

## ORDINANCE #16-08

### **AN ORDINANCE TO AMEND SECS. 12-72 AND 12-75 OF ARTICLE V, CHAPTER 12 OF THE WILLIAMSBURG CODE IN ORDER TO ESTABLISH NOISE STANDARDS FOR PERIODIC NON-EMERGENCY MAINTENANCE OPERATION OF STAND-BY GENERATORS AND TO EXCEPT CERTAIN ELECTRIC GENERATORS FROM THE LIMITATIONS OF CODE SECS. 12-72 AND 12-73 UNDER CERTAIN CIRCUMSTANCES**

WHEREAS, City Council finds that permanently installed, as well as portable emergency electric generators are important to the safety and well-being of the City's residents during electric power outages; and

WHEREAS, the repeated and persistent noise from normal periodic maintenance operations of permanently installed stand-by emergency electric generators in the City if not properly controlled can cause a serious hazard to the public health, welfare, peace and safety and the quality of life within the City; and

WHEREAS, periodic non-emergency maintenance operation of such permanently installed generators is necessary to assure the proper functioning of such units, making it necessary to allow such non-emergency operations subject to the control of allowable times and frequency of such operations and further subject to noise limitations.

NOW, THEREFORE, it is hereby ORDAINED, that Section 12-72 of Article V, Chapter 12 of the Williamsburg Code is hereby amended by adding subparagraph (12) as follows:

#### **Chapter 12, Article V**

#### **Sec. 12-72. - Specific prohibitions.**

The following acts, or the causing or permitting thereof, among others, are declared to be excessive noise and are a violation of this article:

- (1) *Radios, television sets, musical instruments and similar devices.* Operating, playing or permitting the operation or playing of any radio, television, compact disc player, or other sound reproduction device, or any drum, musical instrument, or similar device between the hours of 11:00 p.m. and 7:00 a.m.:
  - a. In such a manner as to permit sound to be plainly audible across a residential real property line or through partitions common to two dwelling units within a building; or

- b. When the sound is plainly audible at a distance of 50 feet or more from its source.
- (2) *Loudspeakers, public address systems and sound trucks.* Using, operating or permitting the operation of any loudspeaker, public address system, mobile sound vehicle or similar device amplifying sound therefrom for any purpose between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to permit sound to be plainly audible across a residential real property line, or through partitions common to two dwelling units within a building.
  - (3) *Horns, whistles, etc.* Sounding or permitting the sounding of any horn, whistle or other auditory sounding device on or in any motor vehicle on any public right-of-way or public property, except as a warning of danger.
  - (4) *Portable personal sound reproduction equipment.* Self-contained, portable, hand-held music or sound amplification or reproduction equipment shall not be operated on a public space or public right-of-way in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator between the hours of 7:00 a.m. and 11:00 p.m. Between the hours of 11:00 p.m. and 7:00 a.m., sound from such equipment shall not be plainly audible to any person other than the operator.
  - (5) *Vehicles.* Operation of a motor vehicle or operation of a motorcycle within the city that creates mechanical or exhaust noise that is plainly audible at a distance of 200 feet or more from the vehicle. Operation of sound amplifying equipment in a motor vehicle at a volume plainly audible at a distance of 50 feet from the vehicle.
  - (6) *Yelling, shouting, etc.* Yelling, shouting, and other vocal sounds in excess of a normal conversational level, whistling or singing, any of which occurs between the hours of 11:00 p.m. and 7:00 a.m. so as to create a plainly audible sound across a residential real property line or on a public right-of-way or public property, or that is plainly audible to an occupant of a dwelling unit within a building other than an occupant of the unit from which such sound emanates.
  - (7) *Schools, public buildings, places of worship, and hospitals.* The creation of any noise on the grounds of any school, court, public building, place of worship, or hospital in a manner that is plainly audible within such school, court, public building, place of worship or hospital and interferes with the operation of the institution.
  - (8) *Large party nuisance.* Plainly audible sound between the hours of 11:00 p.m. and 7:00 a.m. that continues unabated for 30 minutes or more, and emanates from a gathering of ten or more people where the gathering is not completely contained within a structure, but spills outdoors into balconies, yards, common areas, parking lots, or other outdoor spaces and is plainly audible across a property line.
  - (9) *Construction.* The erection, including excavation, demolition, alteration, or repair of any building or improvement between the hours of 7:00 p.m. and

7:00 a.m., except in the case of emergency under a permit granted by the City Manager. In considering the granting, conditioning, or denial of the permit, the City Manager shall be guided by the following standards: (i) nature of the emergency; (ii) proposed extended hours of operation; (iii) duration of period of requested extended hours; (iv) character of the area surrounding the construction site; and (v) number of residential units which would be impacted by the extended hours of construction.

- (10) *Pneumatic hammer, chain saw, etc.* The operation between the hours of 7:00 p.m. and 7:00 a.m. of any chain saw, pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or other equipment.
- (11) *Refuse collection vehicle operation.* The operation of a refuse collection vehicle within 100 feet of a residence between the hours of 11:00 p.m. and 7:00 a.m.

(12) *Emergency Electrical Power Generators.* The non-emergency manufacturer's recommend periodic maintenance operation between the hours of 7:00 p.m. and 7:00 a.m. of a permanently installed emergency electrical power generator. Such operation is limited to not more than once per calendar week for not more than 15 minutes. "Non-emergency operation" is operation at any time when commercial electrical power is available to the premises served by the emergency electrical power generator. The maximum sound pressure level for such non-emergency periodic maintenance operation shall not exceed 68 dB when measured within 3 feet of a normally operating unit by a sound level testing meter approved in accordance with Sec. 12-74 below.

It is FURTHER ORDAINED that Section 12-75 of Article V, Chapter 12 of the Williamsburg Code is hereby amended by adding subparagraph (13) as follows:

**Sec. 12-75. - Exceptions.**

Sections [12-72](#) and [12-73](#) shall have no application to any sound generated by any of the following:

- (1) Military activities of the Commonwealth of Virginia or of the United States of America.
- (2) Activities on or in municipal, county, state, United States, or school athletic facilities, or on or in publicly owned property and facilities.
- (3) Radios, sirens, horns, and bells on police, fire, or other emergency response vehicles.
- (4) Parades, fireworks displays, school-related activities, and other such public special events or public activities; subject, however, to the terms of any special events permit issued under Article II, [Chapter 9](#) of the Williamsburg Code.

(5) Fire alarms and burglar alarms, prior to the giving of notice and a reasonable opportunity for the owner or person in possession of the premises served by any such alarm to turn off the alarm.

(6) Sound which is necessary for the protection or preservation of property or the health, safety, life or limb of any person, including:

a. Sound generated by the normal operation of any air conditioning, refrigeration or heating equipment. However, as to any air conditioning, refrigeration or heating equipment found by the investigating police officer to exceed the maximum permissible sound pressure levels prescribed in [Section 12-73](#) above, such equipment shall not fall within this exception unless within 15 days following receipt of a written notice of violation, a written certificate is provided to the chief of police, issued by a repair agent duly certified by the manufacturer of such equipment, certifying that based upon personal inspection of the equipment subsequent to the date of the notice of violation, the equipment was found to be correctly installed and operating properly.

b. Sound generated by the emergency operation of any portable or permanently installed emergency electrical power generator at any time when commercial electrical power is not available to the premises served by such electrical power generator. However, except for maintenance operation as permitted by Sec. 12-72 (12) any non-emergency operation of an electrical power generator, permanently installed or portable shall be subject to the limitations of Sec. 12-73.

(7) Locomotives and other railroad equipment, and aircraft.

(8) Household tools and lawnmowers and other lawn care equipment with manufacturer's recommended mufflers installed, between 7:00 a.m. and 7:00 p.m.

(9) The striking of clocks.

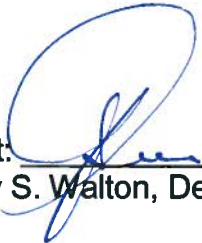
(10) Lawful discharge of firearms.

(11) Landscaping activities and interpretative programs conducted by the Colonial Williamsburg Foundation in the Colonial Williamsburg Historic Area.

(12) Any sound generation which occurs under and within limits specified in a special permit, displayed at the place of sound generation, issued by the City Manager pursuant to [Section 9-36](#), et seq. of the Williamsburg Code.

EXCEPT as here amended, the Williamsburg Code shall remain unchanged.

Adopted: April 14, 2016

Attest:   
Gerry S. Walton, Deputy Clerk of Council

  
Clyde A. Maulman, Mayor