



February 23, 2021  
Regular Meeting  
Ordinance No. 21-\_\_

**MOTION:**

**SECOND:**

**RE: Amending the Noise Regulations in the Downtown Business District,  
Applying a “Plainly Audible” at 200 Feet Standard for Daytime Hours**

**ACTION: APPROVED; Ayes: 0; Nays: 0**

It is hereby ordained by the Fredericksburg City Council that Chapter 38, “Environment,” Article II, “Noise,” of the City Code is amended as follows:

### **Sec. I. Introduction.**

The purpose of the noise ordinance is to prevent or abate the creation of a public nuisance, whereby the use of one property in a way that endangers life or health, obstructs or interferes with the reasonable or comfortable use of public or private property, tends to depreciate the value of the property of others, or in any way renders other persons insecure in the life or the use of property.

The present noise ordinance generally prohibits noise from musical instruments and electronic audio devices that is plainly audible 100 or more feet from the boundary of the property on which the sound source is located, throughout the City. However, this prohibition does not apply in the “Downtown Business District” – defined as the area bounded by the Rappahannock River, Amelia Street, Prince Edward Street, and Lafayette Boulevard -- except during specified late night hours, reflecting a legislative judgment that a higher level of noise downtown is generally acceptable during daytime hours. However, this absence of any limit on noise from these sources in the downtown business district during daytime hours has, on occasion, resulted in intolerable noise levels that interfere with the reasonable use of nearby private businesses and residences and public spaces.

The purpose of this amendment is to adopt reasonable regulations for noise in the downtown business district that will strike an appropriate balance between the higher levels of noise generated by downtown uses, and the reasonable enjoyment of private businesses and residences and public spaces in or near the downtown business district.

### **Sec. II. City Code Amendment.**

#### **1. Sec. 38-36. Specific acts prohibited.**

The following are per se violations of this article:

A. Noise generated by a person or group of people that is plainly audible at 100 or more feet from the boundary of the property on which the source of the sound is located.

(1) In the downtown business district, this prohibition ~~only~~ applies *as follows*:

<i>7 a.m. through 11 p.m.</i>	<i>200 feet from the boundary of the property on which the source of the sound is located.</i>
<i>11 p.m. through 7 a.m.</i>	<i>100 feet from the boundary of the property on which the source of the sound is located.</i>

Sunday	<del>1:00 a.m. to 7:00 a.m. and 11:00 p.m. to 12:00 midnight</del>
Monday	<del>12:00 midnight to 7:00 a.m. and 11:00 p.m. to 12:00 midnight</del>
Tuesday	<del>12:00 midnight to 7:00 a.m. and 11:00 p.m. to 12:00 midnight</del>
Wednesday	<del>12:00 midnight to 7:00 a.m. and 11:00 p.m. to 12:00 midnight</del>
Thursday	<del>12:00 midnight to 7:00 a.m. and 11:00 p.m. to 12:00 midnight</del>
Friday	<del>12:00 midnight to 7:00 a.m.</del>
Saturday	<del>1:00 a.m. to 7:00 a.m.</del>

B. Yelling, shouting, screaming, or shrieking on the public streets or sidewalks that is plainly audible at 100 feet between 11:00 p.m. and 7:00 a.m.

C. Musical instruments and electronic audio devices that are plainly audible:

(1) One hundred or more feet from the boundary of the property on which the sound source is located.

(a) In the downtown business district, this prohibition ~~only~~ applies *as follows*:

<i>7 a.m. through 11 p.m.</i>	<i>200 feet from the boundary of the property on which the source of the sound is located.</i>
<i>11 p.m. through 7 a.m.</i>	<i>100 feet from the boundary of the property on which the source of the sound is located.</i>

~~(a) In the downtown business district, this prohibition only applies:~~

<del>Sunday</del>	<del>1:00 a.m. to 7:00 a.m. and 11:00 p.m. to 12:00 midnight</del>
<del>Monday</del>	<del>12:00 midnight to 7:00 a.m. and 11:00 p.m. to 12:00 midnight</del>
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<del>Friday</del>	<del>12:00 midnight to 7:00 a.m.</del>
<del>Saturday</del>	<del>1:00 a.m. to 7:00 a.m.</del>

(2) One hundred or more feet from the source of the sound when the source is located on a public street or sidewalk in the downtown business district.

D. Motor vehicles.

(1) Unnecessarily accelerating or decelerating quickly, revving the engine, or screeching tires.

(2) Discharging exhaust except through an exhaust system in good working order and in constant operation to prevent excessive or unusual levels of noise. An exhaust system does not prevent excessive or unusual noise if it permits noise in excess of that permitted by the standard factory equipment exhaust system of private passenger motor vehicles of standard make.

(3) Playing any audio device located within or on a motor vehicle, if the audio device is plainly audible at 100 or more feet from the vehicle. This prohibition does not apply to security alarms.

(4) Sounding a motor vehicle horn or similar signaling device for more than 10 consecutive seconds, except as a safety measure.

E. Any amplified sound, intended primarily for a nonemergency purpose, from a bell, chime, whistle, siren, or similar device, for more than 10 consecutive seconds. This prohibition does not include reasonable sounding of those devices by houses of religious worship, ice cream trucks, or seasonal contribution solicitors.

F. Barking, howling, meowing, squawking, or other vocalizations of an animal that are plainly audible across a property boundary for 15 minutes between 7:00 a.m. and 11:00 p.m. or 10 minutes between 11:00 p.m. and 7:00 a.m.

G. Construction, demolition, alteration, or repair of any building, excavation of any street, or unloading of construction materials that is plainly audible across a property boundary, except this noise is permitted from 7:00 a.m. to 7:00 p.m. Monday through Friday and 9:00 a.m. to 9:00 p.m. on Saturdays, Sundays, and holidays.

H. Refuse and recycling collection activities between 10:00 p.m. and 6:00 a.m.

**SEC. III. Effective Date.**

This amendment is effective immediately.

**Votes:**

**Ayes:**

**Nays:**

**Absent from Vote:**

**Absent from Meeting:**

Approved as to form:

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Kathleen Dooley, City Attorney

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***Clerk's Certificate***

*I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance No. 21- duly adopted at a meeting of the City Council meeting held Date, 2021 at which a quorum was present and voted.*

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***Tonya B. Lacey, MMC***  
***Clerk of Council***