

ORDINANCE NO. 56A-1

AN ORDINANCE TO AMEND CHAPTER 13, OFFENSES - MISCELLANEOUS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 13-20, NOISES PROHIBITED IN RESIDENTIAL ZONED AREAS.

BE IT ORDAINED by the Board of Supervisors of James City County that Chapter 13, Offenses - Miscellaneous, of the Code of the County of James City, Virginia, be and the same is, hereby, amended by amending Section 13-20, Noises Prohibited In Residential Zoned Areas, to read as follows:

CHAPTER 13

OFFENSES - MISCELLANEOUS

Section 13-20. Noises prohibited in residential zoned areas.

It shall be unlawful for any person to make, continue, or cause to be made or continued any excessive, unnecessary or unusually loud noise or any noise on any premises of such a character as to either disturb, injure or endanger the quiet, comfort, repose, health, peace, or safety of others, within the limits of the County; provided that this section shall apply only to residential zoned areas and all uses provided for in such a zoning classification.

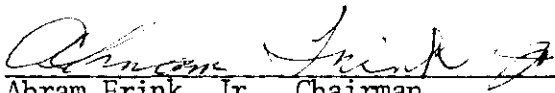
The following acts, among others, are declared to be loud, disturbing, and unnecessary noise in violation of this ordinance, but said enumeration shall not be deemed to be exclusive:

- (a) Horns, Signaling Devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle, bicycle, or other vehicle on any street or public place of the County, except as a danger warning; the creation by means of any signaling device of any unreasonable loud or harsh sound; and the sounding of any signaling device for an unnecessary and unreasonable period of time.
- (b) Radios, Phonographs, etc. The using, operating, or permitting to be played, used or operated, any radio receiving set, tape recorder, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle, or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine, or device between the hours of 11:00 P.M. and 7:00 A.M. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this section.
- (c) Loud Speakers, Amplifiers for Advertising. The using, operating or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is caused upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building, structure, or vehicle.
- (d) Animals. The keeping of any animal which by causing frequent or continued noise shall disturb the comfort or repose of any persons in the vicinity.

- (e) Exhausts. The discharge into open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (f) Defects in Vehicle. The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in such a manner as to create loud and unnecessary grating, grinding, rattling, or other noise.
- (g) Hawkers. The shouting and crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of the neighborhood.
- (h) Musical Instruments. The use of any drums or other musical instrument or device for the purpose of attracting attention by creation of noise to any performance, show, or sale.

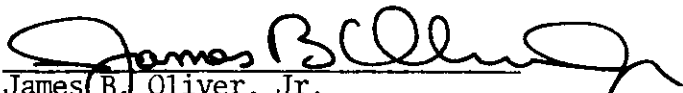
Violation. Any person violating any of the provisions of the section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding One Hundred Dollars (\$100), or be imprisoned in jail for a period not exceeding ten (10) days, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

This ordinance shall be in full force and effect from the day of its adoption.



Abram Frink, Jr., Chairman
Board of Supervisors

ATTEST:



James B. Oliver, Jr.
Clerk to the Board

Adopted by the Board of Supervisors, James City County, Virginia, the 12th day of April, 1976.