

PROPOSED ORDINANCE

Proposed by: Town Attorney

A proposed ordinance to amend Chapter 10 – Offenses, Miscellaneous, Article 3, Offenses Against Property, Section 10-20.1 Same-Noise, of the Code of the Town of Vienna.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF VIENNA, VIRGINIA THAT:

Section 1: The Town Code, Chapter 10 - 9, Offenses, Miscellaneous, Article 3, Offenses Against Property, Section 10-20.1 Same-Noise, is amended to read as follows:

Sec. 10-20.1. Same—Noise.

- (a) *Purpose and intent.* It is declared as a matter of legislative determination and public policy that the making, creation or maintenance of excessive, unnecessary or unusual loud noises, unusual and unnatural in their time and place and which disturb the usual peace, quietude, tranquility and normal enjoyable use of any residential area are detrimental to the public health, safety, convenience, welfare and prosperity of the residents of the Town of Vienna and constitute a public nuisance.
- (b) Any person, firm or corporation which permits, allows or suffers any such excessive, unnecessary, loud or unusual noise or noises as referred to in this section to emanate from his property or place of business so as to disturb the usual peace, quietude, tranquility and normal enjoyable use of any residence or residences in the Town shall be guilty of a civil offense with a penalty of \$250.00 for the first offense and \$500.00 for each subsequent offense. This section shall not apply to noise generated in connection with a business conducted on property zoned CM or CMP except where prohibited under this section or in provisions related to specific commercial activity.
- (c) *Delineated activity and prohibited times:*

Type of Activity/Noise	Time of Day Prohibited
(1) The loading or unloading of commercial vehicles within 300 feet of any residence	Monday - Saturday: 11:00 p.m. - 6:00 a.m. Sunday, and federal holidays: 11:00 p.m. and 8:00 a.m.
(2) The repair, collection from, or servicing of any trash or garbage compaction, processing, or disposal equipment located on the exterior of any building within 300 feet of any residence	Monday - Saturday: 11:00 p.m. - 7:00 a.m. Sunday, and federal holidays: 11:00 p.m. - 8:00 a.m.
(3) The erection (including excavation), demolition, alteration, or repair, and any and all activity necessary or incidental thereto, of any building	Monday - Friday: 8:00 p.m. - 7:00 a.m. Saturday, Sunday, and federal holidays: 8:00 p.m. and 9:00 a.m.

	(1) This shall be true except during any emergency where it is deemed necessary to protect the public health and safety as determined by the director of public works, chief of police, Town Manager or his/her designee, Fairfax County Building Inspector, or Fairfax County Fire Marshal or his/her designee. Notwithstanding the foregoing, no contractor or person performing the activities listed above for remuneration shall be permitted to engage in such activity on Sunday; (2) Notwithstanding the foregoing, no contractor or person performing the activities listed above for remuneration or profit shall be permitted to engage in such activity on Sunday and federal holidays;
(4) The operation of any pile driver, hammer, chain saw, steam, diesel, or gasoline powered shovel, derrick or hoist, lawnmowers, lawn and landscaping maintenance equipment, or other equipment, the use of which is attended by loud and unusual noise.	Monday - Friday: 8:00 p.m. - 7:00 a.m. Saturday, Sunday, and federal holidays: 8:00 p.m. - 9:00 a.m. (1) These activities shall not be prohibited during any emergency caused necessity to protect the public health and safety as determined by the director of public works, chief of police, Town Manager or his/her designee, Fairfax County Building Inspector, or Fairfax County Fire Marshal or his/her designee; (2) The time limitations for Saturday, Sunday, and federal holidays shall not apply to usual and customary maintenance activities associated with recreational uses as defined in Town Code section 18-4; (3) Notwithstanding the foregoing, no contractor or person performing the activities listed above for remuneration or profit, except when it relates to a recreational use, shall be permitted to engage in such activity on Sunday, and federal holidays. <u>Notwithstanding the above, except for activities associated with recreational uses, multiple lawnmowers, lawn and landscaping maintenance equipment, gasoline or electric powered landscaping equipment shall not be operated on any residential zoned property Monday - Friday: 8:00 p.m. - 8:00 a.m.; Saturday, Sunday, and federal holidays: 8:00</u>

	<u>p.m. - 9:00 a.m. For the purposes of this provision, "multiple" is defined as 2 or more gas powered landscaping equipment operating at the same time on the same property.</u>
(5) The operation of any propulsion engine of a commercial motor vehicle for more than three minutes when the vehicle is parked, left unattended, or is stopped for other than traffic or maintenance reasons. Public vehicles are excluded from this provision when engaged in required maintenance.	Prohibited on all days and times
(6) The operation of internal combustion powered refrigeration equipment on trucks, trailers, auxiliary powered equipment or other vehicles when the same are parked for more than ten minutes	Monday - Sunday: 11:00 p.m. - 7:00 a.m.
(7) Operating, playing or permitting the operation or playing of any radio, amplifier, television, record, tape or compact disc player, drum, musical instrument or similar device in such manner as to permit sound to be heard across a residential real property boundary or when the sound source is located within or on the grounds of a dwelling complex in such manner as to permit sound to be heard within any dwelling unit of the dwelling complex other than a dwelling unit from which such sound emanates (Previously section 10-44)	Sunday - Thursday: 10:00 p.m. - 8:00 a.m. Friday, Saturday or the day preceding a federal holiday: 11:00 p.m. and 8:00 a.m.
(8) When the sound source is located within or upon a motor vehicle on or upon public right-of-way or public property or on the grounds of a dwelling complex and the sound can be heard more than 50 feet from its source (Previously section 10-44)	Prohibited on all days and times

- (d) "Federal holidays" shall be deemed to be all federal holidays as designated by federal law (5 U.S.C. 6103) and published by the U.S. Office of Personnel Management at the time of the offense.
- (e) Any person, firm or corporation which permits, allows or suffers any such acts set forth in subsection 10-20.1(c) may also be found guilty of maintaining a public nuisance and, upon conviction thereof, shall be punished as provided in section 10-20 of this Code.

(Code 1969, § 10-20.1; Ord. of 12-5-1977; Ord. of 2-25-1991; Ord. of 3-2008; Ord. of 6-6-2011(2), § 1; Ord. of 12-4-2023(1), § 1)

Section 2: This Ordinance shall become effective ten (10) days following notice of adoption by the Town Council.

Passed and approved this _____ day of _____, 2025.

Linda J. Colbert, Mayor

ATTEST:

Town Clerk

c:SDB\Ordinances\AmendmentsNoiseOrdinances 10-20.1 DRAFT 07 24 2025