

AN ORDINANCE No. 85-304-2B2
ADOPTED DEC 16 1985

To amend the Code of the City of Richmond, 1985, by adding therein in Chapter 19, Noise, a new article, entitled: "ARTICLE III. NOISE CONTROL", consisting of Sections 19-31 through 19-38, inclusive.

Patron - Mr. Leidinger

Approved as to form and legality
by City Attorney

1. WHEREAS, the Council hereby finds and declares that
2. excessive sound is a serious hazard to the public health,
3. welfare, peace and safety, and the quality of life; that a
4. substantial body of science and technology exists by which
5. excessive sound may be substantially abated; that the people
6. have a right to and should be ensured an environment free
7. from excessive sound that may jeopardize the public health,
8. welfare, peace and safety or degrade the quality of life;
9. and that it is the policy of the City to prevent such
10. excessive sound; NOW, THEREFORE,
11. THE CITY OF RICHMOND HEREBY ORDAINS:
12. § 1. That the Code of the City of Richmond, 1985, be
13. and is hereby amended by adding therein a new article in
14. Chapter 19, entitled: "ARTICLE III, NOISE CONTROL", con-
15. sisting of eight sections, numbered Sec. 19-31 through Sec.
16. 19-38, inclusively, as follows:

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ARTICLE III. NOISE CONTROL

Sec. 19-31. Scope of the article.

The provisions contained in this article shall be applicable to the control of noise originating within the city limits, except to the extent that such local regulation is preempted by federal or state law. In particular, the provisions contained herein shall not apply to federally regulated air, train, or interstate motor vehicle transportation.

Sec. 19-32. Definitions.

The following words and phrases, when used in this article, shall have the meanings ascribed to them respectively as follows, unless the context clearly indicates a different meaning:

(1) A-weighted sound level. The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

(2) Decibel (dB). A unit for measuring the volume of a sound, equal to twenty (20) times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals (twenty micronewtons per square meter).

(3) Emergency. Any occurrence or set of circumstances involving actual or imminent physical

1. trauma or property damage which demands immediate action.

2. (4) Emergency work. Any work performed for the
3. purpose of preventing or alleviating the physical trauma or
4. property damage threatened or caused by an emergency.

5. (5) Gross vehicle weight rating (GVWR). The
6. value specified by the manufacturer as the recommended
7. maximum loaded weight of a single motor vehicle. In cases
8. where trailers and tractors are separable, the gross
9. combination weight rating (GCWR), which is the value
10. specified by the manufacturer as the recommended maximum
11. loaded weight of the combination vehicle, shall be used.

12. (6) Motor carrier vehicle engaged in interstate
13. commerce. Any vehicle as to which federal regulations apply
14. pursuant to section 18 of the Federal Noise Control Act of
15. 1972 (P.L. 92-574), as amended, pertaining to motor carriers
16. engaged in interstate commerce.

17. (7) Motorcycle. Any motor vehicle designed to
18. travel on not more than three (3) wheels in contact with the
19. ground and any four-wheeled vehicle weighing less than five
20. hundred (500) pounds and equipped with an engine of less
21. than six (6) horsepower, excepting farm tractors.

22. (8) Motor vehicle. Any self-propelled device or
23. device designed for self-propulsion, upon or by which any
24. person or property is or may be drawn or transported upon a

1. street or highway, except devices moved by human power or
2. used exclusively upon stationary wheels or tracks.

3. (9) Noise. Any sound which annoys or disturbs
4. humans or which causes or tends to cause an adverse
5. psychological or physiological effect on humans.

6. (10) Property boundary. An imaginary line along
7. the ground surface, and its vertical extension, which
8. separates the real property owned, leased or otherwise
9. legally controlled by one person from that owned, leased or
10. otherwise legally controlled by another person, including
11. intra-building real property divisions.

12. (11) Residential zone. Any location within an
13. R-1, R-2, R-3, R-4, R-5, R-6, R-43, R-48, R-53, R-73, R-MH,
14. RO-1, RO-2, RO-3, or HO district as set forth in chapter 32
15. of this Code.

16. (12) Sound. An oscillation in pressure, particle
17. displacement, particle velocity or other physical parameter,
18. in a medium with internal forces that causes compression and
19. rarefaction of that medium. The description of sound may
20. include any characteristic of such sound, including
21. duration, intensity and frequency.

22. (13) Sound level. The weighted sound pressure
23. level obtained by the use of a sound level meter and the
24. A-frequency weighting network, as specified in American

1. National Standards Institute specifications for sound level
2. meters.

3. (14) Sound level meter. An instrument which
4. includes a microphone, amplifier, RMS detector, integrator
5. or time averager, output meter and weighting networks used
6. to measure sound pressure levels.

7. Sec. 19-33. Administration and enforcement.

8. The noise control program established by this article
9. shall be enforced and administered by the department of
10. public safety with the assistance of other city departments
11. as required.

12. Sec. 19-34. Testing of metering devices.

13. In order to implement and enforce this article
14. effectively, the director of public safety shall, within a
15. reasonable time after the date of adoption of the article,
16. develop and promulgate standards and procedures for testing
17. and validating sound level meters used in enforcement of
18. this article.

19. Sec. 19-35. Maximum sound levels in residential zones.

20. (a) Nighttime. No person shall permit, operate or
21. cause any source of sound, other than a motor vehicle or
22. motorcycle operated on a public right-of-way, to create a
23. sound level in a residential zone during the hours between
24. 11:00 p.m. and 6:00 a.m. in excess of fifty-five (55) dBA
25. when measured at or outside the property boundary of the

1. property on which the sound originates; except that in the
2. case of sound which originates outside a residential zone,
3. the sound level shall be measured at any point on the
4. boundary of the residential zone, and in the case of sound
5. which originates in the public right of way within a
6. residential zone, the sound level shall be measured at any
7. point within such public right of way.

8. (b) Daytime. No person shall permit, operate or
9. cause any source of sound, other than a motor vehicle or
10. motorcycle operated on a public right-of-way, to create a
11. sound level in a residential zone during the hours between
12. 6:00 a.m. and 11:00 p.m. in excess of sixty-five (65) dBA
13. when measured at or outside the property boundary of the
14. property on which the sound originates; except that in the
15. case of sound which originates outside a residential zone,
16. the sound level shall be measured at any point on the
17. boundary of the residential zone, and in the case of sound
18. which originates in the public right of way within a
19. residential zone, the sound level shall be measured at any
20. point within such public right of way.

21. (c) Measurements in multi-family structures. In a
22. structure used as a multi-family dwelling the department of
23. public safety may take measurements to determine such sound
24. levels from common areas within or outside the structure or
25. from other dwelling units within the structure, when
26. requested to do so by the owner or tenant in possession and

1. control thereof. Such measurement shall be taken at a point
2. at least four (4) feet from the wall, ceiling or floor
3. nearest the sound source, with doors to the receiving area
4. closed and windows in the normal position for the season.

5. (d) Exemptions. The following activities or
6. sources of sound shall be exempt from the daytime
7. prohibition set forth in paragraph (b) of this section:

8. (1) Band performances or practices, athletic
9. contests or practices and other school-sponsored activities
10. on the grounds of public or private schools or other
11. educational institutions.

12. (2) Athletic contests and other officially
13. sanctioned activities in city parks or other public grounds,
14. including the Diamond and the City Stadium.

15. (3) Activities related to the construction,
16. repair, maintenance, remodeling or demolition, grading or
17. other improvement of real property.

18. (4) Gardening, lawn care, tree maintenance or
19. removal and other landscaping activities.

20. (5) Church bells or carillons.

21. (6) Religious or political gatherings, and any
22. other activity protected by the First Amendment to the
23. United States Constitution, in city parks or on the grounds
24. of public or private schools or other educational
25. institutions.

1. (7) Public and private refuse collection and
2. sanitation services.

3. Sec. 19-36. Motor vehicle and motorcycle maximum sound
4. levels.

5. (a) No person shall operate or cause to be operated
6. a public or private motor vehicle on a public right-of-way
7. at any time in such a manner that the sound level emitted by
8. the motor vehicle, when measured at a distance of fifty (50)
9. feet or more, exceeds the applicable level set forth in the
10. following table:

	Sound level in dBA	
Vehicle Class	Speed limit 35 MPH or less	Speed limit over 35 MPH
All motor vehicles of GVWR or GCWR of 10,000 lbs. or more	86	90
Any other motor vehicle or any combination of vehicles towed by any motor vehicle	76	82

20. (b) No person shall operate or cause to be operated a
21. motorcycle on a public right-of-way at any time in such a
22. manner that the sound level emitted by the motorcycle, when
23. measured at a distance of fifty (50) feet or more, exceeds
24. the applicable sound level set forth below:

25. (1) Street motorcycles (other than moped-type)
26. and off-road motorcycles with engine displacements of 170 cc
27. and lower: 83 dBA;

28. (2) Moped-type street motorcycles: 70 dBA;

1. (3) Off-road motorcycles with engine displace-
2. ments greater than 170 cc; 86 dBA.

3. (c) The provisions contained in this section shall
4. not apply to any motor carrier vehicle engaged in interstate
5. commerce, as defined in section 19-32(6), or to any vehicle
6. engaged in public transportation service.

7. Sec. 19-37. Emergency exception.

8. No provisions of this article shall apply to the
9. emission of sound for the purpose of alerting persons to the
10. existence of an emergency, or the emission of sound in the
11. performance of emergency work.

12. Sec. 19-38. Violations and penalties.

13. (a) Any person who violates any provision of this
14. article shall be deemed to be guilty of a class IV misde-
15. meanor.

16. (b) Each day of violation of any provision of
17. this article shall constitute a separate offense.

18. (c) The person operating or controlling a sound
19. source shall be guilty of any violation caused by that
20. source. If that cannot be determined, any owner, tenant or
21. resident physically present on the property where the
22. violation is occurring is rebuttably presumed to be guilty
23. of the violation.

24. § 2. This ordinance shall be in force and effect upon
25. the passage of sixty days from the date of adoption.