



# Albemarle County

## Legislation Text

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**File #:** 16-169, **Version:** 1

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**AGENDA DATE:** 4/6/2016

**TITLE:**

Noise Ordinance Amendment

**SUBJECT/PROPOSAL/REQUEST:** An ordinance to amend County Code Chapter 7, Health and Safety, to revise regulations pertaining to construction noise

**ITEM TYPE:** Consent Action Item

**STAFF CONTACT(S):** Foley, Walker, Davis, Kamptner, Sellers, Mainzer, Graham, McCulley

**PRESENTER (S):** N/A

**LEGAL REVIEW:** Yes

**REVIEWED BY:** Thomas C. Foley

**BACKGROUND:** The County regulates noise under County Code Chapter 7, Health and Safety, and Chapter 18, Zoning. The noise regulations under Chapter 7 regulate certain types of sound created from specific sound 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. The Zoning Ordinance regulates other types of noise generated by land uses.

**STRATEGIC PLAN:** Goal 3. Development Areas. Attract quality employment, commercial, and high density residential uses into development areas by providing services and infrastructure that encourage redevelopment and private investment while protecting the quality of neighborhoods.

**DISCUSSION:** County Code § 7-105 prohibits certain sounds from being audible from a distance of 100 feet or more from the property line on which the activities are located or from within a dwelling unit or a hotel room. County Code § 7-105(E) prohibits sounds from construction, demolition, and maintenance activities between 10:00 p.m. and 7:00 a.m. County Code § 7-106 exempts a number of sounds from the noise standards, including sound produced from construction, demolition, or maintenance activities between 7:00 a.m. and 10:00 p.m. Sound produced from public facilities and public uses are exempt from the noise standards entirely. By interpretation, this "public use" exemption has been extended to construction activities related to public facilities.

The Route 29 Solutions project created a new noise issue, primarily as part of the Best Buy ramp project. State contractors and/or subcontractors left the project area and dumped construction soil on a vacant parcel along Rio Road very late at night. Banging dump truck gates and backup warning sounds produced noise that generated complaints from residents in nearby residential neighborhoods. The overnight work was relatively limited in duration, but as the Route 29 Solutions project expands, there is a possibility that late off-site night dumping work may begin again.

The proposed ordinance would amend County Code § 7-105(E) to provide that construction, demolition, and maintenance work performed by a contractor or subcontractor of a government entity, either off-site or outside

of the public project's limits, would be subject to the County's noise standards between 10:00 p.m. and 7:00 a.m. This amendment would not prohibit the work from being performed outside of those hours, but only make it subject to the noise standards. In turn, the proposed amendment may encourage the haulers to change their practices to reduce the off-site noise generated late at night. The Police Department has recommended that a person who violates subsection 7-105(E) be deemed to be guilty of a class 4 misdemeanor, which subjects the violator to a fine of not more than \$250.00. Sound generated from on-site construction, demolition, or maintenance work for public projects would continue to be completely exempt as provided in the proposed clarification to County Code § 7-106(D).

**BUDGET IMPACT:** There is no budget impact related to this ordinance.

**RECOMMENDATION:**

Staff recommends that the Board schedule a public hearing for the attached proposed ordinance (Attachment A) on May 4, 2016.

A - Draft Noise Ordinance