow any animal or bird to create noise that is plainly audible at least once a minute for 10 consecutive minutes (i) inside the confines of the dwelling unit, house or apartment of another, or (ii) at fifty (50) feet from the animal or bird.
- (4) To create plainly audible noise between 11:00 p.m. and 6:00 a.m. in connection with lawn care leaf removal, gardening, tree maintenance or removal, other landscaping, lawn or timbering activities, and unnecessary discharging of firearms.
- (5) No person shall be convicted of a violation of this section unless there is presented to the court competent evidence that a law enforcement official had, prior to the issuance of any summons or warrant, requested the abatement of the noise complained of, and that such noise continued at an unlawful level after such request.

(B) Exemptions

- (1) No provisions of this chapter shall apply the emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work.
- (2) No provisions of this chapter shall apply to the emission of sounds associated with agricultural activities.
- (3) No provisions of this chapter shall apply to the emission of sounds associated with and/or in conjunction with industrial operations.

(C) Report of Violation

Any person aggrieved by the prohibited conduct on Section 2 (A) above, which is not exempt by Section 2 (B), may report the violation of this ordinance to the Wythe County Sheriff's Office or Consolidated Dispatch Center. The person aggrieved and reporting a violation shall provide his/her name and contact information.

Section 3: Penalty

Violations of this section shall constitute a misdemeanor punishable by a fine of not less than \$50 nor more than \$100. Each day of violation of this section shall be a separate offense.

Section 4: Certified Copies of Ordinances

Certified copies of this ordinance and all amendments thereto shall be filed in the offices of the County Administrator, the Clerk's Office of the Wythe County Circuit Court of Virginia.

Section 5: Validity

Should any article, section, subsection or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of this ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

Section 6: Conflicting Ordinance

Ordinance No. 2017-2 and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of their conflict.

Section 7: Effective Date

This ordinance was duly considered following a required public hearing held on, and was adopted by the Board of Supervisors of Wythe County, Virginia, at its regular meeting held on, the members voting:

<u>NAME</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSENT</u>	<u>ABSTAIN</u>
Joe F. Hale				
B.G. "Gene" Horney, Jr.				
Brian Vaught				
Charlie G. Lester				
Coy L. McRoberts				
Tim A. Reeves				
Ryan Lawson				

I certify that this is a true and correct copy taken from the Board of Supervisors meeting.

minutes of the Wythe County

Martha Collins, Clerk of the Board

F:\Michelle\ORDINANCES\2018\noise ordinance draft.docx