

**ORDINANCE NO. 2017-2**  
**NOISE ORDINANCE**  
**OF**  
**WYTHE COUNTY, VIRGINIA**

A public hearing was held on June 13, 2017 at 7: 05 p.m. in the Board Room of the Wythe County Office Building, 340 South Sixth Street, Wytheville, Virginia to consider enacting Ordinance Number 2017-2, entitled, "Noise Ordinance of Wythe County, Virginia".

**Section 1: Authority.**

Pursuant to the provisions of Section \_\_\_\_\_ Code of Virginia (1950) as amended, a locality may by ordinance prohibit or regulate

**Section 2: Prohibited conduct.**

- (A) It shall be unlawful for any person to:
- (1) Operate or play any radio, phonograph, television, record, compact disc or tape player, musical instrument, loud speaker, sound amplifier or other machine or device capable of producing or reproducing sound in such a manner or with such volume or duration that it is plainly audible inside the confines of the dwelling unit, house ,apartment, or business unit of another person or at (50) fifty feet or more from the device, except for devices permitted to be used at public parks or recreation fields, sporting events, duly authorized parades, public functions, commemorative events, signals identifying danger from smoke or fire, signals identifying the beginning or stopping of work or school.
  - (2) To play or permit the playing of a radio, stereo ,tape player, compact disc player, loud speaker or other electronic device or mechanical equipment used for the amplification of sounds which is located within a motor vehicle and which is plainly audible from outside the motor vehicle at a distance of (50) fifty feet or more from the vehicle. This provision shall not apply to sirens, loud speakers and emergency communications radios, in public safety vehicles, nor shall it apply to motor vehicle alarms. Motor vehicle exhaust systems are covered under Virginia state code 46.2-1047, 46.2-1049, 46.2-1050.

- (3) To allow any animal or bird to create noise that is plainly audible at least once a minute for 10 consecutive minutes (i) inside the confines of the dwelling unit, house or apartment of another, or (ii) at fifty (50) feet from the animal or bird.
- (4) To create plainly audible noise in residential areas between 11:00 p.m. and 6:00 a.m. in connection with lawn care leaf removal, gardening, tree maintenance or removal and other landscaping, lawn or timbering activities.
- (5) No person shall be convicted of a violation of this section unless there is presented to the court competent evidence that a law enforcement official had, prior to the issuance of any summons or warrant, requested the abatement of the noise complained of, and that such noise continued at an unlawful level after such request.
- (6) If any provision of this section should be determined by a court of competent jurisdiction to be invalid, such determination shall not affect the validity of the remaining provisions of this section.

**Section 3: Penalty.**

Violations of this section shall constitute a misdemeanor punishable by a fine of not less than \$50 nor more than \$100. Each day of violation of this section shall be a separate offense.

**Section 4: Effective Date.**

This ordinance was duly considered following a required public hearing held on June 13, 2017, and was adopted by the Board of Supervisors of Wythe County, Virginia, at its regular meeting held on \_\_\_\_\_, 2017, the members voting:

<u>NAME</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSENT</u>	<u>ABSTAIN</u>
Joe F. Hale				
B.G. "Gene" Horney, Jr.				
Gary M. Houseman				
Charlie G. Lester				
Coy L. McRoberts				
Tim A. Reeves				
Steven T. Willis				

I certify that this is a true and correct copy taken from the \_\_\_\_\_, 2017 minutes of the Wythe County Board of Supervisors meeting.

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Martha Collins, Clerk of the Board