



WRITTEN DIRECTIVE Subject: NOISE ORDINANCE ENFORCEMENT	No. FO15-0713	Page: 1 of 6
	Effective Date:	01-09-15
	Supersedes/ Amends:	FO11-0713
	Reference:	City Code 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.
 - 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 familiarize themselves with the noise level zones within their areas of assignment; a zoning map will be posted in the area of the roll call room.
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 includes:

- 1) the CEL Model 62X Sound Level Meter System, and
 - 2) the CEL Model 282 Sound Level Calibration System.
 - b. Operator's manuals for the SLM and SLM Calibrator Unit 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:
 - 1) Operation of the SLM and the SLM Calibrator Unit will be in accordance with the operator's manual instructions.
 - 2) SLM calibration will be checked (according to operator's manual instructions) by means of the Model 282 Calibrator Unit *before and after* use.
 - 3) Calibration tests, location and enforcement data will be documented by means of the *Sound Level Meter Activity Log* (form LPD-0713).
 - d. Before use of the SLM for noise level metering, officers will:
 - 1) test the unit batteries, and replace if necessary,
 - 2) calibrate the SLM according to the manufacturer's instructions, and
 - 3) adjust the SLM control settings as follows:
 - a) the *Response* setting to SLOW (s)
 - e. After use of the SLM for noise level metering, officers will verify the SLM's calibration using the unit Calibrator.
 - f. Officers must thoroughly understand the effective range and features of the SLM used, so that their auditory and visual observations can support the SLM readings.
6. Officers will take a ten minute reading while the suspected noise is still in progress (if applicable).
- a. The source of the noise is to be eliminated (if applicable) and a second ten minute reading will be taken to determine background noise.
 - 1) refer to sound level meter activity log to determine if noise is in violation of city code.
 - 2) be mindful that businesses are not expected to shut down generators, etc. to determine background noise.

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:
 - 1) to block ambient wind interference, and
 - 2) to keep contaminants out 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. (Indicators of a 10-mph wind: leaves and small twigs in constant motion and/or wind steadily audible to the ear.)
 - 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 MAINTAINANCE

1. Officers using the SLM will be responsible for its proper operation, care and maintenance.
 - a. Prior to signing out the SLM, officers will check 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) Such report will be in *Memorandum* format.
 - 2) A malfunctioning SLM will be turned over to the Equipment and Supply Coordinator, who will arrange for repair.
2. SLM and Calibrator Unit calibration will be checked every twelve months, in accordance with operator's manual instructions.
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. A *Sound Level Meter Activity Log* (form LPD-0713) will be completed by the investigating officer each time the SLM is used for enforcement purposes.
2. Officers should document pertinent factual information regarding each violation on the *Sound Level Meter Activity Log*, 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. a sketch or diagram of the area indicating:
 - 1) target location, and
 - 2) location(s) from which the SLM readings were taken,
 - d. target and background noise levels:
 - 1) to ensure that the identified target is the primary source of any excessive SLM reading obtained, officers may need to take additional SLM readings of other noise sources in the same area, after the target noise has been quieted, and
 - 2) if a separate and consistent background noise level is identified:
 - a) the background noise level will be noted on the *Sound Level Meter Activity Log*, and
 - b) a corresponding correction factor will be applied to the overall SLM reading, in order to isolate an accurate target noise level,
 - e. the noise level zone designations of the target and complaint locations,
 - f. identity of the person(s) responsible for the violation,
 - g. general conditions at the scene, and
 - h. SLM settings at the time that evidentiary readings were taken.
3. Whenever charges are filed as a result of SLM measurements, the *Sound Level Meter Activity Log* will be retained by the officer, with copies of issued summonses for use in court testimony.

4. An IBR report (form LPD-1402) will normally not be required to document noise ordinance enforcement activities as sufficient information will be captured through dispatch records and issued summonses.
 - a. IBR reports may be completed to document additional information, as deemed necessary by:
 - 1) the investigating officer, or
 - 2) a supervisor.
 - b. Whenever an IBR report is filed, the report's Control Card number will be included on any *Sound Level Meter Activity Log* that has also been completed, and a copy of the log will be attached to the report.

G. NOISE ORDINANCE ENFORCEMENT WITHOUT USE OF THE SLM

1. In situations where the use of 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 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 create excessive, unnecessary or unreasonable noise, or
 - c. 25-16: unnecessary noise in the operation of motor vehicles.

Original Signed

Major K.T. Swisher
Deputy Chief, Field Operations Bureau

January 9, 2015

Date