



Fairfax County Noise Ordinance

Chapter 108.1 of the County Code

Effective 2/17/16

Prepared by Zoning Administration Division,
Department of Planning and Zoning

Noise Ordinance

New Chapter 108.1 of the County Code

Board Requested Staff to Review and Revise the Noise Ordinance to:

- Better address the methodology used in noise measurements;
- Consider the appropriateness of establishing nighttime noise levels to protect the community; and
- Add other objective criteria to regulate noise within the County.

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Basic Premise

- Recognize that Fairfax County is a rapidly urbanizing/suburbanizing area, and there will always be certain levels of noise that occur in the normal course of daily living.
- Focus is on allowing certain levels of daytime noise so that people can work, live and play during the day .
- Minimize nighttime noise so residents have an appropriate quiet environment in their homes at night.



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Framework

- Certain noises are allowed and not subject to the Noise Ordinance (exceptions).
- Certain noises are prohibited.
- If a noise is neither specifically prohibited or excepted, it is subject to maximum decibel levels.

*May be further qualified by time, duration and location limitations.

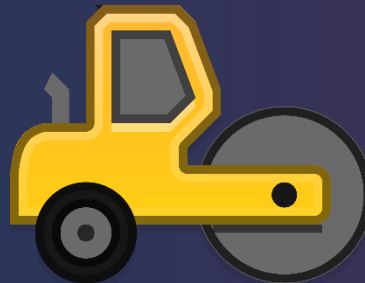
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Prohibitions

Certain noises are prohibited during nighttime hours and/or within certain distances from a residential dwelling, including but not limited to:

- Use of loud speakers.
- Outdoor construction.
- Trash collection.
- Use of power lawn equipment.
- Outdoor truck unloading/loading.



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Additional Prohibitions

“People” Noise

Any person, motor vehicle or instrument that generates sound that is plainly audible and discernible in any other person’s residential dwelling with doors and windows closed is prohibited at night. The time of prohibition for people noise varies when located in a mixed use area and/or the weekends and holidays.



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Additional Prohibitions

Animal Noise

Noise from animals is prohibited that is plainly audible and discernible:

- Between 10 p.m. and 7 a.m.; or
- Between 7 a.m. and 10 p.m. when the sound can be heard for more than 5 consecutive or nonconsecutive minutes in any 10 minute period.

* There are some limited exceptions to this prohibition.

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Exceptions

Certain noises are not subject to the noise regulations, which include, but are not limited to:

- Motor vehicles traveling on right-of-way.
- Power equipment used for snow and ice removal.
- Emergency work.
- Heat pumps/air conditioners operating in accordance with the manufacturer's specifications on single family dwelling lots.
- Activities preempted by state or federal law.



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Exceptions Cont.

Certain daytime noises are not subject to the noise regulations, including, but not limited to:

- Operation of power lawn equipment.
- Trash collection.
- Activities on recreational grounds (excluding loudspeakers).
- Bells, carillons and other calls to worship with a frequency limitation.



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If Not Prohibited or an Exception, then Subject to Maximum Decibel Levels that:

- Vary by zoning district and type of use;
- Vary by time of day; and
- Recognize impulse sound.

Proposed Maximum Sound Levels

Use and Zoning District Classification	Time of Day	Continuous Sound (dBA)	Impulse Sound (dB)
Residential Areas in Residential Districts	7 a.m. to 10 p.m.	60	100
Residential Areas in Residential Districts	10 p.m. to 7 a.m.	55	80
Non-Residential Areas in Residential Districts	All	60	100
Mixed Use Area	7 a.m. to 10 p.m.	65	100
Mixed Use Area	10 p.m. to 7 a.m.	60	80
Commercial Districts	All	65	100
Industrial Districts	7 a.m. to 10 p.m.	72	120
Industrial Districts	10 p.m. to 7 a.m.	65	100

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Administration

Administered by the Director of the Department of Planning and Zoning and duly authorized agents, including the Zoning Administrator, Department of Code Compliance, and Police.



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Enforcement

- Violations of the Noise Ordinance can be prosecuted as a misdemeanor or as a civil penalty, or the Board could seek injunctive relief.
- Police can only prosecute as a misdemeanor.
- Generally, DCC will enforce during business hours and the police during non-business hours.
- Prosecution of a violation could be pursued before a sworn magistrate upon the sworn complaint of 2 people who are not members of the same household.

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Complaints

- Department of Code Compliance:
(703) 324-1300
www.fairfaxcounty.gov/code
- Police (non-emergency number):
(703) 691-2131
- Trash Collection – 8 a.m. to 4:30 p.m., Mon. – Fri.:
(703) 324-5230, TTY 711

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Waivers

- Zoning Administrator can waive any provision.
- Z.A. must determine that the noise does not endanger the public, health safety or welfare, or that compliance with the Noise Ordinance produces serious hardship without providing an equal or greater benefit to the public.
- Waiver can be granted for up to 1 year, with potential to renew.
- Appeals are made to the County Executive within 30 days from the decision.

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Proffered and Development Condition Applicability

- Does not negate any applicable proffered condition, development condition, or SP or SE condition pertaining to noise.
- Any condition that refers to the Noise Ordinance is deemed to be the Noise Ordinance in effect at the time the condition was approved.

