

Code of the County of Fairfax

Section 108.1

ARTICLE 4. - Prohibited Sounds.

Section 108.1-4-1. - Specific prohibitions.

The following are violations of this Chapter:

- (a) Unless otherwise excepted by this Chapter, the use of a loudspeaker or other instrument that is mounted on the exterior of any structure or motor vehicle between 10 p.m. and 7 a.m. However, this prohibition shall not apply to loudspeakers that are required by State or Federal regulations or provide a public service announcement, such as train or bus arriving.
- (b) Any action related to the construction, repair, maintenance, remodeling or demolition, grading or other improvement of real property in the outdoors between 9 p.m. and 7 a.m. on Sunday through Thursday, or between 9 p.m. and 9 a.m. on Fridays, Saturdays, and the day before a Federal holiday.
- (c) Outdoor repairing or modifying any motor vehicle or other mechanical device between 9 p.m. and 7 a.m.
- (d) The operation of powered model vehicles in the outdoors between 9 p.m. and 7 a.m.
- (e) Outdoor collection of trash or recyclable materials in residential districts and/or within 100 yards of a residential dwelling between 9 p.m. and 6 a.m.
- (f) Any person that operates or permits to operate any motor vehicle, mechanical device, noise source, or any combination thereof, at a landfill between 9 p.m. and 6 a.m. and when located within 100 yards of a residential dwelling.
- (g) Outdoor loading or unloading trucks within 100 yards of a residential dwelling between 9 p.m. and 6 a.m.
- (h) Unless otherwise addressed by this chapter, the operation of power lawn equipment, including but not limited to lawn mowers, leaf blowers, chain saws, trimmers and edgers:
 - (1) Between 9 p.m. and 7 a.m. when operated within 100 yards from a residential dwelling, or
 - (2) Between 9 p.m. and 6 a.m. when operated 100 yards or more from a residential dwelling, or
 - (3) Between 9 p.m. and 5:30 a.m. for golf course maintenance when operated 50 yards or more from a residential dwelling; or
 - (4) Between 9 p.m. and 7 a.m. for golf course maintenance when operated less than 50 yards from a residential dwelling.

Notwithstanding the above, the operation of leaf blowers and chain saws on all property, including on golf courses, is prohibited between 9 p.m. and 7 a.m.

- (i) Unless otherwise excepted by this Chapter, the operation of mechanical devices within 100 yards of a residential dwelling for the cleaning of outdoor parking, pedestrian and/or loading areas between 9 p.m. and 7 a.m.
- (j) Unless otherwise excepted by this Chapter, any person, motor vehicle or instrument that permits, operates, or causes any source of sound or sound generation to create a sound that is plainly audible in any other person's residential dwelling with the doors and windows closed:
 - (1) Between 10 p.m. and 7 a.m. on Sunday through Thursday, or between 11 p.m. and 7 a.m. on Fridays, Saturdays, and the day before a Federal holiday; or
 - (2) Between 1 a.m. and 7 a.m. on Saturdays, Sundays and federal holidays when the residential dwelling is located in a mixed use area and the sound is emanating from a location that is not another residential dwelling.

In addition, the source of sound or sound generation must be discernible regardless of whether such doors and windows are closed.

- (k) Any owner or person in control of any animal that allows or otherwise permits any such animal to bark, howl, bay, meow, squawk, quack, crow or make such other sound:
 - (1) Between 10 p.m. and 7 a.m. that is plainly audible in any other person's residential dwelling with doors and windows closed and the source of sound generation shall be discernible regardless of whether such doors or windows are closed; or
 - (2) Between 7 a.m. and 10 p.m. when the animal sound is plainly audible and discernible across real property boundaries or through partitions common to residential dwellings and such sound can be heard for more than five consecutive or non-consecutive minutes in any ten-minute period of time. Animal sounds that can be heard for less than five consecutive or non-consecutive minutes in any ten-minute period shall not be subject to this Chapter.

The provisions of this paragraph shall not apply to any animal that, at the time of the sound or sound generation, was responding to pain or injury or was protecting itself, its kennel, its offspring, or a person from an actual threat; when the animal is a police dog that is engaged in the performance of its duties at the time of making the sound; or when part of a bona fide agricultural operation. This provision shall apply to all animal sounds emanating from the same property.

Notwithstanding the provisions of this paragraph, animals located in a dog park shall be subject to the provisions of Par. (l) below.

- (l) The use of dog parks between dusk and 7 a.m. Sunday through Thursday, or between dusk and 8 a.m. on Friday, Saturday and the day before a Federal holiday. (29-15-108.1.)