



Albemarle County

Legislation Details (With Text)

File #: 21-428 **Version:** 1 **Name:**
Type: Ordinance **Status:** Public Hearing
File created: 8/13/2021 **In control:** Board of Supervisors
On agenda: 9/1/2021 **Final action:**
Title: Ordinance to Amend County Code Chapter 7, Health and Safety. To receive public comment on its intent to adopt an ordinance to amend County Code Chapter 7, Health and Safety, Article 1, Noise. The proposed ordinance would amend County Code § 7-105 to prohibit sound produced by loud explosive devices, such as air cannons and carbide cannons, that are designed to produce high intensity sound percussions for the purpose of repelling birds, if the sound is audible: (i) from a distance of 100 feet or more from the property line of the parcel on which the device is located; or (ii) from inside a dwelling unit or hotel room. Virginia Code § 15.2-918 enables localities to prohibit these devices. The proposed ordinance also would expressly state that using these devices is not an exempt agricultural activity as otherwise provided in County Code § 7-106.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Att.A - Proposed Ordinance

Date	Ver.	Action By	Action	Result
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AGENDA DATE: 9/1/2021

TITLE:

Ordinance to Amend County Code Chapter 7, Health and Safety

SUBJECT/PROPOSAL/REQUEST: Public hearing to consider the adoption of an ordinance to amend County Code Chapter 7, Health and Safety, Article I, Noise

ITEM TYPE: Regular Action Item

STAFF CONTACT(S): Richardson, Walker, Kamptner, Lantz

PRESENTER (S): Greg Kamptner

LEGAL REVIEW: Yes

REVIEWED BY: Jeffrey B. Richardson

BACKGROUND: The County regulates noise from activities and land uses under County Code Chapter 7, Health and Safety, and Chapter 18, Zoning; the County regulates continuous sounds from animals (e.g., barking dogs), under Chapter 4, Animals. The noise regulations under Chapter 7 regulate sounds created from specific sources, such as construction and demolition activities, motor vehicles, electronic devices such as sound amplification equipment, and sounds generated near noise-sensitive institutions such as schools, courts, and hospitals.

STRATEGIC PLAN: Mission - To enhance the well-being and quality of life for all community members through the provision of the highest level of public service consistent with the prudent use of public funds.

DISCUSSION: County Code § 7-105 prohibits certain sounds, either during specified hours of the day, if the sound produced from the activity is audible from an identified location or distance from the property line, or a combination of both the time of day and audibility. The proposed ordinance would amend County Code § 7-105 to prohibit sound produced by loud explosive devices, such as air cannons and carbide cannons, that are designed to produce high intensity sound percussions for the purpose of repelling birds, if the sound is audible: (i) from a distance of 100 feet or more from the property line of the parcel on which the device is located; or (ii) from inside a dwelling unit or hotel room. Virginia Code § 15.2-918 enables localities to prohibit these devices. The proposed ordinance also would expressly state that using these devices is not an exempt agricultural activity as otherwise provided in County Code § 7-106.

BUDGET IMPACT: There is no expected budget impact.

RECOMMENDATION:

Staff recommends that, after the public hearing, the Board adopt the attached proposed ordinance (Attachment A).

ATTACHMENTS:

A - Proposed Ordinance