

ARLINGTON COUNTY CODE

Chapter 15

NOISE CONTROL

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§ 15-1. Short Title.

This chapter shall be known and may be cited as the "Noise Control Ordinance of Arlington County, Virginia."
(1-1-75; 8-14-76)

§ 15-2. Findings, Authorization and Declaration of Policy.

The County Board of Arlington County hereby finds and declares that at certain levels noise can be detrimental to the public's health, safety, welfare and quality of life and, therefore, it is in the public's interest that noise be restricted. For these reasons, there is hereby established in Arlington County, Virginia, this Noise Control Ordinance of Arlington County for the purpose of promoting the public's health, safety and welfare, and to foster the comfort of the public. Any noise disturbance is a nuisance, and all powers of the County regarding the abatement of nuisances shall apply to noise disturbances.

(1-1-75; 8-14-76; 8-25-81; Ord. No. 14-04, 5-10-14, effective 7-1-14)

§ 15-3. Definitions.

For the purpose of this chapter, the words used in the present tense include the future; words in the singular number include the plural number and vice versa; the word "shall" is mandatory and not directory; and the following phrases and terms shall have the following meanings unless the context clearly indicates otherwise:

"ANSI" means the American National Standards Institute or its successor bodies.

"Continuous noise" means a noise whose intensity remains essentially constant during the period of observation. Continuous noise for measurement purposes shall be defined as noise which is measured by the slow response setting of a sound-level meter.

"County Board" means the County Board of Arlington County, Virginia.

“County Manager” means the County Manager of Arlington County, Virginia or any of his or her duly-authorized deputies or agents.

“Daytime” means the local time of day between the hours of 7:00 a.m. and 9:00 p.m. on weekdays and between the hours of 10:00 a.m. and 9:00 p.m. on a Saturday, Sunday, legal holiday.

“Decibel (dB)” means the unit of sound magnitude equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the sound pressure being measured to a reference sound pressure, twenty (20) micronewtons per square meter (20 micropascals).

“Decibel-A-weighted (dBA)” means the sound level, in decibels, measured with a sound-level meter using the A-weighting network or scale as specified in ANSI S1.4-1983 specification for sound-level meters.

“Impulsive noise” means noise characterized by brief bursts (usually less than one (1) second in duration) of sound pressure which exceed the sound pressure of the ambient environment.

“Legal holiday” shall mean any of the days designated as legal holidays on the Office Web Site of Arlington County <http://www.arlingtonva.us/portals/topics/HolidaySchedule.aspx>.

“Mixed-Use District” shall mean any area of the County that is developed with a mixture of commercial, retail and residential uses, whether in the same building or not, and which is located in established Metro Station areas as such boundaries are depicted on the County’s General Land Use Plan map, Shirlington, the boundaries of which are shown on the Phased Development Site Plan approved by the County Board on December 4, 1982, and revised June 8, 2002, East Falls Church, as defined in the East Falls Church Area Plan approved April 16, 2011, and the Special Revitalization District of Columbia Pike as depicted on, and described in note 8 of, the County’s General Land Use Plan map.

“Motorcycle” shall have the meaning set forth in § 46.2-100 of the Code of Virginia, 1950, as amended, except that for the purposes of this chapter the definition shall include motor scooters, minibikes and mopeds.

“Motor vehicle” shall have the meaning set forth in § 46.2-100 of the Code of Virginia, 1950, as amended.

“Multi-unit structure” means a structure containing three (3) or more separate units, whether residential, commercial, or mixed-use.

“Nighttime” means those times of day not included in the definition of "Daytime."

“Noise” means the intensity, frequency, duration or character of sounds from a single source or multiple sources.

“Noise disturbance” means any sound which exceeds the applicable maximum permissible noise as set forth in Tables I and II of Section 15-5 of this chapter.

“Stationary source” means any equipment or activity capable of generating noise, operating or occurring on any parcel of property or public space.

“Zoning district or districts” means the classifications described in §2.B., of the Arlington County, Virginia, Zoning Ordinance.
(1-1-75; 8-14-76; 8-25-81; Ord. No. 14-04, 5-10-14, effective 7-1-14)

§ 15-4. Duties and Powers of the County Manager.

The administration and enforcement of this chapter shall be the duty of the County Manager, who is hereby authorized to take such actions, including the promulgation of rules and regulations necessary to enforce the

provisions of this chapter.
(1-1-75; 8-14-76; Ord. No. 14-04, 5-10-14, effective 7-1-14)

§ 15-5. Maximum Noise.

A. *Noise sources other than motor vehicles.* Noise from sources other than motor vehicles, unless exempt pursuant to §§ 15-5.F. or 15-15, shall not exceed the noise limits set forth in Table I below for each of the zoning districts indicated during the time of day indicated. The maximum permissible noise shall be that associated with the zoning district classification of the property that receives the noise.

B. *Motor vehicle noise sources.* Motor vehicle noise sources are subject to the noise limits set forth in Table II below.

C. *Measurement standards.*

1. Any noise measurements made to determine compliance with § 15-5.A. shall be taken from any built street at its curb or on the edge of the pavement or from any location on the property that receives the noise, unless the property that receives the noise is located in a multi-unit structure, in which case the measurements shall be made pursuant to subsection C.3. of this section.
2. Any noise measurement made to determine compliance with subsection B. of this section shall be taken at a distance of at least fifty (50) feet from the noise source.
3. Any noise measurement made to determine compliance with Table I in any structure utilized as a multi-unit structure shall be taken from a common area within or outside the structure, or from any other unit within the respective multi-unit structure when the owner or tenant of the unit from which the measurement is to be taken consents to measurement from his, her or its unit. Within such unit, the measurement shall be taken at a point at least four (4) feet from the wall, ceiling, floor, or window that is believed to be closest to the noise source, with doors to the receiving unit closed and windows in a position typical for the then-current season of the year.

D. *Construction noise:*

1. Any construction activities which produce noise which exceeds the noise limits established in Table I shall be permitted only during the Daytime. This section shall not apply to emergency repairs to public utilities and infrastructure performed by the public utilities themselves or by local, state, or federal governments, or their contractors. For the purposes of this subsection, "public utility" shall have the meaning set forth in § 56-88 of the Code of Virginia, 1950, as amended.
2. All feasible procedures and measures customarily used in the industry shall be undertaken by those responsible for operating or creating any source of sound, in order to minimize noise generated by construction activities. In no event shall noise originating from construction sites exceed ninety (90) dBA. Measurements of construction-related noise are to be taken in accordance with the procedures established in § 15-5.C.

E. *Special events.* Short-term or seasonal activities which have been reviewed and permitted through the Arlington County government's special-event review process may not exceed ninety (90) dBA for the duration of the event and associated clean-up. In the event of a discrepancy between 90 dBA and the applicable Daytime maximum noise set forth in Tables I and II, the 90-dBA limit shall control. Such events and their associated clean-up may not exceed the applicable noise set forth in Tables I and II if they extend later than 9:00 p.m. on Sunday through Thursday, and later than 10:00 p.m. on a Friday, Saturday, legal holiday or day immediately preceding a legal holiday.

F. *Exemptions.* In addition to the exemptions procedure set forth in § 15-12, the following activities or sources of noise shall be exempt from the prohibitions set forth in this § 15-5, Tables I and II of this section, and § 15-6:

1. Athletic contests and other activities officially sponsored, authorized, or otherwise sanctioned by the Arlington County Department of Parks and Recreation;
2. Church bells or carillons;
3. Religious or political gatherings and other activities protected by the First Amendment to the Constitution of the United States of America;
4. Activities for which the regulation of noise has been preempted by Virginia or federal law;
5. Audible signal devices which are employed as warning or alarm signals in case of fire, emergency, collision, theft, or burglary, or imminent danger, and the testing of such signals, and or noise that is emitted in conjunction with a duly-authorized parade; and
6. Electricity-generating systems used to provide emergency backup electric power.
7. Athletic contests and other scheduled events conducted at privately owned swim clubs, by the clubs and not third parties, shall be exempt from the prohibitions set forth in Section 15-6 if held between 6:00 a.m. and 10:00 p.m.

TABLE I
MAXIMUM PERMISSIBLE NOISE LEVELS FROM STATIONARY SOURCES
ALL SOURCES OTHER THAN MOTOR VEHICLES

| Zoning District | Time of Day | Continuous Noise (dBA) | Impulsive Noise (dB) | 'Continuous' Center Octave Octave Band Center <i>Frequency (Hz) dBA component</i> | |
|--|-------------|------------------------|----------------------|--|----|
| CM , M-1 & M-2 P-S | All | 70 | 120 | 31.5 | 85 |
| | | | | 63 | 84 |
| | | | | 125 | 79 |
| | | | | 250 | 74 |
| | | | | 500 | 68 |
| | | | | 1,000 | 62 |
| | | | | 2,000 | 57 |
| | | | | 4,000 | 53 |
| C-1, C-2, C-3 C-1-O, C-1-R, C-TH C-O-1.0, C-O-1.5, C-O-2.5, C-O, C-O-A, C-R C-O-Rosslyn, C-O-Crystal City RA-H, RA-H-3.2, RA4.8 MU-VS, & R-C | All | 65 | 100 | 31.5 | 80 |
| | | | | 63 | 79 |
| | | | | 125 | 74 |
| | | | | 250 | 69 |
| | | | | 500 | 63 |
| | | | | 1,000 | 57 |
| | | | | 2,000 | 52 |
| | | | | 4,000 | 48 |
| R-5, R-6, R-8, R-10, R-20, R2-7 R-15-30T, R-10T RA14-26, RA8-18 RA6-15, RA7-16 S-3A & S-D | Daytime | 60 | 95 | 31.5 | 75 |
| | | | | 63 | 74 |
| | | | | 125 | 69 |
| | | | | 250 | 64 |
| | | | | 500 | 58 |
| | | | | 2,000 | 47 |
| | | | | 4,000 | 43 |
| | | | | 8,000 | 40 |
| R-5, R-6, R-8 R-10, R-20, R2-7 R-15-30T, R-10T RA14-26, RA8-18 RA6-15, RA7-16 S-3A & S-D | Nighttime | 55 | 90 | 31.5 | 70 |
| | | | | 63 | 69 |
| | | | | 125 | 64 |
| | | | | 250 | 59 |
| | | | | 500 | 53 |
| | | | | 2,000 | 42 |
| | | | | 4,000 | 38 |
| | | | | 8,000 | 35 |

**TABLE II
MAXIMUM PERMISSIBLE NOISE FROM MOTOR VEHICLES**

| Class of Source Vehicle | Up to 35 miles per hour | 35 miles per hour & above |
|-------------------------|-------------------------|---------------------------|
| Motorcycle | 80 dBA | 84 dBA |
| Total GVW < 10,000 lbs. | 70 dBA | 79 dBA |
| Total GVW > 10,000 lbs. | 86 dBA | 90 dBA |

(1-1-75; 8-14-76; 8-25-81; Ord. No. 04-21, 9-18-04; Ord. No. 14-04, 5-10-14, effective 7-1-14)

§ 15-6. Prohibited Acts.

A. It shall be unlawful for any person, group of persons, or entity to make or continue, or cause to be made or continued, any noise disturbance, as that term is defined above.

B. In addition, the following prohibited acts set forth in this § 15-6 are prohibited regardless of the decibel level of that noise. For purposes of the measurements set forth below, if the source of the sound is not visible, then the measurement shall be taken from the exterior wall of the building, structure or other enclosure in which the source of the sound is located.

C. It shall be unlawful for any person to sound a vehicular horn or other audible signal device except as an emergency warning signal permitted pursuant to § 15-5.F.5.

D. It shall be unlawful for any person to sell anything by outcry during the Nighttime. The selling by outcry of merchandise, food and beverages at licensed entertainment events is excluded from the prohibition of this subsection.

E. It shall be unlawful for any person to use any machine or device during the Nighttime for the production or reproduction of sound which is cast upon public streets or lands for the purpose of commercial advertising or of attracting the attention of the public to any building, structure or activity. If such machine or device is used only intermittently for announcing or paging an individual, or signals the ringing of a telephone, or the commencement or conclusion of work or school, or is permitted by § 15-5.F., it shall be exempt from the prohibition of this subsection.

F. It shall be unlawful for any person to use, operate, or play, or to permit the use, operation or playing of, any radio, television, phonograph, record, compact disc or tape player, drum, musical instrument, loudspeaker, sound amplifier or similar device or machine which produces, reproduces or amplifies sound in such a manner as to be heard within any dwelling unit, house or apartment of another person at least 20 feet from the source of the sound, or at least 50 feet from the source of the sound and either across any real property boundary or at the curb or on the edge of the pavement of any built street.

G. It shall be unlawful for any person in a group of four or more persons to engage, during the nighttime, in yelling, wailing, shouting, or screaming such that the yelling, wailing, shouting or screaming is heard in any "R" or "RA" District including "RA14-26", "RA8-18", "RA6-15" and "RA7-16" and any district developed with townhomes within any dwelling unit, house or apartment of another person at least 20 feet from the source of the sound, or at least 50 feet from the source of the sound and either across any real property boundary or at the curb or on the edge of the pavement of any built street.

H. It shall be unlawful for any person to collect refuse with a refuse vehicle during the Nighttime subject, however, to the exemption set forth in § 15-15.

I. It shall be unlawful for any operator to run the propulsion engine of a commercial motor vehicle for more than ten (10) minutes when the vehicle is parked, left unattended, or is stopped for other than traffic or maintenance reasons, except when the propulsion engine provides auxiliary service other than heating or air

conditioning.

J. It shall be unlawful for any person to perform lawn or garden maintenance using motorized equipment during the Nighttime.

K. It shall be unlawful to operate a motorized leaf-blowing device in any "R" zoning district during the Nighttime.

L. It shall be unlawful for any person who owns, possesses or harbors any animal or bird to permit that animal or bird to create a noise that is audible at least once per minute for ten (10) consecutive minutes within any dwelling unit, house or apartment of another person, at any street edge, or across a real property boundary.

M. It shall be unlawful for the holder of any exemption issued pursuant to § 15-12 to exceed or otherwise violate the terms of that exemption.

N. It shall be unlawful for any person to engage in yelling, wailing, shouting, or screaming in any Mixed Use District between the hours of Midnight and 9:00 a.m. such that the yelling, wailing, shouting, or screaming can be heard within any dwelling unit, lodging unit, house or apartment of another person at least 100 feet from the source of the sound, unless otherwise provided for by the Special Events Policy.

O. It shall be unlawful for the owner, manager, assistant manager, and other person in charge of a retail use located within any Mixed Use District, which includes an outdoor café, exterior rooftop seating area, or other use or activity in the exterior of the retail use to permit any person, while in the outdoor café, exterior rooftop seating area, or other exterior location, to engage in yelling, wailing, shouting, or screaming between the hours of Midnight and 6:00 a.m. such that the yelling, wailing, shouting, or screaming can be heard within any nearby dwelling unit, lodging unit, house or apartment of another person at least 100 feet from the source of the sound, unless otherwise provided for by the Special Events Policy.

P. It shall be unlawful for any person to engage in yelling, wailing, shouting, or screaming in the County between the hours of 2:00 a.m. and 6:00 a.m., such that the yelling, wailing, shouting, or screaming can be heard within any dwelling unit, lodging unit, house or apartment of another person, unless otherwise provided for by the Special Events Policy.

(1-1-75; 8-14-76; 8-25-81; Ord. No. 14-04, 5-10-14, effective 7-1-14)

§ 15-7. Noise-Suppression Devices.

A. No person shall cause, suffer, allow or permit the removal, disconnection or disabling of any noise-suppression system or device which has been installed on any noise source:

1. in accordance with federal, state or local laws or regulations, or
2. as a requirement for obtaining a permit to construct, modify, install or operate such noise source.

B. No person shall defeat the design purpose of any noise-suppression system or device by installing therein or thereon any part or component which does not meet the minimum design specifications for that system or device.

C. No noise source shall be operated with its noise-suppression system or device removed or otherwise rendered inoperable.

(1-1-75; 8-14-76; Ord. No. 14-04, 5-10-14, effective 7-1-14)

§ 15-8. Inspections.

A. The County Manager is hereby authorized and directed to make or cause to be made inspections (1) in response to complaints regarding violations of this chapter so long as the County Manager has reason to

believe that a violation of this chapter has been or is being committed, or (2) as part of a systematic noise disturbance survey program.

B. The County Manager may, with the consent of the respective owner, occupant, operator or agent, enter and inspect all premises subject to the provisions of this chapter for the purpose of determining whether there is compliance with this chapter's requirements.

C. If any owner, occupant, operator or agent fails to allow or refuses free access and entry to the premises, or any part thereof, where a noise source is located, and with respect to which an inspection authorized by this chapter is sought to be made, the County Manager may, upon a showing that probable cause exists for the inspection, petition and obtain process or an order or warrant from a magistrate or court of competent jurisdiction authorizing such an inspection.

(1-1-75; 8-14-76; Ord. No. 14-04, 5-10-14, effective 7-1-14)

§ 15-9. Criminal Penalties.

A. Any violation of this chapter may be charged as a misdemeanor, and any violator may, upon conviction, be punished by a fine of not less than one hundred dollars (\$100) nor more than two thousand five hundred dollars (\$2,500), or by imprisonment in the Arlington County jail for a period of not more than thirty (30) days, or both, for each offense. Each calendar day of violation shall constitute a separate offense.

B. If the agent investigating a potential violation of this chapter is a duly-qualified law enforcement officer and he or she has probable cause to do so, he or she may issue a summons to, or arrest without a warrant, any person who, in the presence of the officer, violates any provision of this chapter.

C. The imposition of a criminal penalty for any violation of this chapter shall not excuse the violation or permit it to continue.

D. Nothing in this section shall be construed to abridge, limit or otherwise impair the right of any person or entity to claim, in a separate, private action, damages or other relief on account of injuries to persons or property, and to maintain any action or other appropriate proceeding therefor.

(1-1-75; 8-14-76; Ord. No. 14-04, 5-10-14, effective 7-1-14)

§ 15-10. Civil Penalties; Appeals Therefrom.

A. Any person who commits, permits, assists in or attempts any violation of this chapter, whether by act or omission, shall be liable for a civil violation and may, upon the issuance of a citation by the County Manager, be punished by a civil fine of not more than two hundred fifty dollars (\$250.00) for the first violation, and not more than five hundred dollars (\$500.00) for a second or other subsequent violation. Each calendar day of violation shall constitute a separate offense.

B. The issuance of a citation for a civil violation of this chapter may occur only after a notice of violation has been issued that sets forth the alleged violation or violations and advises the owner, occupant, operator or agent that such violation or violations must be corrected. Such notice of violation shall:

1. be in writing;
2. describe the alleged violation or violations;
3. name, by street address or RPC number, the premises where the violation or violations are alleged to exist;
4. state a deadline by which the violation or violations must be corrected; and
5. be delivered to the owner, occupant, operator or party responsible for the noise, or upon the agent of any of the foregoing, by:

- a. hand delivery to any such person or entity;
- b. mailing to such person or entity by U.S. certified mail; or
- c. posting at the premises named in the notice.

C. The imposition of a civil penalty for any violation of this chapter shall not excuse the violation or permit it to continue.

D. Nothing in this chapter shall be construed to abridge, limit or otherwise impair the right of any person or entity to claim, in a separate, private action, damages or other relief on account of injuries to persons or property, and to maintain any action or other appropriate proceeding therefor.

E. If a person who was issued a civil citation pursuant to this section does not abate the violation and either admit liability or choose not to contest the citation, then a summons shall be issued to the person by the County Manager and the civil violation shall be tried in the General District Court of Arlington County. Any party desiring to appeal that Court's decision on a civil violation of this section may appeal as provided at law for civil actions.

F. During the pendency of any appeal, the civil citation issued by the County Manager shall remain in full force and effect.

(Ord. No. 14-04, 5-10-14, effective 7-1-14)

§ 15-11. Emergency Procedures.

A. Whenever, in the judgment of the County Manager, an emergency exists which requires immediate action to protect the public health, safety or welfare, the County Manager may issue an order, without notice, conference or hearing, directing the owner, occupant, operator, agent and/or responsible party of and/or for the noise source or premises where the noise source is located to take such action as is appropriate to correct or abate the emergency. If circumstances warrant, the County Manager may act to correct or abate the emergency.

B. The owner, occupant, operator, agent and/or responsible party of and/or for the noise source and/or the premises where the noise source is located shall be granted a conference on the matter with the County Manager upon his, her or its request, as soon as practicable, but such conference shall in no case stay the correction or abatement of such emergency.

C. Any person aggrieved by an order of the County Manager, issued pursuant to any provision of this chapter may appeal that order to a court of competent jurisdiction.

(1-1-75; 8-14-76; Ord. No. 14-04, 5-10-14, effective 7-1-14)

§ 15-12. Exemptions Issued by the County Manager.

A. Any person responsible for any noise source may apply to the County Manager for an exemption or partial exemption from the provisions of this chapter. The application shall be accompanied by such information and data as the County Manager may require. The County Manager may grant such exemption or partial exemption if he or she finds that:

1. The potential danger to the community is outweighed by the benefit to the public interest during the period of exemption, or
2. Compliance with the provisions of this chapter from which exemption is sought would produce serious hardship without equal or greater benefits to the public.

B. No exemption or partial exemption issued pursuant to this section shall be granted for a period of

longer than one (1) year; but any such exemption or partial exemption may be renewed for a period of up to one (1) additional year at a time if, after being duly considered at a hearing held by the County Manager, the County Manager finds that renewal is justified pursuant to the factors set forth in § 15-12.A. No renewal shall be granted except on application therefor. Any such application shall be made at least sixty (60) days prior to the expiration of the exemption or partial exemption. Any renewal granted pursuant to this section shall be on the same grounds and subject to the same limitations and requirements as provided in § 15-12.A.

C. An exemption, partial exemption or renewal thereof shall not be a right of the applicant or holder thereof but shall be at the discretion of the County Manager. The recipient of any exemption or partial exemption shall post a copy of the exemption or partial exemption at the source of the noise.

D. Nothing in this section, and no exemption, partial exemption or renewal granted pursuant hereto shall be construed to prevent or limit the application of the emergency provision and procedures of § 15-11.A of this chapter to any person or his, her or its property.

(1-1-75; 8-14-76; 8-25-81; Ord. No. 14-04, 5-10-14, effective 7-1-14)

§ 15-13. Severability.

Should any section, subsection, sentence, clause or phrase of this chapter be declared invalid or unconstitutional by a court of competent jurisdiction, such declaration shall not affect the validity of the chapter in its entirety or of any part thereof other than that part declared to be invalid.

(1-1-75; 8-14-76; Ord. No. 14-04, 5-10-14, effective 7-1-14)

§ 15-14. Conflict of Ordinance.

In any case where a provision of this chapter is found to be in conflict with any other provision of the Arlington County Code existing on the effective date of this chapter, the provision which establishes the more stringent standard for the promotion and protection of the health and safety of the public shall prevail. In any case where a provision of this chapter is found to be in conflict with any other provision of the Arlington County Code existing on the effective date of this chapter which establishes a less stringent standard for the promotion and protection of the health and safety of the public, the provisions of this chapter shall be deemed to prevail; and such other provisions are hereby declared to be repealed to the extent that they may be found in conflict with this chapter.

(1-1-75; 8-14-76; Ord. No. 14-04, 5-10-14, effective 7-1-14)

§ 15-15. Exemption for County Activities.

The provisions of this chapter shall not apply to operations at County facilities or engaged in by County employees or County contractors, or to County residential refuse and leaf collection programs if such programs are operated by the County or by an entity under contract with the County.

(Ord. No. 06-02, 2-28-06; Ord. No. 14-04, 5-10-14, effective 7-1-14)