

Noise Ordinance

Declaration of Policy

At certain levels, noise can be detrimental to the health, welfare, safety and quality of life of inhabitants of the county, and in the public interest noise should be restricted. It is, therefore, the policy of the county to reduce, and eliminate where possible, excessive noise and related adverse conditions in the community, and to prohibit unnecessary, excessive, harmful and annoying noises from all sources subject to its police power. Nothing in this Ordinance shall be construed to limit, hinder, or in any way interfere with the normal conduct of daily work activity, either commercial or residential.

Definitions

Agricultural production shall mean the production for commercial purposes of crops, livestock and livestock products, but not land or portions thereof, used for processing or retail merchandising of such crops, livestock or livestock products.

Agricultural products shall mean crops, livestock and livestock products, which shall include, but not be limited to the following:

- (1) Field crops, including corn, wheat, oats, rye, barley, hay, tobacco, peanuts, potatoes and dry beans;
- (2) Fruits, including apples, peaches, grapes, cherries and berries;
- (3) Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions;
- (4) Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers;
- (5) Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, fur-bearing animals, milk, eggs and furs.

Emergency work shall mean work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from immediate exposure to a danger, including work performed by public service companies when emergency inspection, repair of facilities, or restoration of services is required for the immediate health, safety or welfare of the community.

Noise disturbance shall mean any sound that may cause, or tend to cause, an adverse psychological or physiological effect on human beings or endangers or injures personal or real property.

It shall also include those acts specified herein as noise disturbances.

Person shall mean any individual, corporation, cooperative, partnership, firm, association, trust, estate, private institution, group, agency or any legal successor, representative, agent or agency thereof.

Plainly audible means any sound that can be heard clearly by a person using his or her unaided hearing faculties.

Exceptions

[The following noises are exempt from the provisions of this ordinance.]

- (1) The emission of sound for the purpose of alerting persons to the existence of sound in the performance of emergency work;
- (2) Music, bells, chimes or other sounds which are emanating from a church, temple, synagogue or other place of worship;
- (3) Radios, sirens, horns and bells on police, fire, or other emergency response vehicles.
- (4) Parades, fireworks displays, school-related activities, and other such public special events or public activities.
- (5) Fire alarms and burglar alarms, prior to the giving of notice and a reasonable opportunity for the owner or person in possession of the premises served by any such alarm to turn off the alarm.
- (6) Locomotives and other railroad equipment and aircraft
- (7) Household tools, lawnmowers, and other lawn care equipment with manufacturer's recommended mufflers installed, between 7:00 a.m. and 11:00 p.m.
- (8) The production of agricultural, horticultural and forestall products, including, but not limited to sawmill operations.
- (9) Noise caused by, or arising out of, activities related to repair, maintenance, replacement or alteration of public utility systems or parts thereof, and appurtenances thereto, where such activity is reasonably necessary to further a public safety interest and/or to minimize disruption in the provision of public services, e.g., water and sewer service.

Specific Prohibitions

The following acts are declared to be noise disturbances in violation of this article. The acts so specified shall not be deemed to be an exclusive enumeration of those acts which may constitute a noise disturbance.

- (1) Sounding the horn or warning device of a vehicle, except when necessary as a warning during the operation of the vehicle.
- (2) Operating or permitting the use or operation of any radio receiving set, musical instrument, television, phonograph or any other device for the production of sound, between the hours of 11:00 p.m. and 7:00 a.m. of the following day, at a volume sufficient to be plainly audible across property boundaries or through partitions common to two (2) or more residences within a building.
- (3) Using a radio receiving set, an audio cassette player, a compact disc player, a loudspeaker, or other device in public for the production of sound in a motor vehicle at a volume sufficient to be plainly audible at fifty (50) feet from such vehicle.

(4) It shall be unlawful for any person to make, continue, or cause to be made or continued any excessive unnecessary or unreasonably loud noise disturbance between the hours of 11:00 p.m. and 7:00 a.m.

Penalties

A violation of any provision of this article shall constitute a class III misdemeanor. Each separate act on the part of the person violating this article shall be deemed a separate offense, and each day a violation is permitted to continue unabated shall constitute a separate offense.

Undue hardship waiver

(1) Any person responsible for a noise source may apply to the Board of Supervisors for a waiver, or partial waiver, from the provisions of this article. The board of supervisors may grant such waiver, or partial waiver, upon a finding that compliance with the provisions of this article from which a waiver is sought would produce serious economic hardship without producing substantial benefit to the public

(2) In determining whether to grant such variance, the Board of Supervisors shall consider the time of day the noise will occur, duration of the noise, whether the noise is intermittent or continuous, its extensiveness, the technical and economic feasibility of bringing the noise into conformance with this chapter, and such other matters as are reasonably related to the impact of the noise on the health, safety and welfare of the community, and the degree of hardship that may result from the enforcement of the provisions of this chapter.

(3) No waiver or partial waiver, issued pursuant to this article, shall be granted for a period to exceed one (1) year, but any such waiver, or partial waiver may be renewed for successive like periods if the board of supervisors shall find such renewal is justified after again applying the standard set forth in this article. No renewal shall be granted except upon written application submitted thereof.

Severability

If any provision of this chapter should be determined by a court of competent jurisdiction to be invalid, such determination shall not affect the validity of the remaining provisions of this chapter.

The original ordinance was adopted by the Buckingham County Board of Supervisors in December 1990 and any revisions will go into full force and effect upon adoption.