

RUSSELL COUNTY NOISE ORDINANCE

- **Purpose.**

The purpose of this ordinance is to establish reasonable time, place, and manner regulations pertaining to excessive or unwanted sound. Through content-neutral regulations, this article strikes an appropriate balance between the rights of individuals to engage in activities that create or disseminate sounds at reasonable levels, and the right of the public to a peaceful and healthful environment. It is not the purpose of this article to interfere unduly with the rights of free speech or the exercise of religion and, further, it is not the purpose of this ordinance to implement these regulations in a manner that is based on the content of the sound. In establishing these regulations, the Board of Supervisors finds the following:

A. *Threat to the public health, safety and welfare posed by excessive or unwanted sound.* Inadequately controlled sound presents a growing danger to the public health, safety, and welfare. Studies have found that these dangers include hearing impairment, interference with spoken communication, sleep disturbances, cardiovascular disturbances, disturbances in mental health, impaired task performance, and unwanted emotional responses. These effects can lead to, among other things, a wide range of physical problems such as hearing disabilities, increased blood pressure, increased heart rates, abnormal heart rhythms and fatigue, mental health problems such as depression, anxiety, nervousness, stress, and emotional instability, an increased risk of accidents and errors in task performance, and negative effects on learning, reading attention, work performance, school performance, and interpersonal relationships.

B. *Persons particularly vulnerable to excessive or unwanted sound.* Studies have found that the elderly, medical patients, infants, and children are particularly vulnerable to excessive or unwanted sound.

C. *Public safety danger posed by excessive or unwanted sound created by or emanating from motor vehicles.* Excessive or unwanted sound created by, or emanating from, motor vehicles interfere with the safe operation of other motor vehicles.

D. *Effects of increases in sound pressure levels.* Studies have characterized the human reaction to increases in sound pressure levels over ambient levels, as measured in decibels (dB), as "intrusive" for increases of five to 10 decibels, "very noticeable" for increases of 10 to 15 decibels, "objectionable" for increases of 15 to 20 decibels, and "very objectionable to intolerable" for increases of 20 or more decibels.

E. *Right of public to be free from an environment of excessive or unwanted sound.* The public has a right to and should be free from an environment of excessive or unwanted sound, and the Board has a significant governmental interest in providing an environment free of excessive or unwanted sound.

State Law reference— Va. Code § [15.2-1200](#).

- **Administration and enforcement.**

The Sheriff is hereby designated the agent of the Board of Supervisors for administering and enforcing this ordinance. The Sheriff may be assisted in enforcing this ordinance by employees of the Sheriff's office and other officers and employees of the County.

State Law reference— Va. Code § [15.2-1200](#).

- **Applicability.**

This ordinance applies to sound produced within the County, regardless of whether the complainant or the receiving property is within or without the County.

State Law reference— Va. Code § [15.2-1200](#).

- **Definitions.**

The following definitions apply to this ordinance unless the context requires a different meaning:

"Agricultural activity" means the bona fide production or harvesting of agricultural products as defined in section [3.2-6400](#) of the Code of Virginia including tilling soil for raising crops; operating agricultural industries or businesses, including, but not limited to, orchards, fruit packing plants, dairies, nurseries, farm sales, farm stands and farmers' markets; or any combination of the foregoing activities but shall not include the above ground application or storage of sewage sludge, or the storage or disposal of non-agricultural excavation material, waste and debris if the excavation material, waste and debris are not generated on the farm, subject to the provisions of the Virginia Waste Management Act.

"Audible" means a sound that can be detected by a person using his or her unaided hearing faculties, provided that a sound is determined to be audible even if specific words or phrases cannot be discerned. Sound is audible within a building pursuant to ordinance if it is audible at least four feet from the wall nearest the sound source, with the doors and windows of the dwelling unit or applicable room of the complainant's building closed and, where audibility is determined from a dwelling unit or hotel room, the dwelling unit or hotel room is located on a different parcel than the parcel on which the sound source is located.

"Dwelling unit" means a single unit designed to provide complete and independent living facilities for one or more persons and having permanent provisions for sleeping and sanitation.

"Emergency operation" means any emergency service provided by any police, sheriff, fire, or fire and rescue department, any volunteer fire company, any volunteer rescue squad, any ambulance service, or any other emergency service requiring a prompt response, and any emergency repair of public facilities or public utilities.

"Hospital" means any facility licensed pursuant to Virginia Code § [32.1-123](#) *et seq.* in which the primary function is the provision of diagnosis, treatment, and medical and nursing services, surgical or nonsurgical, for two or more nonrelated individuals, including hospitals known under various names such as children's hospitals, sanatoriums, sanitariums and general, acute, rehabilitation, chronic disease, short-term, long-term, outpatient surgical, and inpatient or outpatient maternity hospitals.

"Hotel" means any place offering to the public for compensation transitory lodging or sleeping accommodations, overnight or otherwise, including but not limited to facilities known under various names such as hotels, motels, travel lodges, tourist homes, or hostels.

"Hotel room" means a room within a hotel designed for sleeping.

"Mixed-use site" means a single unified development on one or more units or pieces of real property on which both commercial and residential uses exist.

"Motorcycle" means every motor vehicle that is designed to travel on not more than three wheels in contact with the ground and is capable of traveling at speeds in excess of 35 miles per hour.

"Motor vehicle" means every vehicle that is self-propelled or designed for self-propulsion and includes, but is not limited to, any device defined in Virginia Code § [46.2-100](#) as an "electric personal assistive mobility device," "electric power-assisted bicycle," "golf cart," "moped," "motorized skateboard or scooter" or "utility vehicle," but does not include a device moved by human power or used exclusively on stationary rails or tracks that is self-propelled or designed for self-propulsion. Any structure designed, used, or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office, or commercial space is considered a part of a motor vehicle.

"Multi-family dwelling unit" means a structure composed of two or more dwelling units including, but not limited to, apartments, condominiums, townhouses, and duplexes.

"Nursing home" means any facility or any identifiable component of any facility licensed pursuant to Virginia Code § [32.1-123](#) *et seq.* in which the primary function is to provide, on a continuing basis, nursing services and health-related services for the treatment and inpatient care of two or more nonrelated individuals, including facilities known under various names such as convalescent homes, skilled nursing facilities or skilled

care facilities, intermediate care facilities, extended care facilities, and nursing or nursing care facilities.

"Off-road vehicle" means every vehicle that is: (i) an all-terrain vehicle, which is a three-wheeled or four-wheeled motor vehicle powered by a gasoline or diesel engine and generally characterized by large, low-pressure tires, a seat designed to be straddled by the operator, and handlebars for steering, and which is intended for off-road use by an individual rider on various types of unpaved terrain; (ii) a go-cart, which is a four-wheeled vehicle that has a low center of gravity and is typically used in racing or riding on relatively level services; (iii) an off-road motorcycle, which is a motorcycle designed exclusively for off-road use by an individual rider with not more than two wheels in contact with the ground; and (iv) a motorcycle-like device commonly known as a trail-bike or mini-bike. The term "off-road vehicle" does not include: (i) a farm utility vehicle, which is a motor vehicle that is designed for off-road use and is used as a farm, agricultural, or horticultural service vehicle; or (ii) a utility vehicle, which is a motor vehicle that is designed and used as a general maintenance, security, or other similar service vehicle.

"Outdoor" means either outside a structure, or inside a structure that has open windows, doors, or other openings that allow the activity inside the structure to be visible or audible outside the structure.

"Parcel" means, as appropriate when the term is applied in conjunction with a reference to a property line, either: (i) a separate unit or piece of real property; (ii) any area within a multi-family dwelling unit that is beyond the vertical and horizontal boundaries of the dwelling unit of the complainant; or (iii) any area within a mixed-use site that is beyond the interface between the portion of the site owned or occupied by the complainant.

"Person" means any natural person, association, partnership, corporation, or other legal entity.

"Place of public entertainment" means a building or other place used primarily as a cinema, theater, amphitheater, concert hall, public hall, dance hall, restaurant, or other place of entertainment open to the public, regardless of whether the payment of money or other consideration is required for admission, but does not include a music festival authorized by a special use permit under County Code [Chapter 18](#).

"Produce" or any derivation of the word, means to produce or reproduce, to allow to produce or reproduce, to create or allow to be created, or to operate or allow to be operated.

"Property line" means either: (i) an imaginary line along the ground surface, and its vertical extension, that separates one unit or piece of real property from another, where the unit or piece is under different ownership; (ii) the vertical and horizontal boundaries of a dwelling unit that is part of a multi-family dwelling unit building; or (iii) on a mixed-

use site, the interface between the portions of the parcel on which different categories of activity are being performed.

"Public property" means real property owned by a governmental entity including, but not limited to, any public street as defined in this section.

"School" means: (i) a public school subject to Virginia Code Title [22.1](#); (ii) a private school serving children in one or more grades between kindergarten and grade 12; (iii) a school for students with disabilities as that term is defined in Virginia Code § [22.1-319](#); (iv) a child day center as that term is defined in Virginia Code § [63.2-100](#); (v) the University of Virginia; and (vi) Piedmont Virginia Community College.

"Sound" means the sensation perceived by the sense of hearing.

"Sound source" means any act or device that emits sound.

"Sport shooting range" means an area or structure designed for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting.

"Street" means: (i) a public right-of-way that is part of the primary or secondary system of state highways, or is classified as a highway in the interstate system; or (ii) a privately owned and maintained travel way for motor vehicles serving two or more single family detached dwelling units that are located on two or more separate units or pieces of land, one or more multi-family dwelling units, a mixed-use site, or a site used for commercial or industrial purposes.

The meaning of any sound-related term not defined herein shall be obtained from the most recent version of the American Standard Acoustical Terminology, if the term is defined therein.

State Law reference— Va. Code § [15.2-1200](#).

- **General sound levels prohibited.**

It is unlawful for any person to produce sound that causes at least a 15 dBA increase in the sound level above the ambient sound level, as determined as follows:

Procedure for measuring sound.

Each sound meter reading shall be conducted as provided herein:

- a. *Instrument of measurement.* Each sound measurement shall be taken only from a sound level meter.

- b. *Calibration of sound level meter.* An acoustic calibrator authorized by the manufacturer of the sound level meter shall have been performed within 12 months prior to the date of such reading. The user of the sound level meter shall also have calibrated the sound level meter within one hour prior to taking sound measurements.
- c. *Weather conditions.* A windscreen shall be used on the sound level meter when sound measurements are being taken. No outdoor sound measurements shall be taken during rain or during weather conditions in which wind sound is distinguishable from, and is louder to the ear than, the sound source being tested.
- d. *Scale.* Each sound measurements shall be expressed in units of the sound level (dBA). In accordance with American National Standards Institute specifications for sound level meters. Each measurement shall be made using the A-weighted scale with fast response, following the manufacturer's instructions, and measuring the equivalent sound level. Impulse sounds shall be measured as the maximum reading and not the equivalent sound level.
- e. *Place of sound measurement.* Each sound measurement shall be taken no closer to the sound source than the property lines of the receiving properties or the property line along which a street front. If the property line of a receiving property is not readily determinable, the sound measurement shall be taken from any point inside the nearest receiving property, or within an occupied structure on receiving property. If the property line abutting a street is not readily determinable, the sound measurement shall be taken from the edge of the pavement which is closest to the source of the sound. Each sound measurement taken of a sound source within a multi-family structure, such as an apartment building, townhouse development and the like, may be made (i) within the interior of another residential unit in the same structure or the same development; or (ii) from common areas.
- f. *Orientation of microphone.* To the extent that it is practical to do so, the microphone of the sound level meter shall be positioned four to five feet above the ground or the floor. The orientation recommended by the manufacturer of the sound level meter shall supersede the foregoing orientation of the manufacturer's recommendation conflicts therewith.
- g. *Duration of measurement.* Each sound measurement shall be taken over a period of five continuous minutes unless the sound being measured is an impulse sound. IF the sound being measured is an impulse sound, each sound measurement shall be taken during the "impulse" or emission of that sound. **The Sheriff** shall determine whether a sound is an impulse sound for purposes of determining the duration of the sound measurement.

- h. Ambient sound measurement. The ambient sound shall be measured for each sound measurement as follows:
1. The ambient sound level shall be averaged over a period of time comparable to that for the measurement of the particular sound source being measured.
 2. In order to obtain the ambient sound level, the sound source being measured shall be eliminated by the source ceasing its sound-producing activity and the ambient sound level shall be obtained from the same location as that for measuring the source sound level. If the sound from the sound source cannot be eliminated, the ambient sound level shall be measured from an alternative location whose ambient sound level is not affected by the sound source in accordance with the following procedure:
 - a. The alternative location should be as close as feasible as that for measuring the source sound level but located so that the sound from the source has as little effect as possible on the ambient sound level measurement. Even if the source sound is audible or is sufficient to raise the sound level above that which would be measured were it inaudible at the alternative location, the reading is sufficient for the purpose of this procedure.
 - b. The alternative location chosen must be such that structures in the vicinity are similar in size and distribution, and the local topography is similar in character to the location for the source sound level measurement.
 - c. Traffic conditions at the time the ambient sound level is measured must be similar to those at the location for the sound source measurement.
- i. *Determining source sound level* Except for new equipment for which the owner provides manufacturer's specifications related to sound levels accepted by the Sheriff, the sound level from a sound source shall be determined by correcting the total sound level for ambient sound in accordance with the following procedure:
1. Subtract the maximum measured ambient sound level from the minimum measured total sound level.
 2. In Row A below, find the sound level difference determined under paragraph (1) and its corresponding correction factor in Row B.

| | | | | | | | | | | | |
|--|-----|---|---|---|-----|-----|-----|-----|------|-----|-----|
| Row A Sound Level Difference (Decibels) | 0.5 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Row B Correction Factor (Decibels) | 9.6 | 7 | 4 | 3 | 1.8 | 1.6 | 1.2 | 1.0 | 0.75 | 0.6 | 0.5 |

3. Subtract the value obtained from Row B under paragraph (2) from the minimum measured total sound level to determine the source sound level.
4. If the difference between the total sound level and the ambient sound level is greater than 10 dBA, no correction is necessary to determine the source sound level.

Except as provided otherwise in this ordinance, it shall be unlawful for any person to operate or cause to be operated, any source such that the sound originating from that source causes a sound level that exceeds the sound levels in the receiving area, measured pursuant to section, as set forth below:

| Receiving Zone | Time Period | Noise Level (dBA) |
|-------------------------------|-------------|-------------------|
| Rural Areas and Residential | Daytime | 60 |
| | Nighttime | 55 |
| Public Space or Institutional | Daytime | 60 |
| | Nighttime | 55 |
| Commercial | Daytime | 65 |
| | Nighttime | 65 |
| Industrial | Daytime | 70 |
| | Nighttime | 70 |

State Law reference— Va. Code § [15.2-1200](#).

- **Specific acts prohibited.**

It is unlawful for any person to produce sound from the following acts that meets or exceeds the applicable sound levels:

A. *Motor vehicle or motorcycle operation.* The sound is produced by: (i) the absence of a muffler and exhaust system conforming to Virginia Code §§ [46.2-1047](#) and [46.2-1049](#) on a motor vehicle or a motorcycle; (ii) jackrabbit starts, spinning tires, racing engines, or other similar acts in a motor vehicle or on a motorcycle; or (iii) a refrigeration unit mounted on a motor vehicle, and either:

1. *On a street or on public property.* The motor vehicle or motorcycle is operated or parked on a street or on public property, and the sound is audible from a distance of 100 feet or more from the motor vehicle or motorcycle; or

2. *On private property.* The motor vehicle or motorcycle is operated or parked on private property, and the sound is audible: (i) from a distance of 100 feet or more from the property line of the parcel on which the motor vehicle or motorcycle is located; or (ii) from inside a dwelling unit or hotel room.

B. *Sound producing or reproducing devices.* The sound is produced by any device intended primarily for the production or reproduction of sound and either:

1. *Device within or on a motor vehicle on a street or on public property.* The device is within or on a motor vehicle that is operated or parked on a street or on public property, and the sound is audible from a distance of 100 feet or more from the motor vehicle;

2. *Device within or on a motor vehicle on private property.* The device is within or on a motor vehicle that is operated or parked on private property, and the sound is audible: (i) from a distance of 100 feet or more from the property line of the parcel on which the motor vehicle is located; or (ii) from inside a dwelling unit or hotel room;

3. *Device within a place of public entertainment.* The device is located within a place of public entertainment, and the sound is audible for a duration of five continuous minutes or more, without an interruption of the sound for 30 or more consecutive seconds during the five minute period, within any one hour period: (i) from a distance of 100 feet or more from the property line of the parcel on which the place of public entertainment is located; or (ii) between the hours of 10:00 p.m. any day and 7:00 a.m. the following day from inside a dwelling unit or hotel room;

4. *Device within a dwelling unit.* The device is located within a dwelling unit and the sound is audible: (i) from a distance of 100 feet or more from the property line of the parcel on which the motor vehicle is located; or (ii) from inside a dwelling unit or hotel room;

5. *Device producing outdoor amplified music or serving as an outdoor public address system.* The device is located to produce outdoor amplified music, to serve as an outdoor public address system, or both, including any such device used in conjunction with an agricultural activity, and the sound is not otherwise regulated under subsections (B)(1) through (4) or otherwise exempt pursuant to County Code, and the sound is audible from inside a dwelling unit or hotel room; or

6. *Device in other locations.* The device is located other than within or on a motor vehicle, a place of public entertainment, a dwelling unit, or is not producing a sound subject to subsection (B)(5), and the sound is audible: (i) from a distance of 100 feet or more from the property line of the parcel on which the device is located; or (ii) from inside a dwelling unit or hotel room.

C. *Off-road vehicles.* The sound is produced by an off-road vehicle operated in a location other than on a street, where the off-road vehicle use is not an authorized primary use, and the sound is audible: (i) from a distance of 100 feet or more from the property line of the parcel on which the off-road vehicle is located; or (ii) between the hours of 10:00 p.m. any day and 7:00 a.m. the following day from inside a dwelling unit or hotel room.

D. *Proximity to sound-sensitive institutions.* The sound is produced on any street adjacent to any school, hospital, nursing home, or court (hereinafter, collectively referred to as "institutions"), provided that conspicuous signs are posted and visible on the street(s) adjacent to the institution stating that the street is adjacent to a school, hospital, nursing home, or court and either:

1. *Schools and courts.* The sound is audible from inside the school building or the court between the hours of 7:00 a.m. and 10:00 p.m. when the school or court is in session; or

2. *Hospitals and nursing homes.* The sound is audible from inside the hospital or nursing home.

E. *Construction, demolition, or maintenance activities.* Either of the following:

1. Sound produced by construction, demolition, or maintenance activities between the hours of 10:00 p.m. any day and 7:00 a.m. the following day, and the sound is audible: (i) from a distance of 100 feet or more from the property line of the parcel on which the activities are located; or (ii) from inside a dwelling unit or hotel room.

2. Sound produced by construction, demolition, or maintenance activities related to a public facility, a public use, or a public improvement between the hours of 10:00 p.m. any day and 7:00 a.m. the following day, but which is produced by a contractor of a governmental entity, or a subcontractor of such a contractor, either off-site or outside of the project limits when the project limits are established in writing by the governmental entity, and the sound is audible: (i) from a distance of 100 feet or more from the property line of the parcel on which the activities are located; or (ii) from inside a dwelling unit or hotel room.

F. *Silvicultural activities.* Sound produced during lawfully permitted bona fide silvicultural activities including, but not limited to logging activities, between the hours of 10:00 p.m. any day and 6:00 a.m. the following day or at any time if the silvicultural activities, including logging activities, are determined to not be lawfully permitted bona fide silvicultural activities, and the sound is audible: (i) from a distance of 100 feet or more from the property line of the parcel on which the activities are located; or (ii) from inside a dwelling unit or hotel room.

G. *Solid waste collection.* Sound produced by the collection of solid waste between the hours of 10:00 p.m. any day and 6:00 a.m. the following day within a residential area and between the hours of 10:00 p.m. any day and 5:00 a.m. the following day within any non-residential area, including any mixed-use site, and the sound is audible: (i) from a distance of 100 feet or more from the solid waste collection activity; or (ii) from inside a dwelling unit or hotel room.

H. *Yard maintenance activities.* Sound produced by routine yard maintenance activities including, but not limited to, mowing, trimming, clipping, leaf blowing, and snow blowing between the hours of 10:00 p.m. and 7:00 a.m. within a residential area, and between the hours of 10:00 p.m. any day and 6:00 a.m. the following day within any non-residential area, including any mixed-use site, and the sound is audible: (i) from a distance of 100 feet or more from the property line of the parcel on which the activities are located; or (ii) from inside a dwelling unit or hotel room.

I. *Loud explosive devices used to repel birds.* Sound produced by loud explosive devices, including air cannons and carbide cannons, that are designed to produce high intensity sound percussions for the purpose of repelling birds, and the sound is audible: (i) from a distance of 100 feet or more from the property line of the parcel on which the device is located; or (ii) from inside a dwelling unit or hotel room. The use of a loud explosive device is not an agricultural activity exempt from this ordinance.

State Law reference— Va. Code §§ [15.2-918](#), [15.2-1200](#).

- **Exempt sounds.**

The following sounds are **not prohibited** by this ordinance:

A. *Agricultural activities.* Sound produced by an agricultural activity.

B. *Animals.* Sound produced by animals including, but not limited to, barking dogs.

C. *Construction, demolition, or maintenance activities.* The following sounds:

1. Sound produced by construction, demolition, or maintenance activities, except as provided for in this ordinance.

2. Sound produced by construction, demolition, or maintenance activities related to a public facility, a public use, or a public improvement, where the sound is produced on-site or within the project limits established in writing by the governmental entity.

D. *Emergency operations.* Sound produced in 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, or sound produced by power generators during power outages and other emergency situations.

E. *Firearms.* Sound produced by the lawful discharge of a firearm, including any sound produced at a gun club, shooting range, shooting preserve, or target, trap, or skeet range.

F. *Home appliances.* Sound produced by the normal use of home appliances such as generators, air conditioners, heat pumps, vacuum cleaners, washing machines, dryers, and dishwashers, provided that the appliances are in good repair.

G. *Outdoor amplified music or outdoor public address systems.* Sound produced by an outdoor amplified music system or outdoor public address system if the sound is outdoor amplified music at a farm winery subject to any applicable farm winery regulations or is sound produced in conjunction with an outdoor music festival authorized by special use permit.

H. *Parades, fireworks, and similar officially sanctioned events.* Sound produced by parades, fireworks, or other similar events which are officially sanctioned, if required; provided that the exemption for fireworks shall apply only to fireworks displays duly issued a permit.

I. *Person's voice.* Sound produced by a person's voice, except as provided in this ordinance.

J. *Protected expression.* Sound produced by any lawful activity which constitutes protected expression pursuant to the First Amendment of the United States Constitution, but not amplified expression, provided that the sound is not prohibited by this ordinance or other applicable laws.

K. *Public facilities, public uses, and public improvements.* Sound produced by the operation of a public facility, public use, or public improvement, including, but not limited to, any sound which would not be an exempt sound if it were produced by the operation of a non-public facility, or non-public use.

L. *Religious Services.* All County religious services, religious events, or religious activities, including, but not limited to musical equipment, singing, bells, chimes, and organs which are a part of such service, event, activity, or expression.

M. *School athletic contests or practices, and other school activities; private schools.* Sound produced by private school athletic contests or practices, and other private school activities.

N. *Silvicultural activities*. Sound produced during lawfully permitted bona fide silvicultural activities including, but not limited to, logging activities, except as provided for in this ordinance.

O. *Solid waste collection*. Sound produced by the collection of solid waste, except as provided for in this ordinance.

P. *Telephones*. Normal sound produced by landline and wireless telephones.

Q. *Transportation*. Transient sound produced by transportation including, but not limited to, public and private airports (except as otherwise regulated), aircraft, railroads, and other means of public transit, and sound produced by motor vehicles and motorcycles, except as provided for in this ordinance.

R. *Warning devices*. Sound produced by a horn or warning device of a vehicle when used as a warning device, including back-up alarms for trucks and other equipment.

S. *Yard maintenance activities*. Sound produced by routine yard maintenance activities including, but not limited to, mowing, trimming, clipping, leaf blowing and snow blowing, except as provided in this ordinance.

State Law reference— Va. Code § [15.2-1200](#).

- **Complaints.**

No person shall be charged with violating this ordinance unless the complainant appears before a magistrate and requests a summons to be issued. However, when a violation is committed in the presence of a police officer, the police officer is authorized to initiate all necessary proceedings.

State Law reference— Va. Code § [15.2-1200](#).

- **Violation and penalty.**

A violation of this ordinance by any person is punishable as a class 3 misdemeanor. Persons violating this article include but are not limited to: (i) any person operating or controlling a sound source that is creating the violation; and (ii) any owner, tenant, or resident physically present on the parcel where the sound creating the violation is, but the sound source cannot be determined.

State Law reference— Va. Code § [15.2-1200](#).