

ORDINANCE NO. 2091

AN ORDINANCE to amend The Code of the City of Alexandria, Virginia, 1963, as amended, by adding thereto a new chapter numbered Chapter 22A, which new Chapter 22A relates to THE PREVENTION, ABATEMENT, REGULATION AND CONTROL OF NOISE AND PROVIDES PENALTIES FOR VIOLATIONS.

WHEREAS, the making and creation of excessive, unnecessary or unusually loud noises within the limits of the City of Alexandria is a condition which has existed for some time and the extent and volume of such noises is increasing; and

WHEREAS, the making, creation or maintenance of such excessive, unnecessary, unnatural or unusually loud noises which are prolonged, unusual or unnatural in their time, place and use, affect and are a detriment to the public health, comfort, safety, welfare and environment of the residents of the City of Alexandria;

NOW THEREFORE, the necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, safety, welfare and environment and the peace and quiet of the City of Alexandria and its inhabitants and therefore

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding thereto a new chapter numbered Chapter 22A to read as follows:

CHAPTER 22A.
NOISE CONTROL

Sec. 22A-1. Short title.

This chapter shall be known and may be cited as the "Noise Control Code" of the City of Alexandria, Virginia.

Sec. 22A-2. Definitions.

Aircraft. Any device that is used or intended to be used for flight in the air, but not including any such device used only in the service of a government or political subdivision thereof unless such device is engaged in carrying persons or property for commercial purposes.

Ambient noise. The all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources, near and far.

A-weighted sound level [dB(A)]. A quantity, in decibels read from a sound-level meter, that is switched to the weighting network labeled "A". The A-weighted network or scale shall be as specified under the most recent Specifications of the American National Standards Institute, Inc. New York, N. Y.

Carrier. A common carrier by railroad, or partly by railroad and partly by water, within the continental U.S., subject to the Interstate Commerce Act, as amended, excluding street, suburban, and inter-urban electric railways unless operated as a part of a general railroad system of transportation.

Center frequency. For acoustic measurement, the center frequency of an octave band.

Commercial use area. The area within 200 feet of all boundaries of any property producing noise or, where such property is a railroad, the area within 200 feet perpendicular to the centerline of the railroad track at the source of the noise, when the predominant use of properties in that area is for commercial purposes.

Construction. Any or all activity necessary or incidental to the erection, demolition, assembling, altering, installing or equipping of buildings, public or private highways, roads, railroads, premises, parks utility lines including such lines in already constructed tunnels, or other property, including land clearing, grading, excavating and filling.

Construction device. Any device designed and intended for use in construction including, but not limited to any air compressor, pile driver, bulldozer, pneumatic hammer, steam shovel, derrick, crane, or steam hoist.

Continuous noise. Noise whose level remains essentially constant without interruption or break.

Decibel (dB). A unit of sound magnitude equal to twenty times the logarithm to the base ten of the ratio of the sound pressure being measured to a reference sound pressure of twenty microneutons per square meter. Abbreviated "dB".

Director. The Director of the Department of Public Health or his duly authorized agent.

Emergency signal device. Any gong, siren whistle or siren or any air horn or any similar device the use of which on authorized emergency vehicles is permitted, or civil defense sirens which are mounted on poles, buildings, towers or other supports.

Emergency work. Work made necessary to restore property to a safe and working condition following a public calamity, or work required to protect persons or property from imminent danger.

Engineer. The Noise Pollution Engineer designated or appointed by the director.

Exhaust system. A system which removes and transports air or gas from a device.

Farm tractor. Every motor vehicle designed and used as a farm, agricultural or horticultural implement for drawing plows, mowing machines and other farm, agricultural or horticultural machinery and implements including self-propelled mowers designed and used for mowing lawns.

Hertz. A unit of measurement of frequency numerically equal to cycles per second.

Impulsive noise. A short burst of acoustical energy such as but not limited to that produced by weapon fire, punch press or drop hammer. A pressure time history of a single impulse includes a rapid rise to a maximum peak pressure followed by a somewhat slower decay, both occurring within one second.

Industrial use area. The area within 200 feet of all boundaries of any property producing noise or, where such property is a railroad, the area within 200 feet perpendicular to the centerline of the railroad track at the source of the noise, when the predominant use of properties in that area is for industrial purposes.

Internal combustion engine. A device for the production of energy by means of combustion under pressure.

Microbar. Unit of pressure commonly used in acoustics and equal to one dyne per square centimeter or 0.1 Newtons per square meter.

Motorcycle. Every motor vehicle designed to travel on not more than three wheels in contact with the ground and any four-wheeled vehicle weighing less than five hundred pounds and equipped with an engine of less than six horsepower, except any such vehicle as may be included within the term "farm tractor" as herein defined.

Motor vehicle. Every device in, upon or by which any person or property is or may be transported or drawn upon a highway which is self-propelled or designed for self-propulsion, except devices used exclusively upon stationary rails or tracks.

Motorized construction device. Any construction device which is a motor vehicle.

Muffler. An apparatus generally consisting of but not limited to a series of chambers or baffles for the purpose of transmitting gasses while reducing sound levels.

Newton. A unit of pressure. The force required to accelerate one kilogram of mass at one meter per second squared.

Noise. A steady-state or impulsive sound or sounds occurring on either a continuous or intermittent basis or any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

Noise level. See sound pressure level.

Octave. An octave is the interval between two sounds having a basic frequency ratio of two.

Octave band. A sound that has an upper frequency numerically exactly twice that of its lower frequency.

Owner. Owner shall have no connotations other than that customarily assigned to the term "person", but shall include bodies politic and corporate, associations, partnerships, personal representatives, trustees and committees, as well as individuals.

Person. Any individual, corporation, cooperative, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state or any legal successor, representative, agent or agency of the foregoing.

Power equipment. Any mobile motorized device other than aircraft, construction devices, emergency signal devices, locomotives, motor vehicles, motorcycles and motorbicycles, motorized construction devices, and warning devices, including but not limited to lawn mowers, lawn and garden tools, riding tractors and power saws.

Property. For the purpose of this Chapter any area owned or leased by the same person or persons, whichever is the smallest in area.

Railroad. All the rights-of-way of any common carrier operating a railroad, whether owned or operated under a contract, agreement or lease.

Rail rapid transit system. A railroad used exclusively for local service in the transportation of passengers as a common carrier for hire together with the appurtenances, facilities and equipment thereof.

Residential use area. The area within 200 feet of all boundaries of any property producing noise or, where such property is a railroad, the area within 200 feet perpendicular to the centerline of the railroad tract at the source of the noise, when the predominant use of properties in that area is for residential purposes.

Slow meter response. The dynamic response of a sound level meter, as specified under the most recent specification of the American National Standards Institute, Inc. New York, New York for sound level meters.

Sound. An oscillation in pressure, stress, particle displacement, particle velocity, etc., in a medium with internal forces (e.g., elastic, viscous), or the superposition of such propagated oscillation which evokes an auditory sensation.

Sound level. The weighted sound pressure level obtained by use of a sound level meter having a standard frequency-filter for attenuating part of the sound spectrum.

Sound level meter. An instrument comprising a microphone, amplifier, and output meter, and frequency-weighting networks, that is used for the measurement of sound levels in a specified manner.

Sound pressure. A measure of sound power, usually given in dynes per square centimeter.

Sound pressure level (in decibels). Twenty times the logarithm to the base of ten of the ratio of the pressure of the sound being measured to a reference sound pressure of twenty micronewtons/m² or 0.0002 microbars.

Sound reproduction device. A device intended primarily for the production or reproduction of sound including, but not limited to any musical instrument, radio receiver, television receiver, tape recorder, phonograph or sound amplifying system.

Sound signal device. A device designed to produce a sound signal when operated, including but not limited to any klaxon, air horn, whistle, bell, gong, siren, but not an emergency signal device.

Warning device. Sound emitting devices used to alert and warn people.

Sec. 22A-3. Tests for unlawful noise.

The standards which shall be considered in determining whether a violation of this chapter exists may include, but shall not be limited to the following:

- (1) Volume of noise.
- (2) Intensity of noise.
- (3) Whether the nature of the noise is usual or unusual.
- (4) Whether the origin of the noise is natural or unnatural.
- (5) Proximity of noise to residential sleeping facilities.
- (6) Nature and zoning of the area within which the noise emanates.
- (7) Density of inhabitation of the area within which the noise emanates.
- (8) Time of day or night the noise occurs.
- (9) Duration of the noise.
- (10) Whether the noise is recurrent, intermittent or constant.
- (11) Whether the noise is produced by a commercial or non-commercial activity.

Sec. 22A-4. Noises Prohibited.

A. 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 which unreasonably annoys, disturbs, injures or endangers the comfort, health, safety, welfare, or environment of others, within the limits of the city.

B. The following acts, among others, are declared to be unlawful, but said enumeration shall not be deemed to be exclusive, namely:

(1) Horns, signaling devices, etc. The sounding of any horn or sound signaling device on any automobile, motorcycle, street car or other vehicle on any street or public place of the city, except as a danger warning or except as provided in subsection 22A-6B of this section; the creation by means of any such sound signal device of any unreasonably loud or harsh sound; and the sounding of any such device for any unnecessary and unreasonable period of time. The use of any sound signalling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such sound signaling device when traffic is for any reason held up.

(2) Radios, phonographs, etc. The using or operating of any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound, or permitting the same to be played, used or operated in such manner as to disturb unreasonably the comfort, health, peace, safety, or welfare and environment of the neighboring inhabitants. The operation of any such set, instrument, phonograph, machine or device between the hours of eleven (11) PM and seven (7) AM in such manner as to be plainly audible across property boundaries 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, except such operation by a public service company or the city to restore and maintain services provided by it.

(3) Loud speakers, amplifiers for advertising. The using or operating of any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound, or permitting the same to be played, used or operated upon the public streets for the purpose of commercial advertising or attracting the attention of the public or any building, structure, or commercial event.

(4) Noise in public places. The making by any person of unreasonably loud or unnecessary noise, including but not limited to that made by the human voice in public places, particularly between the hours of eleven (11) PM and seven (7) AM, so as to annoy or disturb unreasonably the comfort health, welfare, and environment, peace or safety of persons in any office, or in any dwelling, hotel or other type of residence, or of any person in the vicinity.

(5) Animals, birds, etc. The keeping of any animal or bird which by causing frequent or long-continued noise disturbs the health, comfort, safety, welfare or peace and environment of any person in the vicinity.

(6) Steam whistles. The blowing of any locomotive steam whistle or steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city authorities.

(7) Exhausts. The discharge into the 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.

(8) Defect in vehicle or load. The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling, backfiring or other such noise.

(9) Loading, unloading, opening boxes. The creation of an unreasonably loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers, except as provided by section 22A-7 of this chapter.

(10) Construction or repairing of buildings, streets, walks, railways, sewers, utility lines, etc. The erection (including excavation), demolition, alteration or repair, and any and all activity necessary or incidental thereto, of any building, except a dwelling house when such

activity is being conducted by an owner or occupant or agent thereof and not for profit, any street, walk, railway, sewer, utility line or other construction other than between the hours of seven (7) AM and six (6) PM Monday through Saturday in residential or commercial use areas, except in case of urgent necessity in the interest of public health and safety or to restore and maintain public service and then only with a permit from the city manager, which permit may be granted for a period not to exceed six (6) days while the necessity continues and which permit may be renewed for periods of six (6) days while the necessity continues. If the city manager should determine that the public health and safety will not be impaired by any such erection, demolition, alteration or repair within the hours of six (6) PM and seven (7) AM and if he shall further determine that failure to permit such erection, demolition, alteration or repair during such hours would result in loss or inconvenience to any party in interest, he may after consultation with the director grant permission for such work to be done within the hours of six (6) PM and seven (7) AM, upon application being made at the time the permit for the work is awarded or during the progress of the work.

(11) Schools, courts, churches, hospitals, nursing homes. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital or nursing home, while unreasonably interferes with the working of such institution or which disturbs or unduly annoys patients in the hospital or nursing home, provided conspicuous signs are displayed in such streets indicating that the same is a school, court, church, hospital or nursing home.

(12) Hawkers, peddlers. The shouting and crying of peddlers, hawkers and vendors which disturb the peace and quiet of the neighborhood.

(13) Model Aircraft. The using, running, operating or flying or the permitting to be used, run, operated or flown of any model aircraft or similar contrivance now known or hereinafter invented, used or designed for flight in the air, in such a manner that there is produced loud, harsh, intense or continuous noise which disturbs the peace, quiet, comfort or repose of any person, except in areas and at times designated by the director of recreation who is hereby authorized to designate areas and times where and when such model aircraft may be run or flown without annoyance to the persons in the vicinity.

(14) Metal rails, pillars and columns, transportation thereof. The transportation of rails, pillars or columns of iron, steel or other materials, over and along streets and other public places upon carts, drays, cars, trucks or in any other manner so loaded as to cause unreasonably loud noises or as unreasonably to disturb the peace and quiet of such streets or other public places.

(15) Pile drivers, hammers, etc. The operation between the hours of six (6) PM and seven (7) AM of any pile driver, power shovel, pneumatic hammer, derrick, steam or electric hoist, or other appliance the use of which is attended by loud or unusual noise unless adjudged in the public interest and as provided by section 22A-7 of this chapter. The operation between the hours of six (6) PM and seven (7) AM, and on the days designated in section 22A-5A(5)(a) of this Chapter, of power equipment the use of which is attended by loud or unusual noise unless adjudged in the public interest and as provided by section 22A-7 of this chapter.

(16) Sound signal devices. No person shall operate or use or cause to be operated or used any sound signal device attached to a motor vehicle, wagon or manually propelled cart from which food or any other items are sold which emits a sound signal more frequently than once every two (2) minutes in any one city block and with a duration of more than ten seconds for any single emission.

sec. 22A-5. Noises prohibited - decibel provisions.

A. Classification of use areas - residential, commercial, and industrial.

(1) Except as otherwise provided by this Chapter, on or after July 1, 1977, it shall be unlawful to project a sound or noise beyond the boundaries of the property from which such noise emanates which exceeds any of the limiting noise spectra set forth in Tables I and II of this subsection which are applicable to that property.

(2) The measurement of sound or noise pursuant to this subsection shall be as follows:

(a) The measurement of sound or noise shall be made with sound level meters Type 1 or Type 2 and meeting the standards prescribed by the American National Standards Institute, Inc., New York, New York. The instruments shall be maintained in calibration and good working order. Octave band corrections may be employed in meeting the response specification. A calibration shall be made of the system at the time of any noise measurement. Measurements recorded shall be taken so as to provide a proper representation of the noise source. The microphone during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used when required. Other than for instantaneous sound levels or for stated lengths of time, such as 8-hour or 24-hour averages, a minimum of five (5) sound level readings one (1) minute apart will be taken. The geometric mean of these readings will be used as the average sound level.

(b) The slow meter response of the sound level meter shall be used to determine that the average amplitude has not exceeded the dB(A) readings or the limiting noise spectra set forth in Table I below.

(c) Unless otherwise specified the measurement shall be made at the boundary of the property on which such noise is generated, or perceived, as appropriate, approximately five (5) feet above ground.

(d) Compliance with the noise limits is to be maintained at any elevation at the boundary.

(3) Except as provided in subsections (4) and (5) of this section, the limits hereinabove referred to shall be in accordance with the following table:

TABLE I - MAXIMUM SOUND PRESSURE LEVELS

USE AREAS	MAXIMUM dB(A)	OCTAVE BAND LIMIT	
		CENTER FREQUENCY HERTZ - (HZ)	dB
RESIDENTIAL	55	31.5	70
		63	69
		125	64
		250	59
		500	53
		1,000	47
		2,000	42
		4,000	38
		8,000	35
COMMERCIAL	60	31.5	75
		63	74
		125	69
		250	64
		500	58
		1,000	52
		2,000	47
		4,000	43
		8,000	40
INDUSTRIAL	70	31.5	85
		63	84
		125	79
		250	74
		500	68
		1,000	62
		2,000	57
		4,000	53
		8,000	50

(4) If the noise is not smooth and continuous, one of the corrections in Table II below shall be added to or subtracted from each of the decibel levels given in Table I of subsection (3) of this section.

TABLE II - TYPE OF OPERATION IN CHARACTER
OF NOISE
(Correction in Decibels)

Noise source operated less than 20% of any one-hour period;
plus 5dB.
Noise source operated less than 5% of any one-hour period;
plus 10dB.
Noise source operated less than 1% of any one-hour period;
plus 15dB.
Noise of impulsive character (hammering, etc.); minus
5dB.
Noise of periodic character (hum, screech, etc.); minus
5dB.

(5) (a) If the noise occurs between the hours of 11 PM and 7 AM on Monday through Saturday or at anytime on Sunday or the following holidays - New Year's Day (the first day of January), Memorial Day (the last Monday in May), Independence Day (the 4th day of July), Labor Day (the first Monday in September), Thanksgiving Day (the fourth Thursday in November), and Christmas Day (the 25th day of December) - then three (3) decibels shall be subtracted from each of the decibel levels given in Table I of subsection (3) of this section.

(b) The provisions of Sec. 22A-5A(5) (a) of this Chapter shall not be applicable to any noise which is emitted without interruption for twenty-four (24) hours every day for at least seven (7) consecutive days, when such noise varies in intensity by less than three (3) decibels in a twenty-four (24) hour period, provided that a permit for the emission of such noise has been issued by the city manager. Any such permit shall be issued pursuant to Sec. 22A-7 of this Chapter. Any permit issued by the city manager pursuant to this section shall be valid until such time as the city manager, after giving notice in writing to the applicants for such permit at least thirty (30) days in advance, shall modify or revoke the permit.

B. Power equipment. It shall be unlawful to operate in the city any power equipment which creates a noise or sound that exceeds the noise level limits set out in Table III below:

TABLE III - LIMITING NOISE LEVELS FOR POWER EQUIPMENT

75dB (A) measured at the boundary of property on which noise source is located - (Maximum allowable limit)

Measurement of noise shall be made as stated in subsection 22A-5 A(2) and corrections in decibels as allowed in Table II and subsection 22A-5A(5).

C. Motorized vehicles and equipment. It shall be unlawful to operate a motor vehicle within the city which creates a noise or sound which exceeds the noise level limits set out in Table IV below. The measurement of sound or noise shall be made with sound level meters Type 1 or Type 2 meeting the standards prescribed by the American National Standards Institute, Inc.

New Yor, New York. A calibration shall be made of the sound level meter at the time of any noise measurement. The slow meter response of the sound level meter shall be used. Measurement shall be approximately five (5) feet above ground and a wind screen for the microphone shall be used when required.

TABLE IV - LIMITING NOISE LEVELS FOR MOTOR VEHICLES

- (a) Interstate Motor Carrier:
(Reserved for future use)
 - (b) Medium and Heavy Duty Trucks:
(Reserved for future use)
 - (c) Trucks:
(Reserved for future use)
 - (d) Passenger Cars:
(Reserved for future use)
 - (e) Motorcycles, and Motor-bicycles:
(Reserved for future use)
 - (f) Motorized Construction Device:
90dB(A) measured at 50 feet - Maximum allowable limit for equipment purchased prior to July 1, 1977.

85dB(A) measured at 50 feet - Maximum allowable limit for equipment purchased after July 1, 1977.
- D. Enclosed places of entertainment. (Reserved for future use).
- E. Noises - Aircraft. (Reserved for future use).
- F. Noises - Rail Rapid Transit Systems.

(1) It shall be unlawful to operate or permit to be operated a rail rapid transit system, including but not limited to its rolling stock, track and track beds, passenger stations, tunnels, elevated structures, yards, depots and garages in violation of any of the provisions of this subsection.

(2) It shall be unlawful to operate or permit to be operated in the city a rail rapid transit system train which emits maximum transient noise levels in excess of those set forth in Table V below. The measurement of sound or noise shall be made with sound level meters. Type 1 or Type 2 meeting the standards prescribed by the American National Standards Institute, Inc., New York, New York. A calibration shall be made of the sound level meter at the time of any noise measurement. The slow meter response of the sound level meter shall be used. Measurement shall be approximately five (5) feet above ground and a wind screen for the microphone shall be used when required.

TABLE V
LIMITING NOISE LEVELS *
(Above Ground Trains)

(a) Residential	75dB (A)
(b) Commercial	80dB (A)
(c) Industrial	90dB (A)

*At a point 100 feet from track centerline, or the nearest non-industrial property line, whichever is the greater distance from the track centerline.

G. Noises - Railroads. (Reserved for future use).

Sec. 22A-6. Exemptions.

The following uses and activities shall be exempt from the provisions of this Chapter:

A. Noises of safety signals, warning devices, and emergency pressure relief valves.

B. Noises resulting from any authorized police, fire or emergency vehicle, when responding to an emergency call or acting in time of emergency.

C. Noises resulting from emergency work as defined in Sec. 22A-2.

D. Any other noise resulting from activities of a temporary duration permitted by law and for which a license or permit therefore has been granted by the city in accordance with Sec. 22A-7.

E. Any aircraft operated in conformity with, or pursuant to federal law, federal air regulations, and air traffic control instruction used pursuant to and within the duly adopted federal air regulations. Any aircraft operating under technical difficulties, in any kind of distress, under emergency orders of air traffic control or being operated pursuant to and subsequent to the declaration of an emergency under federal air regulations.

F. Any railroad operated in conformity with, or pursuant to federal law or regulations.

G. Work necessary to restore and maintain services provided by public service companies, the rail rapid transit system and the City.

Sec. 22A-7. Application for special permit.

A. Applications for a permit for relief on the basis of undue hardship from a noise level or time limits designated in this chapter may be made to the city manager or his duly authorized representative. Any permit granted by the city manager hereunder shall contain all conditions upon which said permit has been granted and shall specify a reasonable time that the permit shall be effective. The city manager, or his duly authorized representative, shall grant the relief as applied for if he finds:

(1) That additional time is necessary for the applicant to alter or modify his activity or operation to comply with this ordinance; or

(2) The activity, operation or noise source will be of temporary duration, or cannot be done in a manner that would comply with other subsections of this section; and that no other reasonable alternative is available to the applicant; and

B. The city manager, or his duly authorized representative, may prescribe any conditions or requirements he deems necessary to minimize adverse effects upon the community or the surrounding neighborhood.

C. Any permit issued pursuant to this section shall be valid no longer than three years from the date it is issued. Upon the expiration of any such permit no new permit may be issued except in compliance with all the provisions of this section.

Sec. 22A-8. Administration.

A. The director shall be charged with administering and enforcing the provisions of this chapter.

B. The city manager shall, upon the request of the director, allocate such resources of the police department as the city manager shall deem necessary to assist the director in the administration and enforcement of the provisions of this Chapter.

C. The engineer and the director shall whenever possible coordinate their activities to the end that noise pollution in the city is regulated, prevented, abated and controlled.

D. In addition to any other powers invested in him, the director may, subject to the availability of funds:

(1) Conduct studies, investigations and research relating to noise pollution and its prevention, abatement and control;

(2) Issue such orders as may be necessary to effectuate the purposes of this chapter and enforce the same by all appropriate administrative and judicial proceedings;

(3) Hold hearings relating to any aspect of or matter in the administration of this chapter;

(4) Secure necessary scientific, technical, administrative and operational services, including laboratory facilities, by contract or otherwise;

(5) Prepare and develop a comprehensive plan or plans for the prevention, abatement and control of noise pollution.

(6) Advise, consult and cooperate with other local governmental units, agencies of the state, industries, interstate or interlocal agencies and the federal government, and with interested persons and groups.

(7) Review those matters having a bearing upon noise pollution referred by other agencies (such as planning, zoning, building and fire departments) and make reports, including recommendations, to the referring agencies with respect thereto;

(8) Collect and disseminate information and conduct educational and training programs relating to noise pollution.

(9) Encourage voluntary cooperation by persons or affected groups to achieve the purposes of this chapter.

(10) Do any and all acts which may be necessary for the successful prosecution of the policy of this chapter and such other acts as may be specifically enumerated herein.

(11) Prepare annually a report to the city council on progress in implementation and enforcement of the provisions of the noise control code and make recommendations to the council of any changes in the noise control code he deems desirable.

(12) May coordinate the noise control activities of all agencies and departments of the city government and advise, consult, cooperate and coordinate noise control activities with other local governmental units, state agencies, interstate and interlocal agencies, the Federal government, and with interested persons and groups with respect to the provisions of this Chapter.

(13) May make recommendations to the city council for changes to this Chapter to make it consistent with all preemptive state and federal legislation.

E. The city manager shall submit to the city council recommended noise design limits to be incorporated in city planning and zoning and the design and construction of buildings, streets and highways and in the routing and rerouting of motor vehicle and pedestrian traffic.

Sec. 22A-9. Inspections.

Any duly authorized officer, employee, or representative of the engineer or the director may, when granted permission by the owner, or some person with reasonably apparent authority to act for the owner, enter and inspect any property, premises or place at any reasonable time for the purpose of investigating or testing either an actual or suspected source of noise pollution, or of ascertaining the state of compliance with the chapter and regulations enforced pursuant thereto.

Sec. 22A-10. Enforcement Procedure.

A. Whenever the director has reason to believe that a violation of any provision of this chapter, or a rule or regulation issued pursuant thereto, has occurred, he may give notice of such violation to the owner failing to comply with this chapter, ordering him to take such corrective measures as are necessary within a reasonable time thereafter.

B. Such notice and order shall be in writing and shall be served personally upon the person to whom directed, or if he be not found, by mailing a copy thereof by certified mail to his usual place of abode and conspicuously posting a copy at the premises affected by notice and order, if any.

C. Nothing in this chapter shall prevent the director from making efforts to obtain voluntary compliance through warning, conference or any other appropriate means.

Sec. 22A-11. Appeals.

The order of the director shall in all cases be final, except that any appellant or party directly aggrieved by an order of the director may, provided he does so within thirty days after the rendering of such decision, appeal the decision to a court of competent jurisdiction, and any hearing on appeal shall be de novo. The court may accordingly affirm, reverse or modify the order of the director. Any such appeal properly noted shall act to stay the order of the director being appealed until the appeal shall have been decided upon by the court.

Sec. 22A-12. Emergency procedure.

Notwithstanding the provisions of this chapter or any other provision of law, if the director finds that any owner is causing or contributing to noise pollution and that such causing or contributing to noise pollution creates an emergency which requires immediate action to protect the public health or safety, the director shall order such owner to reduce or discontinue immediately the causing or contributing to noise pollution and such order shall be complied with immediately. Such order shall be deemed properly served if a copy thereof is delivered personally, or if the owner involved be not found, by mailing a copy thereof by certified mail to the owner involved at the premises involved or his business or residence address, if known, and by posting a copy thereof in a conspicuous place in or about the premises affected.

Sec. 22A-13. Penalties.

Any owner violating any provision of this chapter or failing, neglecting or refusing to comply with an order of the director shall upon conviction thereof be punished by a fine of not more than five hundred dollars (\$500.00) for each violation and each day of continued violation after conviction shall constitute a separate offense.

Sec. 22A-14. Additional remedy - injunction.

The operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision hereof and which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the health, comfort, safety, welfare and environment of residents in the area shall be deemed, and is declared to be, a public nuisance and may be subject to abatement by a restraining order or injunction issued by a court of competent jurisdiction.

Sec. 22A-15. Confidentiality of records.

Any records or other information which relate to processes or production unique to the owner or operator or which would tend to affect adversely the competitive position of such owner or operator shall be only for the confidential use of the director, the engineer and other departments, agencies and officers of the city, and appropriate federal and Commonwealth of Virginia noise pollution control officials, unless such owner or operator shall expressly agree to their publication or availability to the general public. Nothing herein shall be construed to prevent the use of such records or information by any department, agency or

officer of the city in compiling or publishing analyses or summaries relating to the general condition of the outside area; provided that such analyses or summaries do not reveal any information otherwise confidential under this section.

Sec. 16. Application of chapter.

Nothing contained in this chapter shall be construed to supplant or take the place of other provisions of the Code of the City of Alexandria, Virginia, 1963, as amended, or any other applicable provisions of law.

Section 2. That the title of and an informal memorandum explaining this ordinance shall be published in a newspaper of general circulation published in the city not later than five days following its introduction together with a notice containing the time and place for a public hearing. The city clerk shall have the full text of this ordinance printed in sufficient numbers to supply copies to meet request. The city clerk shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

CHARLES E. BEATLEY, JR.
Mayor

FINAL PASSAGE: FEBRUARY 24, 1976