

Sec. 4.18 - Noise.

The board of supervisors hereby finds and declares that noise is a serious hazard to the public health, safety, welfare, and quality of life, and that the inhabitants of the county and adjoining localities have a right to and should be free from an environment of noise. Therefore, it is the policy of the county to regulate noise as provided in this section 4.18.

(Ord. 00-18(3), 6-14-00)

State Law reference— Va. Code § 15.2-2280.

Sec. 4.18.01 - Applicability.

This section 4.18 shall apply to sound produced by any use authorized by this chapter, including any use that is expressly authorized by a proffer, special use permit, special use permit condition, or a standard in a code of development, except as otherwise provided in section 4.18.05, regardless of whether the property in the receiving zone is within or without Albemarle County.

(Ord. 00-18(3), 6-14-00; Ord. 13-18(4), 9-4-13)

State Law reference— Va. Code § 15.2-2280.

Sec. 4.18.02 - (Repealed 6-5-19)**Sec. 4.18.03 - Procedure for measuring sound.**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 properly calibrate the sound level meter used for each sound measurement. The calibration 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 such 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 measurement 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 zone properties or the property line along which a street fronts. If

the property line of a receiving zone property is not readily determinable, the sound measurement shall be taken from any point inside the nearest receiving zone property, or within an occupied structure located on receiving zone 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 multifamily 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 floor. The orientation recommended by the manufacturer of the sound level meter shall supersede the foregoing orientation if 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 zoning administrator 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 zoning administrator, 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.

(Ord. 00-18(3), 6-14-00)

State Law reference— Va. Code § 15.2-2280.

Sec. 4.18.04 - Maximum sound levels.

Except as provided in section 4.18.05, 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 zone, measured pursuant to section 4.18.03, 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

(Ord. 00-18(3), 6-14-00)

State Law reference— Va. Code § 15.2-2280.

Sec. 4.18.05 - Exempt sounds.

The following sounds shall not be subject to this section 4.18:

- A. *Agricultural activities*. Sound produced by an agricultural activity.
- B. *Animals*. Sound produced by animals including, but not limited to, barking dogs; provided that this sound is otherwise subject to the animal noise regulations in chapter 4 of the Code.

- C. *Bells or chimes from place of religious worship*. Sound produced by bells, chimes or other similar instruments or devices from a place of religious worship.
- D. *Construction, demolition and/or maintenance activities*. Sound produced by construction, demolition and/or maintenance activities; provided that this sound is otherwise subject to the noise regulations in chapter 7 of the Code.
- E. *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.
- F. *Firearms*. Sound produced by the lawful discharge of a firearm; provided that this exemption shall not apply to a firearm discharged at a gun club, shooting range, shooting preserve, or target, trap or skeet range.
- G. *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.
- H. *Outdoor amplified music or outdoor public address systems*. Sound produced by an outdoor amplified music system or outdoor public address system; provided that sound from outdoor amplified music at a farm winery is otherwise subject to the farm winery regulations in section 18-5.1.25(e), sound produced in conjunction with an outdoor music festival authorized by special use permit under this chapter shall be subject to the noise regulations in this chapter, and sound produced by an outdoor amplified music system or outdoor public address system, including any system used in conjunction with an agricultural activity, is subject to the noise regulations in chapter 7 of the Code.
- I. *Parades, fireworks and similar events*. Sound produced by parades, fireworks, and 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 pursuant to chapter 6 of the Code.
- J. *Person's voice*. Sound produced by a person's voice.
- K. *Place of public entertainment*. Sound produced by a radio, tape player, television receiver, musical instrument, electronic sound amplification equipment, phonograph, compact disc player, MP3 player, or other similar device intended primarily for the production or reproduction of sound (hereinafter, collectively and singularly a "device") at a place of public entertainment; provided that this sound is otherwise subject to the noise regulations in chapter 7 of the Code.
- L. *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.
- M. *Public facilities and public uses*. Sounds produced by the operation of a public facility or public use including, but not limited to, any sound which would not be an exempt sound if it was produced by the operation of a non-public facility or non-public use.
- N. *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, but only if conditions are not imposed which regulate the generation of sound including, but not limited to, conditions regulating the hours of the activity and the amplification of sound.
- O. *Silvicultural activities*. Sound produced during lawfully permitted bona fide silvicultural activities

including, but not limited to, logging activities; provided that this sound is otherwise subject to the noise regulations in chapter 7 of the Code.

- P. *Solid waste collection* . Sound produced by the collection of solid waste; provided that this sound is otherwise subject to the noise regulations in chapter 7 of the Code.
- Q. *Telephones*. Normal sound produced by landline and wireless telephones.
- R. *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.
- S. *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.
- T. *Yard maintenance activities* . Sound produced by routine yard maintenance activities including, but not limited to, mowing, trimming, clipping, leaf blowing and snow blowing; provided that this sound is otherwise subject to the noise regulations in chapter 7 of the Code.

(Ord. 00-18(3), 6-14-00; Ord. 13-18(4), 9-4-13)

State Law reference— Va. Code § 15.2-2280.

Sec. 4.18.06 - Existing sound sources.

Each existing sound source existing on the effective date of this section 4.18 shall be regulated as follows:

- A. Each existing sound source that complies with the maximum sound levels established in section 4.18.04 shall comply with all requirements of this section 4.18 rather than an applicable prior regulation.
- B. Each existing sound source that does not comply with the maximum sound levels established in section 4.18.04 shall not increase its sound level. Such a sound source shall comply with such sound levels whenever a building, structure, equipment or machinery thereof is expanded, enlarged, extended or replaced, unless a modification, waiver or variation is granted as provided in section 4.18.07.

(Ord. 00-18(3), 6-14-00)

State Law reference— Va. Code § 15.2-2280.

Sec. 4.18.07 - Modification or waiver.

Any standard of section 4.18.04 may be modified or waived in an individual case, as provided herein:

- a. The commission may modify or waive the standard set forth in section 4.18.04 in a particular case upon finding that strict application of the standard would cause undue hardship and not forward the purposes of this chapter or otherwise serve the public health, safety or welfare, or that alternatives proposed by the owner would satisfy the purposes of this section 4.18 at least to an equivalent degree.
- b. The commission may impose conditions on the modification or waiver that it deems appropriate to further the purposes of this chapter.
- c. Prior to considering a request to modify or waive, five days' written notice shall be provided to the owner, owner's agent or occupant of each abutting lot or parcel and each parcel immediately across the street or road from the lot or parcel which is the subject of the request. The written notice shall identify the

nature of the request and the date and time the commission will consider the request.

- d. The board of supervisors shall consider a modification or waiver of any standard of section 4.18.04 only as follows:
 1. The denial of a modification or waiver, or the approval of a modification or waiver with conditions objectionable to the developer may be appealed to the board of supervisors as an appeal of a denial of the plat, as provided in section 14-226 of the Code, or the site plan, as provided in sections 32.4.2.7 or 32.4.3.9, to which the modification or waiver pertains. A modification or waiver considered by the commission in conjunction with an application for a special use permit shall be subject to review by the board of supervisors.
 2. In considering a modification or waiver, the board may grant or deny the modification or waiver based upon the finding set forth in subsection (A), amend any condition imposed by the commission, and impose any conditions it deems necessary for the reasons set forth in subsection (B).

(Ord. 00-18(3); Ord. 01-18(4), 5-9-01)

State Law reference— Va. Code § 15.2-2280.