



WRITTEN DIRECTIVE Subject: NOISE ORDINANCE ENFORCEMENT	No. FO24-0713	Page: 1 of 5
	Effective Date:	02-6-24
	Supersedes/ Amends:	FO15-0713
	Reference:	City Code 25-16, 26-52,55, 56, 57



I. Purpose

The purpose of this directive is to establish guidelines and to implement techniques and strategies for enforcement of the City of Lynchburg noise ordinance.

II. Policy

It shall be the policy of the Field Operations Bureau that officers use appropriate discretion in noise ordinance enforcement, while continuing to take enforcement action in cases where the peace and tranquility of the public is significantly disturbed, or where officers have evidence of recurring violations at a particular location.

III. Procedure

A. RESPONSIBILITIES AND FUNCTIONS

1. Officers of the Field Operations Bureau have primary responsibility for enforcing City Code noise restrictions.
2. This enforcement responsibility will be carried out through:
 - a. Response to citizen complaints;
 - b. Proactive patrol; and
 - c. Directed patrol, as deemed necessary.
3. Noise ordinance enforcement should normally be emphasized in areas where noise ordinance violations and/or citizen complaints of noise ordinance violations have been identified as consistent factors.

B. SOUND LEVEL ZONES

1. For purposes of enforcement, City Code Sections 26-52, 26-55 and 26-56 define certain noise-related terms, divide the City into separate zones (based upon receiving land use category), and define allowable sound pressure levels per zone.

- a. Each zone classification sets a distinct legal limit on sound pressure levels allowable within that zone at any time of day. These zones can be found by using the Lynchburg GIS Parcel Viewer.
- b. The following table of zoning designations and decibel (dB) sound pressure limits is taken from Lynchburg City Code, section 26-56:

	<u>0700–2200 hours</u>	<u>2200-0700 hours</u>
Noise sensitive zone*	55 dB	50 dB
Residential (all types)	57 dB	52 dB
Parks and recreational	67 dB	62 dB
Business (commercial)	67 dB	62 dB
Industrial (all types)	77 dB	77 dB

* *Noise sensitive zones* include schools, institutions of learning, courts (while in session), places of public worship (while being so used), and hospitals.

- c. For enforcement purposes, the zone from which the complaint originates will determine the legal sound level standard applicable to the reported violation.
2. Officers should be familiar with noise level zones within each area of their beat.
3. Certain activities exempted from noise level zone limitations are listed in City Code section 26-57.

C. USE OF SOUND LEVEL METERS

1. A sound level meter (SLM) may be used by officers at any time or location believed necessary in order to determine the sound level originating from an identified target.
2. As practical, officers should allow affected citizens to observe the sound level measurement process in order to educate these citizens on specific noise ordinance requirements and foster future compliance.
3. The SLM will only be used from a location where the investigating officer has a legal right to be, such as:
 - a. Public property; or
 - b. Private property with permission of the owner, controller of the property, or occupant.

4. Prior to using the SLM for enforcement purposes, officers will be trained in the proper use of the SLM equipment currently maintained by the department.
5. Officers operating the SLM must be thoroughly familiar with both the equipment and the environment in which it is used.
 - a. SLM equipment currently maintained by the Lynchburg Police Department is the PCE-430.
 - b. Operator's manuals for the SLM will be stored and maintained with the SLM equipment.
 - c. The officer must be prepared to establish in court that the SLM was operated properly. Operation of the SLM will be in accordance with the operator's manual instructions.
 - d. Before using the SLM for noise level metering, officers will verify that the unit is charged and has batteries available if needed.
 - e. Officers should be trained on the effective range and features of the SLM so that their auditory and visual observations can support the SLM readings.
6. Officers will take a reading for one minute while the suspected noise is still in progress. This will be done in view of the officer's body-worn camera (BWC) while it is recording. The BWC recording will then be attached to the case as evidence in Evidence.com.

D. WEATHER

1. The officer must understand the possible effects of weather conditions at the scene when operating the SLM.
 - a. The SLM wind screen will always be used to:
 - 1) Block ambient wind interference; and
 - 2) Keep contaminants out of the SLM sensor.
 - b. Officers will not utilize the SLM for enforcement purposes at times when the wind is blowing over an estimated 10 mph.
 - c. Officers will not expose the SLM to precipitation, as moisture will damage the mechanism.
2. In situations when the SLM cannot be used, officers should resort to other available means to identify noise ordinance violations and encourage compliance with related City Code provisions (see section III, G).

E. SLM MAINTENANCE

1. Officers using the SLM will be responsible for its proper operation, care, and maintenance.
 - a. Prior to signing out the SLM, officers will inspect the unit for missing or damaged components.
 - b. Officers will report any nonfunctional or damaged SLM to their immediate supervisor prior to the end of their duty tour:
 - 1) In memorandum format; and
 - 2) Any malfunctioning SLM will be turned over to the Equipment and Supply Coordinator, who will arrange for repair.
2. SLM will be calibrated every twelve months by the manufacturer.
3. Original certificates of SLM calibration will be kept on file in the office of the Equipment and Supply Clerk.
 - a. Notarized copies of current calibration certificates will be maintained in the SLM cases.
 - b. Notarized copies of current calibration certificates will be maintained in a binder in the General District Court.

F. ENFORCEMENT DOCUMENTATION

1. Officers should document pertinent factual information regarding each violation, to include:
 - a. Date and time of violation;
 - b. The location (described by address and/or physical characteristics) targeted for sound level reading with the SLM;
 - c. The noise level zone designations of the target and complaint locations;
 - d. The peak sound pressure level observed during the one-minute observation period;
 - e. Identity of the person(s) responsible for the violation; and
 - f. General conditions at the scene.
2. An incident-based report (IBR) will be completed to document noise ordinance enforcement activities when a summons is issued.

3. When a summons is not issued, officers should document their findings in the computer-aided dispatch (CAD) notes on the call for service. An IBR may be completed to document additional information, as deemed necessary by:

- 1) The investigating officer; or
- 2) A supervisor.

G. NOISE ORDINANCE ENFORCEMENT WITHOUT USE OF THE SLM

1. In situations where the SLM cannot be used for noise level measurements, officers may still pursue enforcement options as authorized by the Lynchburg City Code.
2. Various City Code sections provide specific criteria for defining noise ordinance violations without the use of the SLM in a variety of situations:
 - a. 26-55(C): Any noise from an adjacent property or street, which unreasonably disturbs certain persons within a noise sensitive zone;
 - b. 26-55(D): Certain enumerated acts declared to be loud, disturbing, and unnecessary noise in violation of this section; and
 - c. 25-16: Unnecessary noise in the operation of motor vehicles.

Original Signed

Nick Léger, Acting Deputy Chief
Field Operations Bureau

February 6, 2024

Date