

ORDINANCE NO. 6637-09

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

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

1. 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 animal(s) or bird(s) which creates 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(s) or bird(s) 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(s) or bird(s) at least once a minute for 10 consecutive minutes, shall be deemed to have caused or permitted a public nuisance, which is unlawful, and shall be guilty of a Class 4 misdemeanor for each occurrence the nuisance may continue, after due notice has been given to remove, correct or abate the same.

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

CHAPTER 28

OFFENSES-MISCELLANEOUS

Sec. 28-36. Loud noises prohibited.

(a) It shall be unlawful 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 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) 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 discernible. The detection of bass reverberations is sufficient to constitute a plainly audible sound.

(c) A violation of this section shall constitute a Class 2 misdemeanor.

3. That Chapter 26.1, Noise, of the Code of the City of Newport News, Virginia is hereby repealed.

4. That this ordinance shall be in effect on and after the date of its adoption, October 27, 2009.

PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON OCTOBER 27, 2009

Mabel Washington Jenkins, CMC
City Clerk

Joe S. Frank
Mayor

A true copy, teste:

City Clerk