

## NOISE ORDINANCE

Parksley No. 91-3

At a regular meeting of the Council of the Town of Parksley, Virginia, held on the 12<sup>th</sup> day of August, 1991, at which the Mayor and 4 members of the Council were present, the following Ordinance was adopted: (Amended June 14<sup>th</sup>, 2004).

BE IT ORDAINED as follows:

### 1. EXCESSIVE NOISE.

It shall be unlawful for any person to make, continue, or cause to be made or continued, any loud, unnecessary, or unusual noise or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others, within the limits of the Town.

The following acts, among others, are declared to be loud, distributing, and unnecessary noises in violation of this article, but such enumeration shall not be deemed to be exclusive.

(a) Horns, signaling devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public place of the town, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; the sounding of any such device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle, or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.

(b) Radios, phonographs, juke boxes, etc. The using, operating, or permitting to be played, used, or operated, of any radio receiving set, musical instrument, phonograph, juke box, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing of the person or persons who are in the room, vehicle, or chamber in which such machine or device is operated, and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine, or device between the hours of eleven P.M. and seven A.M. in such manner as to be plainly audible at a distance of ten feet from the building, structure, or vehicle in which it is located, shall be prima facie evidence of a violation of this section.

(c) Loudspeakers, amplifiers for advertising, etc. The using, operating, or permitting to be played, used, or operated, of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building structure.

(d) Yelling, shouting, etc. Yelling, shouting, hooting, whistling, or singing on the public street, particularly between the hours of nine P.M. and seven A.M., or at any time or place so as

to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel, or other type of residence, or of any persons in the vicinity.

(e) Animals, birds, etc. The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort or repose of any persons in the vicinity.

(f) Steam whistle. The blowing of any steam whistle attached to any stationary boiler, except to give notice of time to begin or stop work, or as a warning of fire or danger, or upon request of proper town authorities.

(g) Exhausts. The discharge in the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(h) Defect in vehicle or load. The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in such manner as to create loud an unnecessary grating, grinding, rattling or other noise.

(i) Loading, unloading, opening boxes, etc. The creation of a loud and excessive noise in connection with loading or unloading any vehicle, or the opening and destruction of bales, boxes, crates, and containers.

(j) Construction or repairing of buildings. The erection (including excavating), demolition, altering, or repair of any building other than between the hours of seven A.M. and nine P.M. on weekdays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the town council, which permit maybe granted for a period not to exceed three days while the emergency continues, and which may be renewed for periods of three days or less while the emergency continues. If the town council should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building, or the excavation of streets and highways between the hours of nine P.M. and seven A.M., and if it shall further determine that loss or inconvenience would result to any party or interest, they may grant permission for such work to be done within such hours, upon application made at the time the permit for the work is awarded, or during the progress of the work.

(k) Schools, courts, churches, hospitals, etc. The creation of excessive noise on any street adjacent of any school, institution of learning, church, hospital, clinic, or court, while such are in use, which unreasonably interferes with the workings of such institution; provided that conspicuous signs are displayed on such streets indicating that such is a school, hospital, clinic, or court street.

(l) Hawkers, peddlers, etc. The shouting and crying of peddles, hawkers, and vendors which disturbs the peace and quiet of the neighborhood.

(m) Drums. The use of any drum or other instruments or device for the purpose of attracting attention by creating on noise to any performance, show, or sale.

(n) Transportation of metal rails, pillars, and columns. The transportation of rails, pillars, or columns or iron, steel, or other material, over and along streets and other public places upon carts, drays, cars, or trucks, or in any other manner so loaded as to cause loud noises, or to disturb the peace and quiet of such streets or other public places.

(o) Pile drivers, hammer, etc. The operation between the hours of ten P.M. and seven A.M. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or other machinery or equipment, the use of which is attended by loud or unusual noise.

(p) Blowers. The operation of any noise-creating blower, or power fan, or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.

Any person who violates any provision of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine in an amount not to exceed one hundred dollars or by imprisonment for than thirty days, or by both such fine and imprisonment.

J. Fulton Ayres

Mayor

Attest:

Denise L. Bernard

Clerk

I certify that the foregoing Resolution was unanimously adopted by the Town Council for the Town of Parksley on August 12, 1991.

Denise L. Bernard

Clerk