



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** June 4, 2014

**TO:** Development Process Committee  
Supervisor Michael R. Frey, Chairman

**FROM:** Leslie B. Johnson, Zoning Administrator *LBJ*  
Department of Planning and Zoning

**SUBJECT:** Proposed Noise Ordinance Amendment – Public Meeting Summary to be Discussed at the Development Process Committee Scheduled for June 10, 2014 at 10:00 a.m.

At the Development Process Committee (DPC) meeting on February 18, 2014, staff distributed and discussed a draft new Chapter 108.1 of the County Code (Noise Ordinance). The overall goal of the proposed Noise Ordinance is to minimize nighttime noise and guarantee residents a certain level of quietness within their dwelling unit. The new Chapter 108.1 would replace existing Chapter 108 and Article 6 of Chapter 5, and among other things, would include a list of noise sources that are specifically prohibited during certain hours (“Prohibitions”) and a list of noise sources that would not be subject to the regulations (“Exceptions”). The Committee raised a number of issues at the DPC, and an April 10, 2014 memorandum responding to those issues was sent to the Board. In addition, the Committee requested staff to conduct a series of outreach meetings on the proposed Noise Ordinance Amendment in order to solicit public input. The Committee also recommended that the Group Assembly proposal be discussed at the same community meetings as the proposed Noise Ordinance.

Accordingly, staff conducted such meetings on May 7, May 12 and May 19, 2014 at the South County Government Center, Main Government Center and Lemon Road Elementary School, respectively. A total of approximately 200 people attended these meetings and, based on a show of hands, approximately half were responding to the proposed Noise Ordinance. The following organizations have also been notified about the amendment and have been requested to provide input: EQAC, NVBIA, NAIOP, ESI, Planning Commission, Fairfax County Park Authority, Fairfax County Schools, the Chamber of Commerce, Heavy Construction Contractors Association and Federation of Citizens Associations. DPZ Staff has also met with the Fairfax County Park Authority and staff from the Fairfax County Public Schools and WMATA. Staff is scheduled to discuss the amendment with NAIOP/NVBIA on June 12<sup>th</sup> and with EQAC and the Planning Commission’s Environmental Committee in July. Additionally, staff developed a website for the proposed Noise Ordinance Amendment and received comments via an on-line comment form.

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A summary of all of the comments received from the meetings, written comments and telephone conversations is attached. The source of the comment and the number of people making similar comments are noted. In summary, the comments can be divided into the following major categories:

- Times/Distances. Many of the proposed prohibited noise and noise that was to be exempt from the proposed Noise Ordinance are qualified by time of day, day of the week and/or distance from residences. There was a great deal of discussion focusing around these variables.
- Enforcement/Penalties. There was considerable discussion pertaining to how the Noise Ordinance was to be enforced, who was going to enforce it, and what the penalties were for violations of the Ordinance.
- Methodology/Acceptable Noise Levels. Under the proposed Noise Ordinance, noise that is not specifically prohibited or exempted would be subject to maximum decibel levels, which measures the loudness of noise. The appropriate decibel levels for different types of uses and times of day, the location of the measurement, and how the noise was to be measured were major themes that were raised.
- Specific Categories. The majority of the comments pertained to noise associated with the use of loud speakers on school, park and WMATA property; the barking of dogs; dog parks; athletic/recreation fields on school and park grounds; and noise from the West Falls Church WMATA Rail Yard.

The number and variety of comments is expansive. It is clear from reviewing the comments that there is not a clear consensus on the issues. The FCPA, FCPS and WMATA all provide needed public services to the broader community and some of these services result in activities that produce noise. These agencies have expressed concern that the proposed amendment would adversely impact their ability to provide these needed public services and have requested some relief from the provisions. For example, the proposed shortened Saturday construction hours would make it difficult for FCPS to complete construction projects during their limited summer construction season. The proposed hours for use of power lawn equipment would interfere with the FCPA golf course operations as course maintenance and mowing must occur prior to early morning tee times. Most of WMATA's track and train maintenance occurs late at night when the WMATA system is not in operation in order to not disrupt the operation of the Metrorail system. However, it is also recognized that these concerns must be balanced against the noise impacts that these public services impose on nearby residences such as the noise from loudspeakers and amplified music at high school football games, the barking of dogs in off-leash dog parks, the mowing of golf courses at early morning hours and the noise from various activities at the West Falls Church Rail Yard. For the most part, it appears that the proposed amendment promulgated a middle ground approach to comments that were oftentimes diametrically opposite to each other. Therefore, the proposed amendment with a few adjustments may represent a reasonable compromise for many of the issues. Furthermore, it is recognized that the Board may want to consider other options than those recommended by staff. To that end, staff is recommending that this amendment be advertised with ranges and options in order to give the Board maximum flexibility and still be within scope of the advertisement.

Staff will be present at the Development Process Committee on June 10, 2014 to discuss the amendment and to respond to any questions.

Attachment: A/S

cc: Board of Supervisors  
Edward L. Long, Jr., County Executive  
Robert A. Stalzer, Deputy County Executive  
David P. Bobzien, County Attorney  
Jeffrey L. Blackford, Director, DCC  
Fred Selden, Director, DPZ

# PROPOSED NOISE ORDINANCE PUBLIC COMMENT SUMMARY

Numbers inside of [] indicate the number of people making the same or similar comments.

June 2, 2014

## TOPICS

### Enforcement of Noise Ordinance

- The first offense for noise ordinance violations that are prosecuted as misdemeanors should always result in a warning with subsequent offenses prosecuted as a misdemeanor. (Citizen)
- The ordinance should allow for a first time warning for animal noise and only fine pet owners if the County enforcement personnel actually witnesses the dog barking for the specified time periods. (Citizen) [4]
- Should the police use noise meters to measure sound levels rather than relying only on the plainly audible standard? (Citizen)
- The police should have the right to stop perpetrators of unnecessary noise and to levy fines. Without significant penalties, enforcement will mean nothing. (Citizen)
- Notices of violation must be issued when a violation of the Noise Ordinance occurs. (Citizen)
- When a noise violation occurs and an officer issues a warning, there should be no county or police rule that requires that the same officer that issued the warning must issue the citation, or that the noise must occur on the same evening as the warning. Retailers and others have learned that if they received a warning one evening, they can end the noise that night but be noisy the next evening and suffer no consequences except for a warning. (Citizen)
- The criminal penalties are too harsh, especially if it is a first offense. (Citizen) [2]
- The severity of the fines for excessive animal noise should be reduced. (Citizen) [3]
- Instead of requiring a police officer having to visit a site to investigate an animal noise complaint, suggested that a citizen could submit the complaint via video to the magistrate. This can easily be done today with a smart phone. (Citizen)
- There are better ways to spend tax payer's money than having a police officer come to issue a misdemeanor on a person based on a dog barking complaint from an intolerant neighbor. Can't legislate quiet. (Citizen)
- Dog barking noise violations should not be a criminal misdemeanor, but rather should be a civil penalty. (Citizen)
- Par. (d) of Sect. 108.1-3-2 states that the Board may apply to the circuit court for an injunction against the continuing violation of any of the provisions of the Noise Ordinance and may seek any other remedy or relief authorized by law. This should be qualified to specifically exempt the removal and/or euthanization of animals to remedy a noise violation pertaining to animal noises. (Citizen)
- Limiting the Police Department to enforcing the Noise Ordinance through the conviction of noise ordinance violators in criminal court is impractical, costly, time-consuming and ineffective at providing its citizens with immediate relief from Noise Ordinance violations. Suggest that the

Police be allowed to enforce the Noise Ordinance by the issuance of civil penalties/fines in lieu of criminal court convictions. (Citizen)

- Should add the word “unwanted” before the word “sound” in the noise definition. This addition allows enforcement officials to make a non-subjective determination of what should be pursued as a “noise” violation because a noise complaint is evidence that the noise is unwanted. (Citizen)
- Eliminate the 10 day grace period for civil penalties and misdemeanors as, when a violation arises from the same set of operative facts, a person shall not be charged more frequently than once in any 10 day period. (Citizen)
- Revise Par. (c) of Sect. 108.1-3-3 to allow the Zoning Administrator, his/her duly authorized agents and/or members of the Police Department to enter and inspect any property where a Noise Ordinance violation is occurring at that time and without permission of the property owner in order to enforce the Noise Ordinance. (Citizen)
- Consider stronger penalties for barking dogs. For example, seize the dog after the third incident. (Citizen)

#### **Outdoor Construction Noise**

- WMATA rail track maintenance activities could be considered construction or maintenance of real property. These activities include ballast and sub-ballast repairs, tie replacement and rail replacement. Typically the majority of this activity has to occur at night or on the weekends when the transit system is not in operation. This works is unpredictable, recurring and difficult to schedule against the operational constraints of the system. If unable to maintain the tracks at night, maintenance would be shifted to the day, which would have substantial impacts on operations. (WMATA)
- Given that the Fairfax County Public Schools must perform 40% of their construction work during a 7 week period in the summer, FCPS would prefer to continue to allow Saturday outdoor construction to begin at 7 a.m. year round instead of the proposed 9 a.m. year round, but at least allow construction to begin at 7 a.m. between June 1<sup>st</sup> and September 1<sup>st</sup>. (FCPS)
- There should be a limitation on construction equipment noise levels. (Citizen)
- Outdoor construction should be limited to daytime hours. (Citizen)

#### **Loading/Unloading of Vehicles**

- Lives near a plant nursery and the loading and unloading of trucks very early in the morning and late in the evening is very load, especially since the nursery has a dirt and gravel road. (Citizen)
- The loading and unloading of trucks should be prohibited in all residential districts between 9 p.m. and 7 a.m. (Citizen)

#### **Motor Vehicle Noise**

- Suggest that noise from motor vehicles on the right-of-way not be an exception to the noise provisions. (Citizen)

- Loud motorcycles and “modified” automobiles that are intentionally made louder should not be exempt from the noise regulations when operated in residential areas during nighttime hours. (Citizen) [2]
- Motor vehicle muffler noises should be ticketed. (Citizen)
- What about an individual who repeatedly beeps their horn unnecessarily in front of someone’s home as they drive by in order to harass? (Citizen)
- The riding of motorcycles and ATVs on the adjacent property which contains dirt hills and dirt roads creates a considerable amount of noise. When the police were called, the individual was told by the police that there is no Noise Ordinance provision that addresses these vehicles. (Citizen)
- There appears to be a conflict with Sect. 108.1-4-1 which states there shall be no loudspeakers at night and that motor vehicles traveling on the right-of-way are exempted from the noise provisions. This is a problem for WMATA buses as WMATA uses loudspeakers to accommodate customers under ADA who are unable to read. Also, the metro trains may not be covered under this exception and therefore, the Metrorail trains may not be able to operate during their prescribed times. (WMATA)

#### **Trash Collection**

- Supports the proposal regarding trash collection as this person lives approximately 100 yards behind a large shopping center and trash collection currently begins between 5 and 6:30 a.m. (Citizen)
- The amount of noise from trash collection on commercial and industrial properties is too great and trash collection when located 100 yards or more from a residential dwelling should also be prohibited between 9 p.m. and 6 a.m. Also believes that this prohibition should extend beyond 6 a.m. in the morning. (Citizen)
- Trash collection before 7 a.m. should be prohibited. (Citizen)
- Lives in a single family residence near Beacon apartments and is concerned about the 6 a.m. to 8 a.m. trash pickup at Beacon apartments and the length of time that it takes for the trash pick up to occur. Request that the trash pickup at the Beacon apartments should be rescheduled after 9 a.m. (Citizen)

#### **Operation of Power Lawn Equipment**

- When located within 100 yards of a residence, the operation of power lawn equipment should be prohibited from 9 p.m. to 8 a.m. on Saturdays, Sundays and Federal holidays instead of the currently proposed hours of 9 p.m. to 7 a.m. for these days. (Board)
- The different rules for operating power lawn equipment based on varying times and distances is too complicated. Therefore, should consider a simpler requirement that applies the same in all situations. (Board)
- Delete the distinction on distance from residence and change the starting time for the operation of lawn equipment to 9 a.m. on both weekdays and weekends. (Citizen)

- Consider making golf courses not subject to the noise ordinance. Perhaps the golf courses could be mowed in the evenings and follow the last tee off. People may be more tolerant of 8 p.m. mowing than 6 a.m. mowing. Schedule mowing in the middle of the day when the course schedule may be lighter and no one wants to golf in the excessive heat. (Citizen)
- There should be restrictions on continuous excessively loud noises from power equipment used for home maintenance (pressure washers, chain saws, tree felling equipment, lawn care equipment and power tools) during day time hours, especially on weekends and public holidays. Perhaps limiting the continuous use of such equipment to no more than 1 to 2 hours at any one time. (Citizen)
- All operation of power lawn equipment should be prohibited until 7 a.m. regardless of distance from residence. (Citizen)
- “Leaf blowers are God awful ruiners of otherwise beautiful days.” (Citizen)
- There are 26 golf courses located in Fairfax County and these golf courses will be adversely impacted by this proposal. Golf courses should be exempt from the prohibited hours of lawn equipment use as golf has a large economic impact on the County, and with restrictions to morning operations those numbers will be adversely impacted. Furthermore, technology in golf maintenance equipment continues to evolve in order to keep noise to an absolute minimum. (Golf Course Superintendents Association of America) [2]
- The Fairfax County Park Authority has been in the golf business since 1967 with approved and posted hours from dawn to dusk. It is standard practice and a basic requirement that the turf areas are prepared for use at dawn. Turf care procedures require equipment to move quickly from one area to the next minimizing exposure to noise for a given residence. Park Authority Golf operations as well as other public and private golf operations would be negatively impacted under this proposal. Prohibiting power lawn equipment prior to 6 a.m. would have a negative impact on golf operations from mid-March through mid-October. Current golf maintenance practices require turf maintenance prior to golf play access at sunrise which requires careful staging beginning at 5:15 a.m. from mid-March through mid-October. Golf sites range in size from 60 to 400 acres allowing respectful and sensible scheduling of maintenance practices to minimize noise impacts to neighbors. Because of the nature of golf course operations and the need to maintain lawns to a high standard prior to opening courses at dawn, the proposal is unrealistic and punitive. Equipment manufacturers have made considerable improvements and enhancements to turf care equipment to be more efficient and quieter. The outreach to the broader golf community has been weak and many golf operators were unaware of the draft proposal that could significantly impact their operations. (FCPA staff)

#### **Operation of Mechanical Devices for Cleaning Outdoors**

- The prohibition of the operation of mechanical devices at night within 100 yards of a residential dwelling for the cleaning of outdoor parking, pedestrian and loading is a problem for WMATA as that is when WMATA must clean the parking facilities at the rail stations (Vienna, Dunn Loring, Huntington, West Falls Church and Franconia). (WMATA)

### **Outdoor Motor Vehicle or Mechanical Device Repair**

- While most of WMATA's bus and rail car maintenance activities are conducted in garages and maintenance bays, some routine work occurs outdoors at night. The prohibition of such activity between 9 p. m. and 7 a.m. is overly restrictive and will have a negative impact on the effectiveness and efficiency of repair and maintenance operations. (WMATA)

### **Noise from People or Loud Music**

- Why are band performances or practices, athletic contests or practices on school or recreational not subject to the noise provisions between 7 a.m. and 11 p.m. when operation of power lawn equipment is prohibited beginning at 9 p.m.? Should 7 a.m. to 9 p.m. also be the time when such performances and practices are subject to the proposed noise regulations? (Board)
- The 7:00 a.m. or 9 a.m. start for when such noise is not subject to the proposed Noise Ordinance depending on the day may be confusing to people. Consider having the same start time for these activities every day. (Board)
- Generally supportive of the proposed Noise Ordinance. However, concern that the prohibition for person, motor vehicle or instrument noise only applies with doors and windows closed at night (11 p.m. to 7 a.m.). This would preclude someone from being able to open windows and/or sit out on a deck or in a screened porch at night, depriving a person from the right to enjoy their property. (Citizen) **[3]**
- The plainly audible standard (inside dwelling with doors and windows shut) between 11 p.m. and 7 a.m. is too restrictive because it effectively eliminates any activity from anyone living in an apartment or condominium as conversation, footsteps, low-volume television can be heard from an adjacent apartment. People want to be able to socialize at home without having to use a commercial facility. May be a violation of the Constitutional right to peaceable assembly. (Citizen)
- 11:00 p.m. is too late and that this type of noise should be subject to the plainly audible standard at an earlier time. The noise maker could go other places for the noise making activity but the resident being impacted by the noise does not have the ability to go elsewhere. (Citizen)
- 11:00 p.m. for the start of the plainly audible standard is too late on school nights (Sunday – Thursday). It was suggested that either 9 or 10 p.m. should be considered. (Citizen) **[2]**
- The concern is the amount of noise impacts of restaurants with outside seating, particularly when alcohol is served, that are located near residential areas. Some ways of addressing this may be to limit alcohol sales by requiring that the outside patio space be primarily used by diners and not drinkers, limiting hours when the outdoor space is used, and by serving liquor in individual portions and not in pitchers or shared containers. There needs to be a noise standard to address this issue and it could be either a maximum decibel level or a plainly audible standard inside a residence. (Citizen)
- Opposed to proposed Sect. 108.1-4-1. (Petition Signed by 108 residents of the Longwood Grove Neighborhood)

- Loud music should be limited to enclosed vehicles and homes and should not be permitted in the outdoors. (Citizen)
- Rewrite Par. (j) of Sect. 108.1-4-1 where it says "in any other person's residential dwelling with doors and windows closed" to read as follows: "beyond the property boundary of the sound source" and delete the rest of the sentence. (Citizen)

### Animal Noise

- Roosters are allowed on lots of two or more acres and roosters are the chickens that make the noise. Consider prohibiting roosters. (Citizen)
- The chickens next door are too loud and something should be done to reduce the amount of noise from these chickens. (Citizen)
- The proposed animal prohibition is too restrictive as dogs will bark to protect the home and the residents of the home and the 10 minute time limit is too short. (Citizen)
- People are allowed to have too many dogs and thus potentially a lot of noise from those dogs—particularly on large lots. Should reduce the number of dogs permitted on a lot. (Citizen) [2]
- There is a distinction between a kennel of dogs barking and the barking of a few dogs owned by a homeowner. Therefore, the noise regulations should distinguish between these two types of situations. (Citizen)
- Dog kennels should not be permitted in residential districts because of the constant barking from the dogs. (Citizen)
- Scope of provisions should be expanded to include the animal owner's residence and real property boundaries, not simply the animal's kennel; and expand the continuous or non-continuous time to 15 minutes over a 20 minute period. (Citizen)
- This proposal will have a negative impact on the dog population leading to more shelter admissions and ultimately more dogs euthanized. This will further divide neighborhoods, particularly those with multiple family dwellings. (Citizen) [2]
- The provisions are too restrictive towards responsible pet owners and would theoretically result in penalties for a large percentage of owners. Some dogs bark when people cross their property, and can be heard from within their owner's dwelling. The proposal could result in penalties for such occurrences. The time thresholds are too restrictive. (Citizen)
- Lives in a high rise condominium and some safety, maintenance and cleaning measures can cause dogs to bark such as hallways being vacuumed, testing of fire alarm systems, newsletters being slid under a door and packages being left at resident's door. (Citizen)
- Barking dogs are part of the neighborhood, almost as birds are. How will the animal provisions be enforced? Will the police officer have a stop watch and other equipment to document and record the events? Will they have GPS or other equipment to prove when and where they were to time of barking? What documentation will be provided should a citizen elect to contest the charge and go to court? (Citizen)
- Ten minutes is too long to make an impacted citizen suffer from a barking dog. How does a neighbor deal with being awakened 4 times per week by the barking dogs next door, especially when the dogs do not bark for 10 consecutive minutes. It should not matter why the dogs bark,

the nuisance still exists and there should not be any exemptions from this requirement. Recommends that the 10 minutes standard be reduced to 1 minute, apply a zero tolerance standard to "quiet hours" from 9:00 p.m. to 9:00 a.m. and create a "quiet hour" standard that applies to barking dogs. (Citizen)

- Supports any ordinance that further limits dog noise. Ordinance should clearly state that if a dog can be heard barking across a property line, it is too loud. (Citizen)

#### **Heat Pumps/Air Conditioners/Generators**

- Not all air conditioners have manufacturer's specifications for noise, and if that is the case, there would be no limit on how loud an air conditioner could be in a single family neighborhood. (Citizen)
- Overtime, heat pumps and air conditioners tend to become louder as mechanical problems begin to develop and may no longer be operating pursuant to the manufacturer's specifications. Therefore, all heat pumps and air conditioners on single family properties should be subject to the noise regulations. (Citizen)

#### **Athletic Contests and Practices/Recreation Areas**

- The noise from the multi-purpose field, such as from Frisbee teams, in Lake Fairfax Business Park is very loud and disruptive for the neighbors along Hunter Mill Road. The use of loud speakers and other amplification devices add to the overall noise. It was suggested that the multi-purpose field be moved to a different park. Wording should be added to protect neighbors from noise from parks and require such events be moved to another location within the park that reduces noise impacts on adjacent residences. The parks should be subject to the maximum decibel levels at all times. (Citizen) [3]
- Noise from athletic fields should be quieter after 9 p.m. on weeknights instead of the currently proposed 11:00 p.m. Lives near South Lakes High School and is impacted by noise from activity on the athletic fields. (Citizen)
- Noise from these types of activities should be quieter after 9 p.m. There is less concern from baseball, soccer and band practices as these activities do not take place year round. However, such activities as dog parks and skate parks take place year round and, therefore, have a greater impact. (Citizen)
- Opposed to proposed Sect. 108.1-5-1. It is unreasonable to expect the Longwood Grove Neighborhood to absorb and tolerate the increased lights, traffic, barking and other noises associated with various athletic activities that Baron Cameron Park creates from 7 a.m. to 11 p.m. with no recourse or protection. (Petition Signed by 110 residents of the Longwood Grove Neighborhood)
- Suggested alternate language for Sect. 108.1-5-1(p) (Citizen) [6]:

Band performances or practices, athletic contests or practices and other such activities on school or recreational grounds, or any activity on recreational grounds customarily associated with their intended use, shall not be subject to the provisions of this Chapter

between 7 a.m. and 9 p.m. However, all amplified sound produced on school and recreational grounds, including sound produced by public address systems, loudspeakers and portable devices, shall be subject to the provisions of this Chapter and shall be regulated by the Maximum Sound Levels contained in Sect. 108.1-4-2. Any such amplified sound shall not be permitted on school and recreation grounds between 9 p.m. and 7 a.m., and between 7 a.m. and 9 a.m. on Saturdays, Sundays and Federal holidays. Furthermore, amplified recorded sound (including recorded music) shall not be permitted on school and recreational grounds except prior to and during athletic contests. The duration of such amplified recorded sound shall not exceed one hour in any 24 hour period.

- Fairfax County Park Authority (FCPA) regulations currently allow activity in parks from dawn to dusk. Most early morning park use generates little noise at park facilities such as trails, golf, fishing or enjoying the outdoors. However, certain park facilities are likely to be impacted as the nature of their activity produces noise, such as athletic fields, off leash dog parks, skate parks, courts and play grounds. If the proposed noise ordinance were adopted, it may require limiting park hours or certain activities to no earlier than 7 a.m. which will impact thousands of park users. Months when sunrise precedes 7 a.m. are March through the end of September and are the months when parks are the most heavily used. (FCPA)
- Sports announcements are part of the sport culture and are often needed to communicate scores, status and cheering the team in a large space such as a stadium or athletic field. Sports facilities at parks and schools are in high demand and must be utilized to their full capacity in order to accommodate the growing demand of school athletics, sports organizations and casual users. Sports fields in particular are used for multiple purposes and are generally shared among various teams and organizations. The reduction of capacity at existing fields will impact tens of thousands of park users and require the development of far more additional facilities than are currently planned to meet the growing demand. The sports organizations were not heard from during the public comment meetings and additional outreach to these groups, including the Fairfax County Athletic Council, is essential to fully understand the impacts to these users. (FCPA)

#### **Dog Parks**

- Does not support the exception between 7 a.m. to 11 p.m. for dog parks – dog parks need regulation because of the amount of noise they generate. (Citizens) [9]
- As proposed there is a discriminatory double standard by specifically prohibiting dog barking in Article 4, but then permitting dog barking to occur all day long by way of an exception of any activity on recreational grounds in Article 5. It leaves those who live near dog parks unprotected. (Citizen) [2]
- Concern about the excessive amount of noise from the dog park at Baron Cameron Park. (Citizens) [3]
- Concern that the new dog park at Beacon Hill will cause adverse noise impacts. (Citizen)
- The dog park near Groveton has hours of constant barking and this is unacceptable. (Citizen)
- Does not think that dog parks are a good thing as there is no supervision for the dogs and many dogs, particularly smaller dogs, get hurt by larger dogs. Also, does not support the exception for

dog parks during the day because of the unfair situation with the dog park and the noise generated from them on nearby residences, especially for someone who is sick, working a 3<sup>rd</sup> shift, has an autistic child, trying to study, or is dying at home in hospice. (Citizen) [1]

- This person is a resident of Wilton House and the issue is the amount of noise and the duration of the noise coming from a dog park located between Wilton House and Halstead Square. Fairfax County residents are entitled to a place where they can relax and rest without being concerned about noise from barking dogs. (Citizen)
- The Fairfax County Park Authority has operated off-leash dog parks since 2000 and during that time the public use of these parks has grown dramatically. Prior to establishing the first dog park, the Park Authority convened a diverse task force to study models for providing this type of facility. A sponsorship model was proposed and used to establish partnerships to help the Park Authority operate and monitor the dog park operations. This model has had successes and dog parks are one of the most highly utilized and demanded facilities in the park system. As areas of the County urbanize without private yards, it is anticipated that the demand for dog parks will continue to grow. In the coming year, a comprehensive evaluation of dog parks and current related issues is planned. Recent community concerns will be evaluated as part of this study. The Park Authority has heard the citizen's complaints and is attempting to address these complaints through operational and other means. One point of concern is that a balanced public comment was not represented at the public meetings as the draft ordinance excludes park use during the day. That being the case, there was no call to action by dog park users and the thousands of dog park users across the County may not be aware of potential changes as a result of the comments received. (FCPA)

### **Transportation Facilities**

- The following noise issues were identified on the West Falls Church Metro Yard: horns, operation of trucks on-site, impulse sounds, and wheel squeal as the train rounds the curve. Suggested that this facility should be subject to a maximum decibel level of 55 at all times. The concern was that the proposed ordinance would allow more noise at this facility which would adversely impact the nearby residents. (Citizen)
- The proposal to make transportation facilities not subject to the Noise Ordinance between 7 a.m. and 11 p.m. is unacceptable as it does not protect the adjacent residents from the noise impacts from such a facility. Also, the maximum decibel level should remain at 55 at all times for these types of facilities, instead of increasing the maximum allowable decibel level to 60 during the day. (Citizen) [3]
- Concerns regarding the horns, loud speakers, wheel squeal and other noise emanating from the West Falls Church Rail Yard. Transportation Facilities should be subject to the maximum decibel levels at all times. Should add a statement that the West Fall Church Rail Yard must conform to the approved February 2010 special exception conditions and the Noise Ordinance that was in effect at the time of the special exception approval. The wheel squeal must be limited to 55dBA LMax. (Citizen) [3]

- Consider making the operation of WMATA facilities not subject to the noise regulations at all times, instead of only during the day. Is the sound of the trains traveling on the tracks subject to the Noise Ordinance? In addition to the West Falls Church Rail Yard, WMATA is also concerned about the impacts of the proposed Ordinance on the bus facility at Cinder Bed Road, a bus storage yard at West Ox Road (county buses are also stored at this location), and the bus storage yard at Backlick Road and Industrial Drive. (WMATA)

### **Places of Worship**

- The following activities at synagogues and Jewish institutions might be unduly restricted by the proposed Noise Ordinance: (a) Sukkot, which is a week-long Jewish harvest festival that includes erecting a temporary open roof dwelling where individuals will eat and often invite friends, congregants and neighbors to participate, this includes songs and prayer; (2) Weddings and Bar/Bat Mitzvahs are joyous occasion celebrated inside or outside on the synagogue grounds; and (3) Childcare, preschool and summer camp programs that utilize outdoor space at synagogues. (Jewish Community Relations Council of Greater Washington).
- Places of worship are often located in residential areas and are subject to special permit or special exception approvals. Many places of worship provide outdoor services and activities, such as sunrise services. Please include place of worship activities in the exceptions and allow the places of worship to continue to serve the community. (Citizen) [2]

### **Bells, Carillons and Calls to Worship**

- Bells and carillons should not be grouped with calls to worship as bells and carillons may be used to accompany a season with seasonal music, not just a call to worship. Therefore, suggest that calls to worship be its own category and be an exception between 7 a.m. to 11 p.m., provided that any such sounds do not occur for more than 5 minutes each hour. Allow bells and carillons to be a separate category and be an exception between 7 a.m. to 11 p.m., provided that any such sounds do not occur for more than 15 minutes in any one hour and no more than 4 times in any one day. (Citizen)

### **Outdoor Loud Speakers**

- WMATA uses Bus Enunciators mounted on the outside of buses that let people know what bus route the bus is serving. This is an ADA feature as it serves people with both visual and hearing impairments. WMATA has loudspeakers on their trains and platforms as part of the ongoing operation of metro. Rail car announcements include such things as the station name and door closing. Platform announcements are preprogrammed at Landover and occur every 5 minutes and include such things as "do not leave unattended bags". There are also station manager announcements for emergencies and to announce that the station is closing. Metro operates during some hours when the use of loudspeakers would be prohibited. Bus facilities and rail yards use externally-mounted loudspeakers to provide necessary communication between the office and yard staff. The use of loudspeakers at these facilities is considered important to safety, public communication and ADA compliance. (WMATA)

- Begin the prohibition of the use of loudspeakers at 9 p.m. instead of 11 p.m. on school athletic fields during the week. (Citizen)
- Recommends that the use of outdoor loudspeakers be prohibited earlier than 11 p.m. on holidays and weekends. (Citizen)
- Recorded music played over loudspeakers before, during and after athletic contests on school property or recreational grounds should not be an exception. The amount of sound from these activities has been increasing over time.(Citizen) [4]
- The McLean High School PA system causes problems as the noise is always greater than 55 dBA. The school will turn the volume down when requested, but then ultimately will increase the volume. There should be a mechanism for the County to get the school activities into compliance with the Noise Ordinance rather than having the neighbors deal directly with the schools. (Citizen)
- Mobile ice cream trucks play loud music for long periods of time. Typically the ice cream trucks repeat the same loud music for 20 to 45 minutes at a time and this music can be heard inside the house with doors and windows closed. Noise from these ice cream trucks should be regulated. For example, limit the length of time that the music can play within any one block or limit the maximum decibel levels from the music. It was noted that the City of Alexandria regulates noise emanating from commercial vehicles and Fairfax County should review these regulations. (Citizen) [5]
- Loud speakers should be prohibited within residential neighborhoods. (Citizen)
- Concern about the noise from McLean High School and the public address announcements during games. The public address announcements should be treated as continuous sound. When this person moved into their home 43 years ago, there were only 5 football games each year. Now the public address system is used almost every weekday night. (Citizen)
- The proposed Noise Ordinance would essentially eliminate the regulation of amplified noise on school and recreation grounds. (Citizen)

#### **Noise Measurements/Levels**

- The very low frequency emissions from Dynamic bass speakers can be heard through several floors and even from passing automobiles. Such speakers should be specifically regulated. (Citizen)
- There should continue to be regulations that limit the frequency of certain types of noise (octave bands). (Citizen)
- Proposed Maximum Sound Levels – should make a distinction on the Maximum Sound Level Table between unit type such as single family, townhouse or apartment, and also make a distinction based on lot size. (Citizen)
- The 11 p.m. cut off for daytime noise on the Maximum Sound Levels Table is too late and suggests a 9 p.m. cutoff as children go to school most of the year. The decibel levels should not have been increased from what previously existed. For example, maintain a maximum 55 dBA in residential districts at all times. (Citizen) [2]

- Make sure that there are standards for the noise meters that are used in enforcing/implementing the Noise Ordinance. Suggested that noise meters be made available to citizens to use. (Citizen)
- Clarify proposed Sect. 108.1-4-2 as to where the noise level readings are to be taken –at what point and who is going to determine where the measurement is to be taken, taken inside or outside, etc. (Citizen)
- The proposed 100 dBA for impulse noise on residential property is too loud. The proposed increase from 55 to 100 dBA is 16 times louder and at 85 dBA some hearing loss can occur if one is exposed to this noise level for more than 8 hours. (Citizen) [8]
- A maximum decibel level of 55 dBA is still too loud on residential properties. Should consider reducing the maximum sound level to 50 dBA. (Citizen)
- Opposes the proposed maximum sound level of 60 dBA for continuous sound in a residential area during the day. Would like for the current 55 dBA to remain. (Citizen)[5]
- A maximum decibel level of 55 dBA is too low as it is nearly unachievable. (Citizen)
- The Maximum Sound Levels Table should only reflect nighttime hours and there should be no restriction of daytime levels in residential districts. There should be no decibel limitations in industrial or commercial districts. The proposal severely restricts people from living their normal daily lives filled with meaningful seasonal activity while in the company of others (parties, celebrations, etc.) or while in pursuit of personal educational experiences or practices (musical, theatrical) all of which could be held in their own yards and within their property boundaries. (Citizen)
- Need to review the methodology used for measuring noise and there should be no averaging but rather the maximum noise levels should be the noise levels that are used. (Citizen)
- Was the impact of the proposed increased maximum allowable decibels on wild life considered? (Citizen)
- Suggested that there should be coordination with Arlington County as Arlington County recently lowered the maximum permitted decibel levels. (Citizen)
- The noise levels would be measured at the property line on the lot where the noise is being produced. Suggest that the maximum allowable noise levels should not be exceeded anywhere on the property where the noise is being produced. (Citizen)
- Citizens need clarity on how to measure the noise in order to be good neighbors. (Citizen)
- Continuous sound is a new definition which needs clarification as it says that the intensity of the sound remains essentially constant during the period of observation. Given this definition, would an argument or yelling be continuous sound? Would music be continuous sound as it gets louder and softer? How much time is continuous? Why was a slow response setting used in continuous sound? What about intermittent or repeated noise where the volume, pitch or duration is a concern? (Citizen) [3]
- Which meter setting would be used in the measurement of impulse noise? (Citizen)
- Are the police and enforcement staff going to be properly equipped and trained to use the appropriate measurement equipment and will they do so without hesitation and reluctance? (Citizen)

## **Variances**

- Written notification of adjacent property owners should be required as part of the noise variance process. (Citizen)

## **Other**

- Consider adding specific provisions that address fireworks in residential subdivisions on New Year's Day, July Fourth and other holidays. (Planning Commission)
- Lives near Reagan Airport and wants the noise levels from the airport/planes to be reduced. (Citizen)
- All categories of noise should have the same restrictions on hours. This would make it less confusing for citizens and thus enhance the likelihood of compliance. Suggest 10 p.m. to 7 a.m. Mon. –Friday; and 11 p.m. to 9 a.m. on Sat., Sun. and Federal Holidays. (Citizen)
- There is no need to add additional noise regulations as noise issues should be worked out among neighbors by talking to each other and working together. (Citizen)
- Existing noise ordinance is sufficient towards resolving the limited of complaints filed by citizens. Revising the Noise Ordinance is a clear case of a solution in search of a problem. (Citizen)
- Should encourage architecture and building techniques that mitigate exterior noise inside the building. (Citizen)