

Model Ordinances > Richmond, Virginia

Chapter 18

NOISE*

*Editor's note: Section 2 of Ord. No. 90-254-238, adopted July 23, 1990, repealed former Art. III, Â§Â§ 18-31--18-38, which pertained to noise control and derived from Ord. No. 85-304-282, adopted Dec. 16, 1985.

Charter references: Authority of City to preserve health, safety and comfort of its inhabitants, Â§ 2.04.

Cross references: Health and sanitation, Ch. 14; unnecessary noise in the operation of motor vehicles, Â§ 28-24.

Article I. In General

- Sec. 18-1. Enumeration of acts declared loud, disturbing, etc., noise; emergency exceptions.
- Sec. 18-2. Creating loud, disturbing, unnecessary, etc., noise prohibited; violations and penalties.
- Secs. 18-3--18-15. Reserved.

Article II. Sound Trucks and Sound-Amplifying Equipment

- Sec. 18-16. Definitions.
 - Sec. 18-17. Restrictions on operation generally.
 - Sec. 18-18. Noncommercial use.
 - Sec. 18-19. Article not applicable to sporting or athletic exhibitions, entertainments, etc.
 - Sec. 18-20. Licenses.
 - Secs. 18-21--18-30. Reserved.
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Article I. In General

Sec. 18-1. Enumeration of acts declared loud, disturbing, etc., noise; emergency exceptions.

(a) The following acts, among others, are declared to be loud and disturbing noises in violation of this chapter, but such enumeration shall not be deemed to be exclusive, namely:

(1) Horns and other signal devices. The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for any unreasonable period of time.

Cross references: Traffic, motor vehicles, and bicycles, Ch. 28.

(2) Radios, phonographs, etc. The playing of any radio, phonograph or any musical instrument in such a manner or with such volume, particularly during the hours between 12:00 midnight and 7:00 a.m., as to disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence.

(3) Keeping animals or birds. The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort and repose of any person in the vicinity to such an extent as shall constitute a nuisance.

Cross references: Animal control, Ch. 4.

(4) Operation of vehicles. The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such a manner as to create loud and disturbing grating, grinding, rattling or other noises.

Cross references: Traffic, motor vehicles, and bicycles, Ch. 28.

(5) Blowing of steam whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger.

(6) Discharge into open air of exhaust of engines. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorboat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

Cross references: Traffic, motor vehicles, and bicycles, Ch. 28.

(7) Adjacent to schools, institutions, hospitals, etc. The creation of any excessive noise on any street adjacent to any school, institution of learning, or court while the same are in session, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which

disturbs patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.

(8) Loading and unloading vehicles; opening and destruction of bales, boxes, crates, etc. The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.

Cross references: Traffic, motor vehicles, and bicycles, Ch. 28.

(9) Shouting and crying of peddlers, hawkers, etc. The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.

(10) Use of drums, loudspeakers, etc. The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale or display of merchandise.

(11) Amplified sound from vehicles. The playing or operation, or permitting the playing, use or operation, of any radio, tape player, loud speaker or other electronic device used for the amplification of sound, which is located within a motor vehicle, and which is audible from outside the motor vehicle at a distance of fifty (50) feet or more.

(b) No provisions of this article shall apply to the emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work.

(Code 1985, Â§ 19-1; Ord. No. 90-254-238, Â§ 1, 7-23-90; Ord. No. 95-160-141, Â§ 1, 6-26-95; Ord. No. 2000-402-2001-14, Â§ 1, 1-8-01)

State law references: Exhaust system in good working order, Code of Virginia, Â§ 46.2-1049; muffler cutout, etc., illegal, Code of Virginia, Â§ 46.2-1047; mufflers on motorcycles, Code of Virginia, Â§ 46.2-1050.

Sec. 18-2. Creating loud, disturbing, etc., noise prohibited; violations and penalties.

(a) It shall be unlawful to create or assist in creating any unreasonably loud and disturbing noise in the City, and noise of such character, intensity and duration as to be detrimental to the life or health of any person or to unreasonably disturb the quiet, comfort or repose of any person is hereby prohibited.

(b) Any person who violates any provision of this section shall be deemed to be guilty of a Class 2 misdemeanor.

(c) Each day of violation of any provision of this section shall constitute a separate offense.

(d) The person operating or controlling a sound source shall be guilty of any violation caused by that source. If that cannot be determined, any owner, tenant

or resident physically present on the property where the violation is occurring is rebuttably presumed to be guilty of the violation.

(Code 1985, Â§ 19-2; Ord. No. 90-254-238, Â§ 1, 7-23-90; Ord. No. 2000-402-2001-14, Â§ 1, 1-8-01)

Secs. 18-3--18-15. Reserved.

[top of page](#)

Article II. Sound Trucks and Sound-Amplifying Equipment

Sec. 18-16. Definitions.

For the purposes of this article, the following terms, when used in this article, shall have the meanings respectively ascribed to them by this section:

Sound-amplifying equipment shall mean any machine or device for the amplification of the human voice, music or any other sound, but shall not be construed to include such machine or device when used exclusively for and heard primarily by occupants of buildings or vehicles in which they are installed and operated, and warning devices on authorized emergency vehicles and horns or other warning devices on other vehicles used only for traffic safety purposes.

Sound truck shall mean any motor vehicle, horse-drawn vehicle or airplane having mounted thereon, or attached thereto, any sound-amplifying equipment.

(Code 1985, Â§ 19-16)

Cross references: Definitions and rules of construction generally, Â§ 1-2.

Sec. 18-17. Restrictions on operation generally.

(a) No person shall operate, or cause to be operated, any sound truck for commercial sound advertising purposes or for any purposes connected with commercial advertising or incident thereto in the City with sound-amplifying equipment in operation.

(b) No person shall operate, or cause to be operated, any sound-amplifying equipment for commercial sound advertising purposes or for any purposes connected with commercial advertising or incident thereto in the City so that the amplification of the human voice, music or any other sound emitted therefrom for such purposes is audible on or in any street, alley, road, park, playground or any other public way or place; provided, that the use of sound-amplifying equipment where the music or speech amplified pertains exclusively to religious subjects or other subjects of general educational interest to the public shall be

deemed to be a noncommercial use of sound-amplifying equipment and subject only to the regulations prescribed by Section 18-18.
(Code 1985, Â§ 19-17)

Sec. 18-18. Noncommercial use.

Noncommercial use of sound-amplifying equipment and sound trucks in the City shall be subject to the following regulations:

- (1) The only sounds permitted are music or human speech.
- (2) Operations of sound trucks are permitted between the hours of 10:00 a.m. and 4:30 p.m., and operations of stationary sound-amplifying equipment are permitted between the hours of 10:00 a.m. and 11:00 p.m.
- (3) The human speech and music amplified shall not be slanderous.
- (4) The volume of sound shall be controlled so that it will not be audible above the level of conversation speech at a distance in excess of two hundred (200) feet from the property on which the amplified sound originates.

(Code 1985, Â§ 19-18)

Sec. 18-19. Article not applicable to sporting or athletic exhibitions, entertainments, etc.

The provisions of this article shall not apply to the operation of sound-amplifying equipment at sporting or athletic exhibitions, entertainments, performances, religious gatherings or other public gatherings.

(Code 1985, Â§ 19-19; Ord. No. 2000-402-2001-14, Â§ 1, 1-8-01)

Sec. 18-20. Licenses.

Nothing contained in this article shall be construed to relieve any person operating or causing a sound truck to be operated in the City of obtaining the license and paying the license tax prescribed by Section 27-369.

(Code 1985, Â§ 19-20)

Secs. 18-21--18-30. Reserved.