



# Albemarle County

## Legislation Text

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**File #:** 21-395, **Version:** 1

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**AGENDA DATE:** 8/4/2021

**TITLE:**

Ordinance to Amend County Code Chapter 7, Health and Safety

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

**ITEM TYPE:** Consent Action Item

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

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

**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 the Board schedule a public hearing to consider adoption of the attached proposed ordinance (Attachment A) at a future Board meeting.

**ATTACHMENTS:**

A - Proposed Ordinance