

Sec. 38-31. Enumeration of acts declared loud and disturbing noise; emergency exceptions.

- (a) The following acts, among others, are declared to be loud and disturbing noises in violation of this article, but such enumeration shall not be deemed to be exclusive:
- (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.
 - (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 of 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.
 - (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.
 - (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.
 - (7) *Adjacent to schools, institutions, hospitals, courts.* The creation of any excessive noise on any street adjacent to any school, institution of learning, or court while such is 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 any such street indicating that the street 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.
 - (9) *Shouting and crying of peddlers, hawkers and vendors.* 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, use or operation or the permitting of the playing, use or operation of any radio, tape player, loudspeaker 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 50 feet or more.

(b) No section 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 1993, § 18-1)

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

Sec. 38-32. Creation of loud and disturbing noise.

(a) It shall be unlawful to create or to assist in creating any unreasonably loud and disturbing noise in the city. 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 this section shall be deemed to be guilty of a class 2 misdemeanor.

(c) Each day of violation 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 source 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 1993, § 18-2)

So, under the City Code Section 38-32, you could place charges against persons creating or assisting in creating any unreasonably loud and disturbing noise in the City. It is a Class 2 Misdemeanor. The charge would be “Creation of Loud & Disturbing Noise” or something similar.