

INTRODUCED: July 1, 2024

AN ORDINANCE No. 2024-194

To amend and reordain City Code §§ 11-34, concerning administration and enforcement of ch. 11, art. II, 11-37, concerning violations of ch. 11, art. II, and 11-38 concerning the penalties for violation of ch. 11, art. II, for the purpose of modifying the City’s sound control program.

Patron – Mayor Stoney

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JUL 22 2024 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§1. That sections 11-34, 11-37 and 11-38 of the Code of the City of Richmond (2020) be and is hereby **amended** as follows:

Sec. 11-34. Administration and enforcement of article generally.

The sound control program established by this article shall be enforced and administered by the Chief of Police with the assistance of other City departments as directed by the Chief Administrative Officer. A report of an alleged violation of any of the provisions defined in Section 11-37 shall only be initiated by a call for service to the Department of Emergency

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JULY 22 2024 REJECTED: _____ STRICKEN: _____

Communications, Preparedness, and Response or other verbal complaint made by a complainant to a police officer.

Sec. 11-37. Violations.

(a) *Single family homes and duplexes.* No person shall operate a device or otherwise create sound which, when measured from any point on a property containing a house or a duplex, exceeds 65 dBA between the hours of 7:00 a.m. and 11:00 p.m. or 55 dBA between the hours of 11:00 p.m. and 7:00 a.m.

(b) *Multifamily homes.* No person shall operate a device or otherwise create sound which, when measured from inside an apartment unit or condominium unit, but not including hotels, motels or lodging houses, and measured at a point at least four feet from the wall, ceiling, or floor nearest the sound source, with doors and windows to the receiving area closed, exceeds 65 dBA between the hours of 7:00 a.m. and 11:00 p.m. or 55 dBA between the hours of 11:00 p.m. and 7:00 a.m.

(c) *Schools.* No person shall operate a device or otherwise create sound which, when measured from any point on the property of a school where classes or other educational activities are occurring, exceeds 65 dBA.

(d) *Places of worship.* No person shall operate a device or otherwise create sound which, when measured from inside a place of worship that is occupied and while services are occurring, exceeds 65 dBA between the hours of 7:00 a.m. and 11:00 p.m. or 55 dBA between the hours of 11:00 p.m. and 7:00 a.m. This subsection shall apply only if the place of worship has posted at least one sign that is visible from the public streets and sidewalks adjacent to the place of worship that provides notice that services are occurring.

(e) *Health care facilities.* No person shall operate a device or otherwise create sound which, when measured from any point on the property of a health care facility, exceeds 65 dBA

between the hours of 7:00 a.m. and 11:00 p.m. or 55 dBA between the hours of 11:00 p.m. and 7:00 a.m. “Health care facility” as used in this subsection includes, but is not limited to, hospitals, physicians’ offices, walk-in medical centers, medical diagnostic centers, medical clinics, surgical centers, and any facilities that are licensed, certified, or otherwise authorized to provide health care services. “Health care facility” does not include residential homes, convalescent homes, or other facilities that provide long-term residency. This subsection shall apply only if the health care facility has posted at least one sign that is visible from the public streets and sidewalks adjacent to such facility that identifies the location as a “Health Care Facility Quiet Zone.”

~~[(f)]~~ *Motor vehicles.* No person shall operate a motor vehicle or motorcycle on a public right-of-way at any time that, when measured at a distance of at least 50 feet, exceeds the levels in the following table:

Vehicle Class	Sound Level in dBA	
	Speed Limit 35 MPH or Less	Speed Limit over 35 MPH
Motor vehicles of 6,000 lbs. or more GVWR	86	90
Motoreycles	82	86
All other motor vehicles	76	82]

~~[(g)]~~ ~~(f)~~ *Vehicle radios, horns, or other electronic devices.* No person shall operate any vehicle radio, horn, or other electronic device located on or within a parked or otherwise stopped motor vehicle in such a manner as to be plainly audible at a distance of 50 feet or more from the vehicle in which it is located.

~~[(h)]~~ ~~(g)~~ *Animals.* No person shall allow any animal or bird to create sound such that it is plainly audible inside the confines of another person’s dwelling unit, house, or apartment at least once a minute for ten consecutive minutes or 50 feet or more from the animal or bird.

~~[(i)]~~ ~~(h)~~ *Restaurants or other establishments serving food or beverages.* No person

shall permit, operate, or cause any source of sound to emanate from a restaurant or other establishment serving food or beverages which, when measured from any public right of way or private property, exceeds 80 dBA between the hours of 7:00 a.m. and 11:00 p.m. or 75 dBA between the hours of 11:00 p.m. and 7:00 a.m., unless such establishment is adjacent to a residentially-zoned property, in which case any sound shall not exceed 65 dBA between the hours of 7:00 a.m. and 11:00 p.m. or 55 dBA between the hours of 11:00 p.m. and 7:00 a.m.

~~(j)~~ (i) *Buskers*. No person shall play a musical instrument or operate any device emitting sound, outside of an enclosed structure which, at a distance of ten feet from the instrument or device, exceeds 75 dBA between the hours of 7:00 a.m. and 11:00 p.m. or 65 dBA between the hours of 11:00 p.m. and 7:00 a.m.

Sec. 11-38. Penalties.

(a) *Civil penalties*. Any person who commits, permits, assists in, or attempts any violation of this article, whether by act or omission, shall be liable for a civil violation as follows:

(1) The first violation of this article by such person shall be punished by a civil penalty in the amount of \$100.00.

(2) The second violation of this article committed by such person within seven days of the first violation shall be punished by a civil penalty in the amount of \$200.00.

(3) The third and any subsequent violation of this article committed by such person within 14 days of the first violation shall be punished by a civil penalty in the amount of \$500.00.

(b) *Continuing violations*. Each hour of a continued violation shall constitute a separate offense under this article.

(c) *Procedures*.

(1) If an authorized enforcement officer determines that a violation of this

article has occurred, the officer may cause a notice of the violation to be served on any or all persons committing, permitting, assisting in, or attempting such violation.

(2) If the person operating or controlling the sound source cannot be identified, any owner, tenant, resident, or manager physically present on the property where the sound source is located may be charged if the circumstances establish their dominion and control over the sound source.

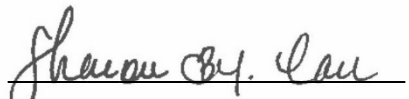
(3) ~~[The notice shall provide that]~~ Within 15 days of receipt of the notice of violation, the person charged with a violation ~~[may elect to make an appearance in person, or in writing by mail, to the Department of Finance; admit liability for or plead no contest to the violation; and pay the civil penalty established for the violation, all within the time period stated in the notice]~~ shall pay the civil penalty set forth on the notice of violation. Failure to pay such civil penalty within 15 days of receipt of the notice of violation may result in the City filing a warrant in debt in the General District Court of the City of Richmond.

(4) ~~[If a person charged with a violation does not elect to admit liability or plead no contest, the violation may be tried in the General District Court of the City of Richmond upon a warrant in debt or the Circuit Court of the City of Richmond upon a motion for judgment.~~

(5) A finding of admission of liability or a plea of no contest to a violation of Section 11-37 shall not be deemed evidence of a criminal violation for any purpose.

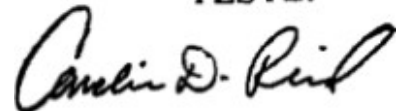
§ 4. This ordinance shall be in force and effect upon adoption.

APPROVED AS TO FORM:


CITY ATTORNEY'S OFFICE

A TRUE COPY:

TESTE:



City Clerk



City of Richmond

900 East Broad Street
2nd Floor of City Hall
Richmond, VA 23219
www.rva.gov

Master

File Number: Admin-2024-0707

File ID: Admin-2024-0707

Type: Request for Ordinance or Resolution

Status: Regular Agenda

Version: 1

Reference:

In Control: City Clerk Waiting Room

Department:

Cost:

File Created: 06/26/2024

Subject:

Final Action:

Title: To amend Ordinance No. 2022-219 Secs. 11-34, 11-37 and 11-38 to ensure the City of Richmond's Sound Ordinance is enforceable.

Internal Notes:

Code Sections:

Agenda Date: 07/01/2024

Indexes:

Agenda Number:

Patron(s):

Enactment Date:

Attachments: ADMIN 2024-0707Sound Ordinance (Amend) -Or.docx

Enactment Number:

Contact:

Introduction Date:

Drafter: Grace.Massenburg@rva.gov

Effective Date:

Related Files:

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
1	1	6/27/2024	Richard Edwards	Approve	7/1/2024
Notes: Reviewed updated wording from City Attorney Carr					
1	2	6/27/2024	Meghan Brown	Approve	7/1/2024
1	3	6/27/2024	Sheila White	Approve	7/1/2024
1	4	6/28/2024	Sabrina Joy-Hogg	Approve	7/1/2024
1	5	6/28/2024	Jeff Gray	Approve	7/2/2024
1	6	6/28/2024	Lincoln Saunders	Approve	7/5/2024
1	7	6/28/2024	Mayor Stoney	Approve	7/18/2024

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File Admin-2024-0707

Title

To amend Ordinance No. 2022-219 Secs. 11-34, 11-37 and 11-38 to ensure the City of Richmond’s Sound Ordinance is enforceable.

Body

O & R Request

DATE: June 28, 2024 **EDITION:** 2
TO: The Honorable Members of City Council
THROUGH: The Honorable Levar M. Stoney, Mayor
THROUGH: Lincoln Saunders, Chief Administrative Officer
THROUGH: Sabrina Joy-Hogg, DCAO - Finance and Administration
THROUGH: Sheila White, Director of Finance
THROUGH: Meghan Brown, Interim Director of Budget and Strategic Planning
FROM: Richard G. Edwards, Chief of Police
RE: To amend Ordinance No. 2022-219; Secs. 11-34, 11-37 and 11-38 to ensure the City of Richmond’s Sound Ordinance is enforceable.

PURPOSE: To amend Ordinance No. 2022-219 Secs. 11-34, 11-37 and 11-38 to ensure the City of Richmond’s Sound Ordinance is enforceable.

The objective of updating the current Sound Control ordinance is to (1) specify the means by which an alleged noise violation may be reported, (2) remove those violations that which Richmond Police cannot practically enforce due to the transition of the ordinance from criminal to civil, and (3) clarify the process to either pay the civil penalty or contest the alleged noise violation.

BACKGROUND: Subsequent to the passing of the current Sound Control Ordinance, it was determined that critical infrastructure needed to be built to allow for the enforcement of the ordinance as a civil penalty. Specifically, (1) the financial infrastructure did not exist to allow for payment of the associated fines or to collect unpaid penalties, (2) there was no system in place to identify an initial violation from any subsequent violation to accommodate the varying civil penalties, and (3) there was no system in place to permit those who contested their violation to challenge said alleged violation.

Additionally, amending the ordinance to a civil penalty from a criminal offense re-moved Richmond Police officers' ability to initiate a traffic stop on vehicles for noise violations because probable cause can no longer serve as the basis for the stop given the civil nature of the ordinance.

COMMUNITY ENGAGEMENT: N/A

STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL: N/A

FISCAL IMPACT: Generation of revenue to the City of Richmond derived from civil penalties paid by residents found to be in violation of the ordinance.

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: July 1, 2024

CITY COUNCIL PUBLIC HEARING DATE: July 22, 2024

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Finance and Economic Development Standing Committee (July 18, 2024)

AFFECTED AGENCIES: Richmond Police Department, Department of Finance

RELATIONSHIP TO EXISTING ORD. OR RES.: Ordinance No. 2022-219

ATTACHMENTS: N/A

STAFF: Richard G. Edwards
Chief of Police
(804) 646-3862