

**AN ORDINANCE TO AMEND, REENACT AND RECODIFY CHAPTER 15 OF THE ARLINGTON
COUNTY CODE, RELATING TO NOISE CONTROL**

February 19, 2014 Draft

BE IT ORDAINED by the County Board of Arlington County, Virginia, that:

- (1) *Chapter 15 of the Arlington County Code is amended, reenacted, and recodified as follows:*

**Chapter 15
NOISE CONTROL**

§ 15-1.	Short Title.
§ 15-2.	<u>Findings, Authorization and Declaration of Policy.</u>
§ 15-3.	Definitions.
§ 15-4.	Duties and Powers of the County Manager.
§ 15-5.	[Reserved.]
§ 15-65.	Maximum Noise Levels.
§ 15-76.	Prohibited Acts.
§ 15-87.	Noise-Suppression Devices.
§ 15-98.	Inspections.
§ 15-9.	<u>Criminal Penalties.</u>
§ 15-10.	<u>Enforcement, Civil Penalties; Appeals Therefrom.</u>
§ 15-11.	Emergency Procedures.
§ 15-12.	<u>Exemptions Issued by the County Manager.</u>
§ 15-13.	Penalties.
§ 15-1413.	Severability.
§ 15-1514.	Conflict of Ordinance.
§ 15-1615.	Exemption for County Activities.

§ 15-1. Short Title.

This chapter shall be known and may be cited as the “Noise Control Ordinance of Arlington County, Virginia.”

[1-1-75; 8-14-76]

§ 15-2. Findings, Authorization and Declaration of Policy.

The County Board of Arlington County hereby finds and declares that at certain levels noise can be detrimental to the public’s health, safety, welfare and quality of life and, therefore, it is in the public’s interest that noise be restricted. For these reasons, there is hereby established in the Arlington County of Arlington, Virginia, a noise control program, this Noise Control Ordinance of Arlington County for the purpose of promoting the public’s health, safety and welfare, and to foster the comfort of its inhabitants the public. To the maximum extent possible, such noise control program shall be conducted in coordination with any similar programs of other local jurisdictions, the Council of Governments (COG), and of the state and federal governments. Any noise disturbance is a nuisance, and all powers of the County regarding the abatement of nuisances shall apply to noise disturbances.

[1-1-75; 8-14-76; 8-25-81; Ord. No. 13-___, XX-XX-13]

§ 15-3. Definitions.

For the purpose of this chapter, the words used in the present tense include the future; words in the singular number include the plural number and vice versa; the word “shall” is mandatory and not directory; and the following phrases and terms shall have the following meanings unless the context clearly indicates otherwise:

~~“Acoustical terminology” is as defined in ANSI S1.1 “Acoustical Terminology” (1971).~~

“ANSI” means the American National Standards Institute or its successor bodies.

~~“Ambient noise” means the all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources near and far.~~

“Continuous noise” means a noise whose intensity remains essentially constant during the period of observation. Continuous noise for measurement purposes shall be defined as noise which is measured by the slow response setting of a sound-level meter.

“County Board” means the County Board of Arlington County, Virginia.

“County Manager” means the County Manager of Arlington County, Virginia, or any of his designee or her duly-authorized deputies or agents.

“Daytime” means the local time of day between the hours of 7:00 a.m. and 9:00 p.m. on weekdays and ~~from between the hours of 10:00 a.m. to and 9:00 p.m. on a~~ Saturdays, Sundays and, legal holidays and any day immediately preceding a legal holiday.

“Decibel (dB)” means the unit of sound magnitude equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the sound pressure being measured to a reference sound pressure, twenty (20) micronewtons per square meter (20 micropascals).

“Decibel-A-weighted (dBA)” means the sound level, in decibels, measured with a sound-level meter using the A-weighting network or scale as specified in ANSI S1.4-~~1974~~1983 specification for sound-level meters.

“Impulsive noise” means noise characterized by brief excursionsbursts (usually less than one (1) second in duration) of sound pressure which significantly exceed the sound pressure of the ambient environment-sound pressure.

“Legal holiday” shall mean any of the days designated as legal holidays on the Official Web Site of Arlington County <http://www.arlingtonva.us/portals/topics/HolidaySchedule.aspx> in § 2.2-3300 of the Code of Virginia, 1950, as amended.

“Motorcycle” shall have the meaning set forth in § 46.2-100 of the Code of Virginia, 1950, as amended, except that for the purposes of this chapter the definition shall include~~mean~~ unenclosed motor vehicle having two (2) or three (3) wheels, and includes, but is not limited to, motor scooters and, minibikes and mopeds.

“Motor vehicle” shall have the meaning set forth in § 46.2-100 of the Code of Virginia, 1950, as amended.

“Multi-unit structure” means a structure containing three (3) or more separate units, whether residential, commercial, or mixed-use.

“Nighttime” means those times of day ~~excluded from~~ not included in the definition of “~~4~~Daytime”.

“Noise” means the intensity, frequency, duration ~~and/or~~ character of ~~undesired~~ sounds from a single source or ~~number of multiple~~ sources.

“Noise disturbance” means any sound which:

- (a) ~~Endangers or injures the safety or health of humans or, animals, or property; or~~
- (b) ~~Annoys or disturbs a reasonable person of normal sensitivities; or~~
- (c) ~~Exceeds the applicable maximum permissible noise levels as they appear set forth in Tables I and II of § 15-5 of this chapter.~~

“Stationary source” means any equipment or activity capable of generating noise, operating or occurring on any parcel of property or public space.

“Zoning district ~~classification or districts~~” means the ~~scheme~~ classifications contained described in Section § 2B2.B. of the Arlington County, Virginia, Zoning Ordinance as contained in the appendix of the Arlington County Code, or similar classifications contained in zoning districts in adjoining jurisdictions.

[1-1-75; 8-14-76; 8-25-81; Ord. No. 13-____, XX-XX-13]

§ 15-4. Duties and Powers of the County Manager.

A. ~~The administration and enforcement of this chapter shall be the duty of the County Manager, who is hereby authorized to take such actions, including the promulgation of rules and regulations necessary to enforce the provisions of this chapter.~~

B. ~~In addition to any other powers vested in him by law, the County Manager shall:~~

1. ~~Conduct studies, investigations and research relating to noise 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.~~
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 or groups.~~
7. ~~Review those matters having a bearing upon excessive noise referred by public agencies.~~
8. ~~Collect and disseminate information and conduct educational and training programs relating to excessive noise, its effects and its control.~~
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 intent of this chapter and such other acts as may be specifically enumerated herein.~~

11. ~~Allocate police department resources, as shall be required to assist his duly authorized agent upon request by same, in the enforcement of this chapter.~~

[1-1-75; 8-14-76; Ord. No. 13-____, XX-XX-13]

~~§ 15-5. Reserved.~~

~~§ 15-65. Maximum Noise Levels.~~

A. ~~Noise sources other than motor vehicles.~~ Noise levels from stationary sources other than motor vehicles, ~~and mobile sources while stationary unless exempt pursuant to §§ 15-5.F. or 15-15,~~ shall not exceed ~~those~~ the noise limits ~~presented~~ set forth in Table I below for each of the zoning districts ~~listed there~~ indicated during the time of day indicated. The maximum permissible noise level shall be that associated with the zoning district classification of the ~~receiving property that receives the noise, except for vehicles on public or private streets.~~

B. ~~Small power equipment.~~ Motor vehicle noise sources. Motor vehicle noise sources are subject to the noise limits set forth in Table II below.

1. ~~Any small power equipment which exceeds the permissible noise levels established in § 15-6.A may only be operated during the daytime.~~
2. ~~Noise measurements made to determine compliance with §§ 15-6.A and 15-6.B.1 shall be made not less than four (4) feet above the ground and not closer to the noise source than the boundary of the property on which the noise source is located.~~

C. ~~Mobile sources.~~ Mobile sources are noise levels generated by moving vehicles which conform to the standards set forth in Table II.

D. ~~Measurement standards.~~

1. ~~Any~~ Noise measurements made to determine compliance with § 15-5.CA, shall be taken on a level surface at a distance of not less than fifty (50) feet from the noise from any built street at its curb or on the edge of the pavement or from any location on the property that receives the noise, unless the property that receives the noise is located in a multi-unit structure, in which case the measurements shall be made pursuant to subsection C.3. of this section.
2. Any noise measurement made to determine compliance with subsection B. of this section shall be taken at a distance of at least fifty (50) feet from the noise source.
3. Any noise measurement made to determine compliance with Table I in any structure utilized as a multi-unit structure shall be taken from a common area within or outside the structure, or from any other unit within the respective multi-unit structure when the owner or tenant of the unit from which the measurement is to be taken consents to measurement from his, her or its unit. Within such unit, the measurement shall be taken at a point at least four (4) feet from the wall, ceiling, floor, or window that is believed to be closest to the noise source, with doors to the receiving unit closed and windows in a position typical for the then-current season of the year.

E. ~~Noise sensitive zones:~~

1. ~~Whenever the protection of the public health and welfare so require, the County Manager, after a duly advertised public hearing conducted by the county board, with the~~

~~approval of the county board, may designate any geographical area of Arlington County as a noise sensitive zone. Such designation shall include a description of the subject area and the reasons for determination as a noise sensitive zone.~~

- ~~2. In noise sensitive zones, noise levels originating from stationary sources shall not exceed those presented in Table I of this chapter.~~

~~F.D.~~ *Construction noise:*

1. Any construction activities which produce noise levels which exceeds the ~~maximum permissible noise levels~~ limits established in Table I shall be permitted only during the ~~Daytime~~. This section shall not apply to emergency repairs to public utilities and infrastructure performed by the public utilities themselves or by local, state, or federal governments, or their contractors. For the purposes of this subsection, "public utility" shall have the meaning set forth in § 56-88 of the Code of Virginia, 1950, as amended.
2. All feasible procedures and measures customarily used in the industry shall be undertaken by those responsible for operating or creating any source of sound, in order to minimize noise generated by construction activities. In no ~~instance~~ event shall noise levels originating from construction sites exceed ninety (90) dBA. Measurements of construction-related noise are to be taken in accordance with the procedures established in § 15-65.BC.2.

~~G.E.~~ *Special events.* Short-term or seasonal activities which have been reviewed and permitted through the Arlington County government's special-event review process ~~sponsored by a County agency or any organization, which have been reviewed and approved through the special event review process~~ may not exceed ninety (90) dBA for the duration of the event and associated clean-up. In the event of a discrepancy between 90 dBA and the applicable Daytime maximum noise set forth in Tables I and II, the 90-dBA limit shall control. Such events and their associated clean-up may not exceed the applicable noise set forth in Tables I and II if they extend beyond later than 9:00 p.m. on Sunday through Thursday, and later than 10:00 p.m. on a Fridays, Saturdays and legal holidays or day immediately preceding a legal holiday.

F. Exemptions. In addition to the exemptions procedure set forth in § 15-12, the following activities or sources of noise shall be exempt from the prohibitions set forth in this § 15-5, Tables I and II of this section, and § 15-6:

1. Athletic contests and other activities officially sponsored, authorized, or otherwise sanctioned by the Arlington County Department of Parks and Recreation;
2. Church bells or carillons;
3. Religious or political gatherings and other activities protected by the First Amendment to the Constitution of the United States of America;
4. Activities for which the regulation of noise has been preempted by Virginia or federal law;
5. Audible signal devices which are employed as warning or alarm signals in case of fire, emergency, collision, theft, or burglary, or imminent danger, and the testing of such signals, or noise that is emitted in conjunction with a duly-authorized parade; and
6. Electricity-generating systems used to provide emergency backup electric power.

TABLE I
MAXIMUM PERMISSIBLE NOISE LEVELS FROM STATIONARY SOURCES
ALL SOURCES
OTHER THAN MOTOR VEHICLES

<u>Zoning District</u>	<u>Time of Day</u>	<u>Continuous Noise (dBA)</u>	<u>Impulsive Noise (dB)</u>	<u>'Continuous' Center-Octave Band-Center Frequency (Hz)</u>	<u>Octave Band-Center dBA component</u>
CM , M-1 & M-2 P-S	All	70	120	31.5	85
				63	84
				125	79
				250	74
				500	68
				1,000	62
				2,000	57
				4,000	53
				8,000	50
C-1, C-2, C-3 C-1-O, C-1-R, C-TH C-O-1.0, C-O-1.5, C-O-2.5, C-O, C-O-A, C-R C-O-Rosslyn, C-O-Crystal City RA-H-3.2, RA4.8 MU-VS, & R-C	All	65	100	31.5	80
				63	79
				125	74
				250	69
				500	63
				1,000	57
				2,000	52
				4,000	48
				8,000	45
R-5, R-6, R-8, R-10, R-20, R2-7 R-15-30T, R-10T RA14-26, RA8-18 RA6-15, RA7-16 RA-H S-3A & S-D	Daytime	60	95	31.5	75
				63	74
				125	69
				250	64
				500	58
				1,000	52
				2,000	47
				4,000	43
				8,000	40
R-5, R-6, R-8 R-10, R-20, R2-7 R-15-30T, R-10T RA14-26, RA8-18 RA6-15, RA7-16 RA-H S-3A & S-D	Nighttime	55	90	31.5	70
				63	69
				125	64
				250	59
				500	53
				1,000	47
				2,000	42
				4,000	38
				8,000	35
Noise Sensitive Zones	All			8,000	35

TABLE II
MAXIMUM PERMISSIBLE NOISE LEVELS FROM MOBILE SOURCES
MOTOR VEHICLES

<u>Class of Source Vehicle</u>	<u>Up to 35 miles per hour MPH</u>	<u>Above 35 MPH miles per hour & above</u>
Motorcycle	80 dBA	84 dBA

~~Mobile sources with gross weight less than~~

<u>Total GVW < 10,000 lbs.</u>	70 dBA	79 dBA
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~~Mobile sources with gross weight more than~~

<u>Total GVW ≥ 10,000 lbs.</u>	86 dBA	90 dBA
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[1-1-75; 8-14-76; 8-25-81; Ord. No. 04-24, 9-18-04; Ord. No. 13-____, XX-XX-13]

§ 15-76. Prohibited Acts.

A. It shall be unlawful for any person, group of persons, or entity to make or continue, or cause to be made or continued, any noise disturbance as that term is defined above.

B. In addition, the following prohibited acts set forth in this § 15-6 are prohibited regardless of the zoning district classification of the property from which noise is emitted or the decibel level of that noise.

C. It shall be unlawful for any person to sound a vehicular horn or other audible signal device except as an emergency warning signal permitted pursuant to § 15-5.F.6.

~~B~~D. It shall be unlawful for any person to sell anything by outcry during the ~~n~~Nighttime. The selling by outcry of merchandise, food and beverages at licensed entertainment events is excluded from the prohibition of this subsection.

~~C~~E. It shall be unlawful for any person to use any machine or device during the Nighttime for the production or reproduction of sound which is cast upon public streets or lands for the purpose of commercial advertising or of attracting the attention of the public to any building, structure or activity during the nighttime. If such machine or device is used only intermittently for announcing or paging an individual, or signals the ringing of a telephone, danger from smoke, fire, or burglary, or the commencement or conclusion of work or school, or is permitted by § 15-5.F., it shall be exempt from the prohibition of this subsection.

DF. It shall be unlawful for any person to use, operate, or play, or to permit the use, operation or playing of, any radio, television, phonograph, record, compact disc or tape player, drum, musical instrument, loudspeaker, sound amplifier or similar device or machine which produces, reproduces or amplifies sound in such a manner as to create a noise disturbance be heard within the interior of any nearby dwelling unit, house or apartment of another person at least 20 feet from the source of the sound, or when heard at the exterior, at least 50 feet from the source of the sound and either across any real property boundary or at the curb or on the edge of the pavement at any built street.

~~E.~~ It shall be unlawful for any person or group of persons to unreasonably make, continue or cause to be made or continued any noise disturbance.

G. It shall be unlawful for any person in a group of four or more persons to engage, in any "R" zoning district during the Nighttime, in yelling, wailing, shouting, or screaming above the level of conversation such that the yelling, wailing, shouting or screaming is heard in any "R" District within the interior of any nearby dwelling unit, house or apartment of another person at least 20 feet from the source of the sound, or when heard at the exterior, at least 50 feet from the source of the sound and either across any real property boundary or at the curb or on the edge of the pavement at any built street.

~~FH.~~ It shall be unlawful for any person to collect refuse with a refuse vehicle during the ~~n~~Nighttime, subject, however, to the exemption set forth in § 15-15.

~~GI.~~ It shall be unlawful for any operator to run the propulsion engine of a commercial motor vehicle for more than ~~threeten~~ (310) minutes when the vehicle is parked, left unattended, or is stopped for other than traffic or maintenance reasons, except when the propulsion engine provides auxiliary service other than heating, or air conditioning.

~~J.~~ It shall be unlawful for any person to perform lawn or garden maintenance using motorized equipment during the Nighttime.

~~K.~~ It shall be unlawful to operate a motorized leaf-blowing device in any “R” zoning district during the Nighttime.

~~HL.~~ It shall be unlawful for any person who owns, possesses or harbors any animal or bird to permit that animal or bird to create a ~~frequent or continued noise disturbance~~ that it is audible at least once per minute for ten (10) consecutive minutes within any dwelling unit, house or apartment of another person, at any street edge, or across a real property boundary ~~or within a nearby dwelling unit.~~

~~M.~~ It shall be unlawful for the holder of any exemption issued pursuant to § 15-12 to exceed or otherwise violate the terms of that exemption.

[1-1-75; 8-14-76; 8-25-81; Ord. No. 13-____, XX-XX-13]

§ 15-87. Noise-Suppression Devices.

A. No person shall cause, suffer, allow or permit the removal, disconnection or disabling of any noise suppression system or device which has been installed on any noise source:

1. ~~In~~ accordance with federal ~~or~~ state or local laws or regulations, or
2. ~~As~~ a requirement for obtaining a permit to construct, modify ~~or~~ install or operate such noise source.

B. No person shall defeat the design purpose of any noise-suppression system or device by installing therein or thereon any part or component which does not meet the minimum design specifications for that system or device.

C. No noise source shall be operated with its noise-suppression system or device removed or otherwise rendered inoperable.

[1-1-75; 8-14-76; Ord. No. 13-____, XX-XX-13]

§ 15-98. Inspections.

A. The County Manager is hereby authorized and directed to make or cause to be made inspections (1) in response to complaints ~~regarding that an alleged violations of the provisions~~ of this chapter, so long as the County Manager or of applicable rules or regulations pursuant thereto which may exist when he has valid reason to believe that a violation of this chapter has been or is being committed, or (2) as part of a systematic survey program.

B. The County Manager ~~shall have authority may~~, with the consent of the respective owner, occupant, operator or agent, ~~to~~ enter and inspect all premises subject to the provisions of this chapter for the purpose of determining whether there is compliance with ~~its~~ this chapter's requirements.

C. If any owner, occupant, operator or agent fails to allow or refuses free access and entry to the premises, or any part thereof, where a noise source is located, ~~or any part thereof~~, and with respect to which an inspection authorized by this chapter is sought to be made, the County Manager may, upon a showing that probable cause exists for the inspection, petition and obtain process or an order or warrant from a magistrate or court of competent jurisdiction authorizing such an inspection.

~~D. All evidence which may be discovered or obtained in the course of an inspection made pursuant to this section shall not be disclosed except as may be necessary in the judgment of the County Manager or the Attorney for the Commonwealth for the proper and effective administration and enforcement of the provisions of this chapter and regulations issued pursuant thereto.~~

[1-1-75; 8-14-76; Ord. No. 13-___, XX-XX-13]

§ 15-109. ~~Enforcement~~Criminal Penalties.

A. Any violation of this chapter may be charged as a misdemeanor, and any violator may, upon conviction, be punished by a fine of not less than one hundred dollars (\$100) nor more than two thousand five hundred dollars (\$2,500), or by imprisonment in the Arlington County jail for a period of not more than thirty (30) days, or both, for each offense. Each calendar day of violation shall constitute a separate offense.

~~B. Whenever the County Manager or his agent determines that any noise source fails to meet the requirements set forth in this chapter or in applicable regulations issued pursuant thereto, he may obtain a warrant or summons for the prosecution of such violation. In addition, if the agent investigating a potential violation of this chapter is a duly-qualified law enforcement officer of Arlington County and he or she has probable cause to do so, he or she may issue a summons to, or arrest without a warrant, any person who, in the presence of the officer, violates any provision of this chapter.~~

~~C. The imposition of a criminal penalty for any violation of this chapter shall not excuse the violation or permit it to continue.~~

~~D. Nothing in this section shall be construed to abridge, limit or otherwise impair the right of any person or entity to claim, in a separate, private action, damages or other relief on account of injuries to persons or property, and to maintain any action or other appropriate proceeding therefor.~~

~~Furthermore, the County Manager or his agent may issue a notice of violation setting forth the alleged failures and advising the owner, occupant, operator or agent that such failures must be corrected. Such notice shall:~~

- ~~1. Be in writing,~~
- ~~2. Set forth the alleged violations of this chapter or of applicable regulations issued pursuant thereto,~~
- ~~3. Describe the premises where the violations are alleged to exist and/or other identifications of the noise source,~~
- ~~4. Set forth a reasonable time within which any violation alleged is required to be corrected,~~
- ~~5. Be served upon the owner, occupant or operator of the noise source, or upon the agent of any of the foregoing, by:~~
 - ~~a. Personally delivering the same to such person; or~~
 - ~~b. Mailing the same to such person by certified mail, return receipt requested, addressed to the last known place of residence of such person; or~~

c. ~~Posting the same in or about the premises described in the notice if service under § 15-10.A.5a. or b.~~

B. ~~At the end of the period of time allowed for correction of any violation alleged, the County Manager shall reinspect the noise source described in the notice.~~

C. ~~Reserved.~~

D. ~~Reserved.~~

E. ~~Reserved.~~

F. ~~Referral to Commonwealth's Attorney, injunction, etc. If the County Manager determines that the violation has not been corrected, the County Manager may:~~

1. ~~Refer the matter to the Commonwealth's Attorney for prosecution pursuant to § 15-13.A; or~~

2. ~~Apply to a court of competent jurisdiction for any and all injunctive relief as the court may deem proper to enforce the provisions of this chapter; or~~

3. ~~Extend the time for compliance for a reasonable time.~~

[1-1-75; 8-14-76; Ord. No. 13-___, XX-XX-13]

§ 15-10. Civil Penalties; Appeals Therefrom.

A. Any person who commits, permits, assists in or attempts any violation of this chapter, whether by act or omission, shall be liable for a civil violation and may, upon the issuance of a citation by the County Manager, be punished by a civil fine of not more than two hundred fifty dollars (\$250.00) for the first violation, and not more than five hundred dollars (\$500.00) for a second or other subsequent violation. Each calendar day of violation shall constitute a separate offense.

B. The issuance of a citation for a civil violation of this chapter may occur only after a notice of violation has been issued that sets forth the alleged violation or violations and advises the owner, occupant, operator or agent that such violation or violations must be corrected. Such notice of violation shall:

1. be in writing;

2. describe the alleged violation or violations;

3. name, by street address or RPC number, the premises where the violation or violations are alleged to exist;

4. state a deadline by which the violation or violations must be corrected; and

5. be delivered to the owner, occupant, operator or party responsible for the noise, or upon the agent of any of the foregoing, by:

a. hand delivery to any such person or entity;

b. mailing to such person or entity by U.S. certified mail; or

c. posting at the premises named in the notice.

C. The imposition of a civil penalty for any violation of this chapter shall not excuse the violation or permit it to continue.

D. Nothing in this chapter shall be construed to abridge, limit or otherwise impair the right of any person or entity to claim, in a separate, private action, damages or other relief on account of injuries to persons or property, and to maintain any action or other appropriate proceeding therefor.

E. If a person who was issued a civil citation pursuant to this section does not abate the violation and either admit liability or choose not to contest the citation, then a Summons shall be issued to the person by the County Manager and the civil violation shall be tried in the General District Court of Arlington County. Any party desiring to appeal that Court's decision on a civil violation of this section may appeal as provided at law for civil actions.

F. During the pendency of any appeal, the civil citation issued by the County Manager shall remain in full force and effect.

[previously § 15-13; 1-1-75; 8-14-76; Ord. No. 91-34, 9-18-91; Ord. No. 13-____, XX-XX-13]

§ 15-11. Emergency Procedures.

A. Whenever, in the judgment of the County Manager, an emergency exists which requires immediate action to protect the public health, safety or welfare, the County Manager may issue an order ~~may be issued~~, without notice, conference or hearing, directing the owner, occupant, operator or agent and/or responsible party of and/or for the noise source or premises where the noise source is located to take such action as is appropriate to correct or abate the emergency. If circumstances warrant, the County Manager may act to correct or abate the emergency.

B. The owner, occupant, operator ~~or~~ agent and/or responsible party of and/or for the noise source and/or the premises where the noise source is located shall be granted a conference on the matter upon his, her or its request, as soon as practicable, but such conference shall in no case stay the correction or abatement ~~or correction of~~ such emergency.

C. Any person aggrieved by an order of the County Manager, issued pursuant to any provision of this chapter, may appeal that order to a court of competent jurisdiction.

[1-1-75; 8-14-76; Ord. No. 13-____, XX-XX-13]

§ 15-12. Exemptions Issued by the County Manager.

A. Any person responsible for any noise source may apply to the County Manager for an exemption or partial exemption from the provisions of this chapter. The application shall be accompanied by such information and data as the County Manager may require. The County Manager may grant such exemption or partial exemption if he or she finds that:

1. The potential danger to the community is outweighed by the benefit to the public interest during the period of exemption; or
2. Compliance with the provisions of this chapter from which exemption is sought would produce serious hardship without equal or greater benefits to the public.

B. No exemption or partial exemption issued pursuant to this section shall be granted for a period ~~to exceed~~ of longer than one (1) year; but any such exemption or partial exemption may be renewed for ~~like periods a~~ period of up to one (1) additional year at a time if, after being duly considered at a hearing held by the County Manager, ~~he~~ the County Manager finds that renewal is justified ~~under~~ pursuant to the factors set forth in § 15-12.A.

No renewal shall be granted except on application therefor. Any such application shall be made at least sixty (60) days prior to the expiration of the exemption or partial exemption. Any renewal granted pursuant to this section shall be on the same grounds and subject to the same limitations and requirements as provided in § 15-12.A.

C. An exemption, partial exemption or renewal thereof shall not be a right of the applicant or holder thereof but shall be at the discretion of the County Manager. The recipient of any exemption or partial exemption shall post a copy of the exemption or partial exemption to be posted with at the source of the noise.

D. ~~Audible signal devices which are employed as warning or alarm signals in case of fire, collision or imminent danger are specifically exempt from the provisions of this chapter.~~

E.——Nothing in this section, and no exemption, partial exemption or renewal granted pursuant hereto, shall be construed to prevent or limit the application of the emergency provision and procedures of § 15-11A. of this chapter to any person or his, her or its property.

[1-1-75; 8-14-76; 8-25-81; Ord. No. 13-____, XX-XX-13]

§ 15-13. Penalties.

A.——~~All violations of this chapter shall be misdemeanors and shall, upon conviction, be punished by a fine of not less than twenty five dollars (\$25.00) nor more than two thousand five hundred dollars (\$2,500.00), or by imprisonment in the county jail for a period of not more than thirty (30) days, or both, for each offense; and each day of violation shall constitute a separate offense.~~

B.——~~The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue.~~

C.——~~Nothing in this chapter shall be construed to abridge, limit or otherwise impair the right of any person to damages or other relief on account of injuries to persons or property and to maintain any action or other appropriate proceeding therefor.~~

[1-1-75; 8-14-76; Ord. No. 91-34, 9-18-91]

§ 15-14.13. Severability.

Should any section, subsection, sentence, clause or phrase of this chapter be declared invalid or unconstitutional by a court of competent jurisdiction, such ~~decision~~declaration shall not affect the validity of the chapter in its entirety or of any part thereof other than that separately declared to be invalid.

[1-1-75; 8-14-76; Ord. No. 13-____, XX-XX-13]

§ 15-15.14. Conflict of Ordinance.

In any case where a provision of this chapter is found to be in conflict with any other provision of the Arlington County Code existing on the effective date of the applicable provision of this chapter, the provision which establishes the more stringent standard for the promotion and protection of the health and safety of the ~~people~~public shall prevail. In any case where a provision of this chapter is found to be in conflict with any other provision of the Arlington County Code existing on the effective date of a provision of this chapter which established a less stringent standard for the promotion and protection of the health and safety of the ~~people~~public, the provisions of this chapter shall be deemed to prevail; and such other provisions are hereby declared to be repealed to the extent that they may be found in conflict with this chapter.

[1-1-75; 8-14-76; Ord. No. 13-____, XX-XX-13]

§ 15-1615. Exemption for County Activities.

The provisions of this chapter shall not apply to operations at County facilities ~~as designated by the County Manager and~~ engaged in by County employees or County contractors, or to County residential refuse and leaf collection programs if such programs are operated by the County or by an entity under contract ~~to~~with the County.

[Ord. No. 06-02, 2-28-06; Ord. No. 13-____, XX-XX-13]

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