

Sec. 10-20.1. - Same—Noise.

- (a) 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 subsection 10-20.1(a) above, 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.
- (c) In addition to any other excessive, unnecessary or unusually loud noises as referred to in subsection 10-20.1(a) above, and not to the exclusion of such, the following acts are specifically declared to be excessive, unnecessary and unusually loud noises, unusual and unnatural in their time and place and disturbing to the usual peace, quietude, tranquility and normal enjoyable use of residential area; are detrimental to public health, safety, and welfare of the residents of the Town of Vienna, and constitute a public nuisance:
 - X (1) The loading or unloading of commercial vehicles within 300 feet of any residence between the hours of 11:00 p.m. and 6:00 a.m. Monday through Saturday, or between 11:00 p.m. and 8:00 a.m. on Sunday, New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day;
 - (2) The repair, collection from, or servicing of any trash or garbage compaction, processing, or disposal equipment located on the exterior of any building between the hours of 11:00 p.m. and 7:00 a.m. within 300 feet of any residence, or between 11:00 p.m. and 8:00 a.m. on Sunday, New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day;
 - (3) The erection (including excavation), demolition, alteration, or repair, and any and all activity necessary or incidental thereto, of any building between 8:00 p.m. and 7:00 a.m., Monday through Friday or between 8:00 p.m. and 9:00 a.m. on Saturday, Sunday, New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day; and except 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.

Notwithstanding the foregoing, no contractor or person performing the activities listed above for remuneration shall be permitted to engage in such activity on Sunday;

- (4) The operation between the hours of 8:00 p.m. and 7:00 a.m., or between 8:00 p.m. and 9:00 a.m. on Saturday, Sunday, New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day of any pile driver, hammer, chain saw, steam, diesel, or gasoline powered shovel, derrick or hoist, lawnmowers, lawn maintenance equipment, or other equipment, the use of which is attended by loud and unusual noise, except 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. The time limitations for Saturday, Sunday, New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day shall not apply to usual and customary maintenance activities associated with recreational uses as defined in Town Code section 18-4.

Notwithstanding the foregoing, no contractor or person performing the activities listed above for remuneration, except when it relates to a recreational use, shall be permitted to engage in such activity on Sunday;

- X (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;
- (6) The operation of internal combustion powered refrigeration equipment on trucks, trailers or other vehicles between the hours of 11:00 p.m. and 7:00 a.m. when the same are parked for more than ten minutes.
- (d) Any person, firm or corporation which permits, allows or suffers any such acts set forth in subsection 10-20.1(c) shall be 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)