

AGENDA

Newport News City Council Work Session

October 13, 2009

*Newport News Police Headquarters
9710 Jefferson Avenue*

- 3:00 p.m. I. NNPd Crime Fighting Presentation
- 4:30 p.m. II. Noise Ordinance
- 4:45 p.m. III. Council Ideas/Suggestions/Concerns
- 5:00 p.m. IV. Closed Meeting
 - Appointments
- 6:00 p.m. Dinner

ITEM I

- **NNPD Crime Fighting Presentation**

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER


October 5, 2009

TO: The Honorable City Council
FROM: Acting City Manager
SUBJECT: Crime in Newport News

At your October 13 work session, I have asked the Chief of Police and his staff to make a presentation to City Council. This presentation, which will take place on the first floor of the Police Headquarters building, will provide City Council with a more in-depth overview of the technologies and methods of analysis used by our Police Department in fighting crime. I believe you will find it most informative, as it will share with you some of the mechanics of modern police work so that you can see how some of the investments that we are making in crime fighting are being deployed and paying dividends.

The presentation will include how the Police Department captures and analyzes information for use by officers in the field. Some information about crime in each precinct will be highlighted, especially relating to property crime. Work related to gangs and gun violence will also be highlighted.

To combat and prevent crime, the Police Department utilizes its resources to work smarter through technology. The Chief and staff will review the types of technology applications throughout the City. Computer-aided dispatch, surveillance cameras, the use of mobile data computers in officers' cars, and ArcMap. The purpose for holding the meeting at the Police Department is to give you the opportunity to witness the format utilized for the weekly CRIME meetings.



Neil A. Morgan

NAM:JDF:lbt

ITEM II

- **Noise Ordinance**

CITY OF NEWPORT NEWS

Office of the City Manager

October 7, 2009

TO: The Honorable City Council
FROM: Acting City Manager
SUBJECT: Amended Noise Ordinance

As you may recall, in April of this year the Virginia Supreme Court determined that Virginia Beach's noise ordinance was vague because it did not establish clear standards for identifying unacceptable noise, and thus was unconstitutional. This ruling surprised many localities that for years had successfully defended law suits that challenged their noise ordinances, which utilized standards similar to Virginia Beach's.

After reviewing the Supreme Court's opinion, a comparison between our noise ordinance and Virginia Beach's noise ordinance led the City Attorney to conclude that the Supreme Court's ruling would also apply to Newport News' ordinance. At that point, staff was advised to suspend enforcement of the existing noise ordinance.

With input from the Newport News Police Department (NNPD) and the Department of Codes Compliance, as well as considerable research by the City Attorney's Office, an amended ordinance was drafted. The amended draft ordinance contains a clear standard for identifying certain types of unacceptable noise.

The NNPD and the Department of Codes Compliance have had the opportunity to review the draft ordinance and to reflect on its enforcement. I have also had the opportunity to review the draft ordinance. While future amendments may be necessary as refinements are identified, I would like to present for your discussion the attached draft ordinance at the October 13 work session. All involved staff believes that it is desirable to promptly approve an enforceable ordinance, which could be ready for your October 27, 2009 agenda.



Neil A. Morgan

NAM:rsw
Attachment
cc: City Attorney
Chief of Police
Director of Codes Compliance

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA BY REPEALING CHAPTER 26.1, NOISE, AND BY AMENDING CHAPTER 6, ANIMALS AND FOWL, ARTICLE 1., IN GENERAL, SECTION 6-9, NOISY ANIMALS OR BIRDS, AND CHAPTER 28, OFFENSES–MISCELLANEOUS, SECTION 28-36, NOISE FROM SOUND SYSTEMS AND DEVICES.

BE IT ORDAINED by the Council of the City of Newport News, Virginia:

1. That Chapter 26.1, Noise, of the Code of the City of Newport News, Virginia is hereby repealed.
2. That Chapter 6, Animals and Fowl, of the Code of the City of Newport News Virginia, Article I., In General, Section 6-9, Noisy animals or birds, be, and the same hereby is, amended and reordained as follows:

CHAPTER 6**ANIMALS AND FOWL****Sec. 6-9. Noisy animals or birds.**

Any person who shall own, allow, permit, keep or harbor, on or about any premises, any animals or birds which, ~~by causing frequent or long-continued noises, seriously disturb the reasonable enjoyment, sleep, rest and comfort of persons of normal nervous sensibilities and ordinary tastes, habits and modes of living, create sound (i) that is plainly audible across property boundaries or inside the confines of the dwelling unit, house or apartment of another person between the hours of 10:00 p.m. and 8:00 a.m.; (ii) that is plainly audible inside the confines of the dwelling unit, house or apartment of another person at least once a minute for 10 consecutive minutes; (iii) that is plainly audible at fifty (50) or more feet from the animal between the hours of 10:00 p.m. and 8:00 a.m.; or (iv) that is plainly audible at fifty (50) or more feet from the animal at least once a minute for 10 consecutive minutes, shall be guilty of causing or permitting deemed to have caused or permitted a public nuisance, which is unlawful, and shall be guilty of a Class 4 misdemeanor for each day the nuisance may continue. after due notice has been given to remove, correct or abate the same.~~

3. That Chapter 28, Offenses–Miscellaneous, of the Code of the City of Newport News, Virginia, Section 38-36, Noise from sound systems and devices, be, and the same hereby is, amended and reordained as follows:

CHAPTER 28

OFFENSES-MISCELLANEOUS

Sec. 28-36. ~~Noise from sound systems and devices~~ Loud noises prohibited.

(a) It shall be unlawful ~~at any time~~ for any person to play, use, operate, or permit to be played, used or operated any television, radio, audio system in a motor vehicle, record, tape or compact disc player, drum, musical instrument, loudspeaker, communication system, amplification system, or any other sound production or reproduction system or device in such a manner as to disturb the peace, quiet or comfort of the neighboring inhabitants or passersby, or with louder volume than is necessary for the convenient hearing of those persons for whom the system or device is being operated, whether indoors or outdoors: that it is plainly audible (i) across property boundaries or inside the confines of the dwelling unit, house or apartment of another person, between the hours of 10:00 p.m. and 8:00 a.m., or (ii) at a distance of 50 feet or more in any direction from the device.

~~(b) The volume of sound from any machine, instrument, device or system referred to in subsection (a) shall be controlled by the owner, occupant or lessee of the premises in or on which it is being used, or the owner, occupant or lessee or manager of the place of business in which such machine, instrument or device is used or operated, so that the volume is not unreasonably loud, raucous, jarring, disturbing or a nuisance to persons within the area of audibility.~~

(b) There are hereby created and established "noise sensitive zones" in the city. These zones shall constitute all territory embraced within the distance of three hundred (300) feet of every hospital or other health care facility. Upon application to and approval by the director of human services, the director of engineering shall place or cause to be placed within such zones, on posts or in other conspicuous places within such areas, signs or placards in large red letters displaying the words: "Notice--Quiet Zone."

It shall be unlawful for any person to make, or cause to be made or permit to be made by any other person, animal, vehicle or other sound producing or reproducing device under his/her control any sound within such "quiet zone," such that it is plainly audible inside the confines of the hospital or health care facility.

(c) For purposes of this section, "plainly audible" means any sound that can be detected by a person using his or her unaided hearing faculties. Specific words or phrases need not be discernable. The detection of bass reverberations is sufficient to constitute a plainly audible sound.

(e) A violation of this section shall constitute a Class 4₂ misdemeanor.

3. That this ordinance shall be in effect on and after the date of its adoption,

_____.

ITEM III

- **Council Ideas/Suggestions/Concerns**

ITEM IV

CLOSED MEETING

- **Consideration of Nominees for Appointment to Boards, Commissions and Committees**