




ARLINGTON COUNTY POLICE DEPARTMENT DIRECTIVE MANUAL

Chapter: 5 Procedures	Effective Date: March 29, 2021	Amends/Supersedes: October 6, 2017 August 14, 2014 March 1, 2005	By Authority of the Acting Chief of Police  Charles A. Penn
Accreditation Standard(s): ADM.14.02, ADM.25.01			

533.02 Noise Control

I. Policy

The intended purpose of the "Noise Control Ordinance of Arlington County" is to promote the public's health, safety and welfare, and to foster the comfort of the public.

II. Code Requirements

A. [Arlington County Code: Chapter 15 - Noise Control](#)

III. Definitions

- A. DCPHD - Department of Community Planning, Housing and Development
- B. Daytime – "Daytime" means the local time of day between the hours of 7:00 a.m. and 9:00 p.m. on weekdays and between the hours of 10:00 a.m. and 9:00 p.m. on a Saturday, Sunday, and legal holidays.
- C. Exemptions – In addition to the specific exemptions listed in the Noise Ordinance, exemptions or partial exemptions to allow noise during nighttime hours may be granted at the discretion of the County Manager. A copy of the exemption shall be posted at the source of the noise by the recipient.
- D. Legal Holiday - "Legal Holiday" shall mean any of the days designated as legal holidays on the [Official Website of Arlington County](#).
- E. Live Entertainment – Live entertainment is any entertainment involving performances, or delivery of entertainment, by one or more persons. Live entertainment includes, but is not limited to musical ensembles, solo performers, deejays, karaoke, comics/comedians, theatrical acts (when performed in a venue other than a theater), and dancing (only permitted where the County Board has granted a use permit for live entertainment).
- F. Mixed Use District – Any area of the County that is developed with a mixture of commercial, retail and residential uses, whether in the same building or not.
- G. Nighttime - "Nighttime" means those times of day not included in the definition of "Daytime."

IV. Procedure

A. Enforcement of County Noise Ordinance

1. Code enforcement inspectors from the [Inspection Services Division](#) of the Department of Community Planning, Housing and Development (DCPHD) have primary responsibility for investigating complaints related to violations of the County's noise ordinance from 8:00 a.m. to 5:00 p.m., Monday through Friday.
2. The Police Department is responsible for investigating noise complaints outside of those hours, including weekends and holidays.

B. Types of Noise Complaints

1. Loud Parties - If available, two units should be dispatched to a loud party call. The officer(s) should advise the violator of the code requirements and request abatement of the noise. The officer should also advise the violator that any subsequent complaints may be cause for termination of the party.
2. Nighttime Disturbances – During nighttime hours, it is unlawful in a residential area for any person in a group of four or more persons to engage in yelling, wailing, shouting or screaming which can be heard within a dwelling at least 20 feet from the source of the noise. Additionally, between 2:00 a.m. and 6:00 a.m., it is unlawful for any person within the County to engage in yelling, wailing, shouting or screaming which can be heard within any nearby dwelling.
3. Mixed Use Districts – Between midnight and 9:00 a.m., it is unlawful for any person to engage in yelling, wailing, shouting or screaming which can be heard within a dwelling at least 100 feet from the source of the noise. Between midnight and 9:00 a.m., it is unlawful for the owner, manager, assistant manager and/or other individual in charge of a retail use business to permit any person to engage in yelling, wailing, shouting or screaming which can be heard within a dwelling at least 100 feet from the source of the noise.
4. Noise Devices – It is unlawful for any person to operate a device which amplifies or produces sound which can be heard within a dwelling at least 20 feet from the source of the noise.
5. Animal Noise - It is unlawful for any person to permit their animal to create audible noise which can be heard at least once per minute for ten consecutive minutes within any nearby dwelling.
6. Construction - When complaints are received, the responding officer should determine the specific source of the noise disturbance from the complainant and request compliance of the offending party, or site supervisor, at a construction site. Other employees on a site who are not causing a noise disturbance may continue to work.
 - a. Construction noise within the maximum permissible noise levels of the Noise Ordinance is permitted during daytime hours.

- b. Construction activities per se are not prohibited during nighttime hours; however, construction noise may not exceed the maximum permissible by code.
 - c. Determine if the foreman or other agent has a valid waiver from the DCPHD Zoning Office.
 - 7. Live entertainment is regulated by DCPHD and each business has varying conditions on their live entertainment use permit. The conditions that are universal to all businesses are:
 - a. No music or sound is allowed to be played outside of the building. All windows and doors will remain closed during times of live entertainment.
 - b. Live entertainment is not allowed to be played by loudspeaker on rooftops.
 - c. Rooftop music – No live entertainment (see Definitions) is allowed. In-house music is allowed and can be played except if it can be heard:
 - 1) 20 ft by a person; **OR**
 - 2) 50 ft from source across a real property boundary
- C. Assessment and Response to Noise Complaints - The primary unit responding to the scene should evaluate the situation and determine the validity of the complaint by any or all of the following:
 - 1. Commercial and Residential
 - a. Assessment
 - 1) Personal observation.
 - 2) Interview with the complainant, if such interview is requested by the complainant or deemed necessary by the officer.
 - 3) Verification that an exemption has or has not been granted to the alleged violator.
 - 4) Determine if any prior/other complaints were received for that location, or if there are any other means available to determine the validity of the complaint.
- D. Response & Documentation

When noise can be heard emanating from a source during operating hours of the business, beyond the restrictions set forth in the Noise Ordinance, the officer should advise the violator that a complaint has been received and that loud noise can be heard emanating from the premise. The officer should not reveal the identity of the complainant when discussing the matter with the violator.

 - 1. 1st Violation
 - a. Request abatement of the noise and issue a verbal warning to the owner or person in charge.

- b. If practical, remain at the scene for compliance.
 - c. Complete a Noise Violation Report, which will be turned into the designated Business Outreach Unit (BOU) inbox by the end of the shift.
- 2. 2nd Violation
 - a. In the event of a second call for the same offense, the officer should identify the owner and issue a written warning.
 - b. If practical, remain at the scene for compliance.
 - c. Complete a Noise Violation Report, which will be turned into the designated Business Outreach Unit inbox by the end of the shift.
- 3. 3rd or Subsequent Violation
 - a. In the event of a third or subsequent call for the same offense, contact a supervisor to determine if criminal charges are appropriate.
 - b. If practical, shut down the source of the noise. (loud party, music, etc.)
 - c. Per the County Code, every hour past the initial noise complaint constitutes a separate noise violation.
 - d. Officers shall complete a Noise Violation Report for each offense, which will be turned into the designated Business Outreach Unit inbox by the end of the shift.
- 4. Recurring Violations
 - a. When a noise complaint is a recurring issue over an extended period of time and the violator has been warned in the past, ACPD BOU will contact DCPHD for further evaluation and enforcement.
 - b. Officers responding to noise complaints at commercial establishments and construction sites (when there is no valid waiver issued) shall also complete a Noise Violation Report that is turned into the designated Business Outreach Unit inbox.



Arlington County Police Department

Noise Violation Report

Restaurant ☐ Commercial Business ☐ Construction ☐ Other ☐

Violation Number: ☐ 1st ☐ 2nd ☐ 3rd or Subsequent _____

Date: _____ Time: _____

Incident #: _____

Address: _____

Business Name: _____

Owner/Manager Full Name: _____

Complainant Name: _____

Complainant Phone Number: _____

Violation ☐ Yes ☐ No (Describe / Comments):

Was there live entertainment or deejay? ☐ Yes ☐ No

Was there dancing? ☐ Yes ☐ No

Was music playing outside either live or over speakers? ☐ Yes ☐ No

Were windows or doors open? ☐ Yes ☐ No

Is music being piped from a deejay on another floor to a rooftop?

☐ Yes ☐ No

If band or deejay, was there security on site? ☐ Yes ☐ No

Were signs posted asking patrons to respect the peace and avoid parking in residential neighborhoods where possible? ☐ Yes ☐ No

Excessive trash around the restaurant? ☐ Yes ☐ No

Pictures? ☐ Yes ☐ No Video? ☐ Yes ☐ No

Officer/Fire Marshal: _____ DID: _____

Distribution: Top Copy to Business Outreach Unit (BOU), Middle Copy to Records, Bottom Copy to Violator

ARLINGTON COUNTY CODE

Chapter 15 NOISE CONTROL

County Board Agenda Item Meeting of June 13, 2020

§ 15-10. Civil Penalties; Appeals Therefrom A. Any person who commits, permits, assists in or attempts any violation of this chapter, whether by act or omission, shall be liable for a civil violation and may, upon the issuance of a citation by the County Manager, be punished by a civil fine of not more than two hundred fifty dollars (\$250.00) for the first violation, and not more than five hundred dollars (\$500.00) for a second or other subsequent violation. Payments shall be made to the County Treasurer. Each hour the violation goes unabated shall constitute a separate offense. If such person cannot be identified, there shall be a rebuttable presumption that any owner, tenant, resident, manager, or authorized user of the premises physically present on the property where the violation is occurring is operating or controlling the noise generation or source.

B. If the County Manager determines that a violation of this chapter has occurred, the County Manager may cause a citation for a civil violation to be served on any or all persons committing, permitting, or assisting in such violation. The issuance of a citation for a civil violation of this chapter shall:

1. be in writing;
2. describe the alleged violation or violations;
3. name, by street address or RPC number, the premises where the violation or violations are alleged to exist;
4. state a deadline by which the violation or violations must be corrected; and
5. be delivered to the owner, occupant, operator or party responsible for the noise, or upon the agent of any of the foregoing, by:
 - a. hand delivery to any such person or entity;
 - b. mailing to such person or entity by U.S. certified mail; or
 - c. posting at the premises named in the notice.

C. The imposition of a civil penalty for any violation of this chapter shall not excuse the violation or permit it to continue.

D. Nothing in this chapter shall be construed to abridge, limit or otherwise impair the right of any person or entity to claim, in a separate, private action, damages or other relief on account of injuries to persons or property, and to maintain any action or other appropriate proceeding therefor. In addition to, and not in lieu of the penalties prescribed in this section, the County Manager may apply to the Circuit Court of Arlington County for an injunction against the continuing violation of any of the provisions of this section and may seek any other remedy or relief authorized by law.

E. If a person who was issued a civil citation pursuant to this section does not abate the violation and either admit liability or choose not to contest the citation, then a warrant in debt or motion for judgment shall be issued to the person by the County Manager and the civil violation shall be tried in the General District Court of Arlington County. Any party desiring to appeal that Court's decision on a civil violation of this section may appeal as provided at law for civil actions. In the event the violation exceeds the jurisdictional limits of the General District Court, the violation shall be tried in the Circuit Court of Arlington County.

F. During the pendency of any appeal, the civil citation issued by the County Manager shall remain in full force and effect.



Arlington County Police Department
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