



Date of Council Meeting: February 10, 2014

**TOWN OF LEESBURG
TOWN COUNCIL MEETING**

Subject: Initiation of Amended Noise Ordinance

Staff Contact: Scott E. Parker, AICP, Assistant Town Manager

Issue: Should the Town consider amending its noise ordinance to add definable standards.

Recommendation: Town of Leesburg staff recommends that the initiation proceed.

Background: In 2009, the Town of Leesburg amended its noise ordinance in order to bring it in to line with a Virginia Supreme Court decision which invalidated the Virginia Beach noise ordinance on the grounds of enforceability and vagueness. But with the emergence of nightlife within various commercial areas of the Town, and with it some complaints about noise from various commercial establishments and residences, staff believes that the Ordinance needs updating again to better define standards.

While the Zoning Ordinance has standards to regulate noise during the day, the Police Department enforces the town's noise ordinance during the evening. Leesburg Police has determined that the current noise ordinance has done an adequate job of enforcing noise complaints in residential areas, but it is proving to be problematic in the commercial areas due to a lack of standards to enforce by.

While researching the topic, Town staff has analyzed numerous noise ordinances from a variety of jurisdictions that have passed prosecutorial standards of enforcement. The common thread in these ordinances is a definable level of decibels (a measure of air pressure and sound), monitored from a certain distance. As a result, Town staff is proposing to incorporate a decibel (dBa) standard into our ordinance. There are subtle differences in the allowable range of dBAs and time ascribed to certain noise levels across jurisdictions.

Staff will present an amended ordinance that incorporates some housekeeping items, as well as what we think are workable dBa levels and time frames for our set of circumstances. The Town Council will have the ability to discuss the nuances of such levels and enforcement as it pertains to its applicability to Council goals and vision of commercial and adjacent residential areas.

PRESENTED: February 11, 2014

RESOLUTION NO.

ADOPTED: February 11, 2014

A RESOLUTION: TO INITIATE CHANGES TO THE TOWN CODE RELATED TO THE
TOWN'S NOISE ORDINANCE

WHEREAS, excessive noise can be a detriment to the citizens of Leesburg; and

WHEREAS, the Town may update its codes and ordinances from time to time; and

WHEREAS, the Town Council amended the Town's Noise Ordinance in 2009 in order to
strengthen its viability and enforceability; and

WHEREAS, Town staff believes that the Ordinance needs to be amended and updated
again to reflect changing needs.

THEREFORE, RESOLVED by the Council of the Town of Leesburg in Virginia that
Town Staff is hereby authorized to initiate changes to the Town of Leesburg Noise Ordinance.

PASSED this 11th day of February, 2014.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council