Alexandria Noise Ordinance: Proposed Revisions

Title 11 Chapter 5 of the Alexandria City Code
What is Noise?

- Unwanted sound that interferes with one’s hearing
- Unwanted signal or disturbance
- Measured based on the amplitude (energy) and frequency (pitch) of a sound wave
- Soundwave energy is measured in decibels:
  - Loudness or intensity
  - Expressed on a logarithmic scale
The decibel (dB) is a unit for describing sound pressure levels. A-weighted sound measurements (dBA) are filtered to reduce the effect of very low and very high frequencies, better representing human hearing. With A-weighting, sound monitoring equipment approximates the human ear's sensitivities to the different sounds of frequencies.

(Source: Washington Metropolitan Airport Authority)
Why Revise the Ordinance Now?

- Changes in law
  - Updates required to enforce some provisions

- Opportunity to amend entire ordinance
  - Originally passed in 1963
  - Provisions amended periodically
Interdepartmental City Staff reviewed ordinance

- Identified sections requiring revision:
  - No longer applicable
  - Require updating due to changes in law

- Identified topics/sources not addressed
  - Loading/unloading times
  - Measuring across shared property lines

- Reviewed other jurisdictions’ ordinances
- Reviewed coordination of resources/jurisdiction
- Prepared the draft ordinance for public review
Noise Ordinance Revision: Process to Date

City Staff Work Group

Review Ordinance

Propose new Text/Update Provisions

Legal Review

Administrative Review

Public Outreach & Public Input

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How is Noise Regulated in Alexandria?

- Permitted Hours for Specific Activities
- Decibel Limits by Property Use
- Prohibitions
- Issuance of Permits
- Exemptions
Noise:
*The intensity, frequency, duration, or character of sounds from a single source or multiple sources that may degrade the public health, safety, or welfare. (Section 11-5-2 (26))

*Plainly Audible
Sound that can be heard by the unaided human ear. (Section 11-5-2 (31))

* New Definitions
## Permitted Hours: Construction

<table>
<thead>
<tr>
<th>Activity</th>
<th>Allowable Hours</th>
<th>Proposed</th>
</tr>
</thead>
</table>
| **Commercial Construction Activity**         | M-F: 7 AM – 6 PM  
Sat: 9 AM- 6 PM | No changes |
| **Pile Driving**                              | M-F: 9 AM – 6 PM  
Sat: 10 AM – 4 PM | No changes |
| ***DIY/ Not for Profit**  
Performed by owner** | Exempt | **M-F 7 AM- 9 PM  
Sat/Sun: 9 AM- 9 PM** |
| *** New Provision**                           |                                     |                 |
## Permitted by Hours

<table>
<thead>
<tr>
<th>Activity</th>
<th>Allowable Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Current</td>
</tr>
<tr>
<td>Trash Collection</td>
<td>(Oct-Apr): 7AM-11 PM</td>
</tr>
<tr>
<td></td>
<td>(May-Sept): 6 AM-11 PM</td>
</tr>
<tr>
<td></td>
<td>Proposed</td>
</tr>
<tr>
<td></td>
<td>No changes</td>
</tr>
<tr>
<td>Power and Lawn Equipment</td>
<td>M-F: 7 AM-9 PM</td>
</tr>
<tr>
<td></td>
<td>Sat/Sun: 9 AM-9 PM</td>
</tr>
<tr>
<td></td>
<td>No Changes</td>
</tr>
<tr>
<td>*Mechanical Devices to clean</td>
<td>M-F: 7 AM-9 PM</td>
</tr>
<tr>
<td>outdoor areas (power washers)</td>
<td>Sat/Sun: 9 AM-9 PM</td>
</tr>
<tr>
<td></td>
<td>* New Provision</td>
</tr>
</tbody>
</table>

* New Provision
Property Use Categories

- Residential
- Commercial
- Industrial
- **Institutional**
  - Uses not covered by current category
    - Schools
    - Government buildings
    - Public parks
    - Hospitals
    - Churches

* New category
Property defined by its specific use not zoning or area use.

- **Commercial use area:** Any property that is used for commercial purposes.

- **Industrial Use Area:** Any property that is used for industrial purposes.

- **Institutional use area:** Any property that is operated by a nonprofit or quasi-public use or institution, such as a library, public or private school, religious institution, hospital, or municipally owned or operated building, structure, or land used for public purposes.

- **Residential use area:** Any property that is used for residential purposes.

*Proposed new use category*

Important to note that when a site is governed by other city ordinances those conditions carry.

- City Park hours are governed by RPCA: sunrise to sunset, and other use provisions limiting noise generating equipment.
## Decibel Limits: Property Use Categories

<table>
<thead>
<tr>
<th>Use area</th>
<th>Maximum Permissible Level in decibels</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Current</td>
</tr>
<tr>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>Day</td>
<td>55</td>
</tr>
<tr>
<td>*Night (11 PM–7 AM)</td>
<td>55</td>
</tr>
<tr>
<td>Commercial</td>
<td></td>
</tr>
<tr>
<td>*Day (7 AM -11 PM)</td>
<td>60</td>
</tr>
<tr>
<td>Night (11 PM – 7 AM)</td>
<td>60</td>
</tr>
<tr>
<td>*Institutional</td>
<td></td>
</tr>
<tr>
<td>Day</td>
<td>NA</td>
</tr>
<tr>
<td>Night</td>
<td>NA</td>
</tr>
<tr>
<td>Industrial</td>
<td></td>
</tr>
<tr>
<td>Day/Night</td>
<td>70 dB A</td>
</tr>
</tbody>
</table>

**New provision**

Measurements are taken at the property line of the generating noise source. The decibel limit is that assigned to the property generating the noise.
Property Line and Property Boundary.

Terms refer to:

(a) the vertical or horizontal boundary that separates one parcel of property from another residential, commercial, institutional or industrial property;

or

(b) the vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling unit building

Daytime measurements for multi-family dwellings:

• Outside: from a common area
• Inside: 4 feet from the wall/ceiling/floor nearest to the noise source.
## Noise in Public Places

<table>
<thead>
<tr>
<th>Applicable Area</th>
<th>Current</th>
<th>Proposed</th>
</tr>
</thead>
</table>
| **Central Business District** | @10 ft: No sound may exceed 65 dB  
May not be heard beyond 50ft  
@10’ ft: No sound may exceed 75 dB  
May not be heard beyond 50 ft | No change. The designation will be deleted: provisions apply to whole city. |
| Night (11 PM – 7 AM) | | |
| Day (7 AM-11 PM) | | |
| **Whole City** | NA | @10 ft: No sound may exceed 65 dB. May not be heard beyond 50ft  
@10’ ft: No sound may exceed 75 dB  
May not be heard beyond 50’ |
| Night (11 PM – 7 AM) | | |
| Day (7 AM- 11 PM) | | |

*New Provision*
# Prohibitions

<table>
<thead>
<tr>
<th>Activity/Source</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Current</strong></td>
<td><strong>Proposed</strong></td>
</tr>
<tr>
<td>Sound Reproduction Device/Sound Generation</td>
<td>Prohibited 50 feet across property boundaries from 11 PM - 7 AM</td>
</tr>
<tr>
<td>Animal Noise Day (7AM-10PM)</td>
<td>No distinction between day and night</td>
</tr>
<tr>
<td>Night (10PM–7 AM)</td>
<td></td>
</tr>
<tr>
<td>* Nighttime Noise in Residential areas 11 PM - 7 AM</td>
<td>NA</td>
</tr>
<tr>
<td>Commercial Loading/Unloading</td>
<td>NA</td>
</tr>
</tbody>
</table>
Permit Issuance

**Noise Variance**
- Temporary relief from ordinance provisions
- Issued for limited time periods
- Specific to a limited time activity
- Not a Permit to generate noise
  - Conditions to control noise impacts
  - Allows a variance from a time permitted or decibel limited activity
  - Commonly used for special events and limited/short term construction

**Special Use Permit (SUP)**
- Specific noise generating activities may be included as SUP conditions
- Noise provisions within a SUP, become the applicable requirement for that entity

*New Provision*
Exemptions

- Activity preempted by state or federal law
  - Interstate commerce
  - Aircraft
  - VDOT Construction/Highway Usage
  - Rail Roads

- MetroRail
  - Service
  - Maintenance

- Emergency utility/City work
  - Construction/excavation
  - Road work
  - Snow removal
  - Street sweeping

- Alexandria Police Dept. Shooting Range
- Emergency Response Equipment
  - Signals and alarms
- Stand-by power generators
  - Power outages and routine tests
Enforcement

- Written/Verbal Warning
  - Voluntary Compliance
  - Corrective Measures

- Violations prosecuted as civil penalty
  - First **$100** ($50)
  - **Second **$250** ($100)
  - ***Third **$500** ($250)

- Criminal Violations
  - More than three violations w/in 12 months

* Proposed Increase in Penalty Fines
  ** Committed within 7 days of first violation
  *** Committed within 14 days of first violation
New maximum daytime decibel limit
  - Commercial/Institutional use areas

New use category: Institutional
  - Schools
  - Churches
  - Government Buildings

New standard for compliance in residential areas
  - Plainly audible from 11 PM - 7 AM

New permitted by time activities
  - Commercial Loading/Unloading
  - DIY Construction
  - Plainly audible in multi-family buildings, residential to residential

Allows Special Use Permit noise standards to vary from ordinance standards

Noise in Central Business District public place provisions
  - Expanded to public places within whole city

Increased penalty fines
Next Steps

- Continued Public Outreach on the Proposed Revisions to the Noise Ordinance
- Collect Public Input
  - On-line submission
  - Contact City Staff
  - Provide written comments tonight
- Review Public Comments
- Prepare Final Revision for Council
- Present to Council Legislative Meeting
- Vote/Adoption by Council Public Hearing
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