***Noise Ordinance – Revised 04/15/2016- See Highlighted Change***

This is the proposed modification of Clarksville Town Ordinance 130.08 “Noise: Unnecessary Noise Generally.”

Retitled to Town Ordinance 130.08 “Noise; Loud Noise Prohibited.”

It shall be unlawful for any person within the Town:

1. To use, 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, fire, or burglary, signals identifying the beginning or stopping of work or school, or unless it is operated in accordance with conditions of zoning or other applicable law.
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 or other security devices. Motor vehicle exhaust systems are covered under Virginia state code 46.2-1047, 46.2-1048, 46.2-1049, 46.2-1050.
3. To allow any animal or bird to create noise such 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. *This provision shall not apply to noise related to dogs which is covered in section 90.17 of the Town Code.*
4. To create plainly audible noise in residential areas between 10:00 p.m. and 5:00 a.m. in connection with the loading or unloading of refuse waste or recycling collection vehicles.
5. To create plainly audible noise in residential areas between 10:00 p.m. and 7:00 a.m. in connection with lawn care leaf removal, gardening, tree maintenance or removal and other landscaping, lawn or timbering activities.
6. 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.
7. 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.
8. Violations of this section shall constitute a misdemeanor punishable by a fine of not less than $100 nor more than $500.
9. Each day of violation of this section shall be a separate offense.