



# City of Norfolk

Office of the City Manager

C: City Attorney

February 8, 2011

To the Honorable Council  
City of Norfolk, Virginia

Re: Correction and Clarification of Section  
26-3(b)(1) – Sound Levels

Ladies and Gentlemen:

I. **Recommended Action:** Adopt Ordinance.

II. **Overview**

This ordinance proposes a revision/amendment to City Code § 26-3(b)(1) in order to state the exact hours of operation of mobile power equipment (i.e. lawnmowers, leaf blowers, etc.) and remove a reference to a code section that no longer exists.

More specifically, when the noise ordinance was last revised, one of the changes in § 26-3(b)(1) contemplated the Council contemporaneously passing a section, 26-3(d)(1), which would have amended, by shortening, the weekend hours for operating mobile power equipment. The 26-3(d)(1) amendment also included an exemption from any time restrictions for golf courses operating such equipment.

The § 26-3(b)(1) amendment passed, but the 26-3(d)(1) amendment did not. As a result, there is a reference in 26-3(b)(1) of the noise ordinance to § 26-3(d)(1) which does not exist, and as a result, 26-3(b)(1) fails to identify the hours during which mobile power equipment may be operated.

The golf course exemption is included in the revision.

III. **Analysis**

A. **General**

The revision/amendment to City Code § 26-3(b)(1) removes a reference to a nonexistent section and reinstates the original hours of operation (7a.m. to 9p.m.) of mobile power equipment. The revision/amendment also provides for an exemption of these time restrictions for golf courses.

B. Fiscal  
N/A

C. Environmental  
N/A

D. Community Outreach/Notification  
Public notification for inclusion of this item on the City Council agenda was conducted through the City of Norfolk's agenda notification process.

IV. Conclusion

The proposed revision/amendment to the noise ordinance restores the exact hours of operation for mobile power equipment, provides an exemption to such time restrictions for golf courses, and removes a nonexistent code section reference.

Respectfully submitted,



Marcus D. Jones  
City Manager

Coordination/Outreach

This letter has been coordinated with the City Attorney's Office.

01-03-11 II  
Form and Correctness Approval

By Jean E. Maloney  
Office of the City Attorney

Contents Approved:

By R. W. White Jr.  
DEPT.

NORFOLK, VIRGINIA

## ORDINANCE No.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 26-3(b)(1) OF THE NORFOLK CITY CODE, 1979, **SO AS TO** MORE CLEARLY DEFINE PROHIBITED ACTIVITY.

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That Section 26-3(b)(1) of the Norfolk City Code, 1979, is hereby amended and reordained so as to read as follows:

Section 26-3. Sound levels.

(b) When a noise source can be identified and its noise measured in more than one district classification, the limits of the most restrictive classification shall apply, except for the following:

(1) Sound created by the operation of mobile power equipment, such as power lawn mowers and chain saws, shall not be regulated, provided the operation of said equipment is limited to the hours of 7:00 a.m. - 9:00 p.m. and such equipment is operated with standard muffler or sound dissipating devices. Operation of mobile power equipment on a golf course shall be exempt from the time limitations set forth in this subsection.

Section 2:- That this ordinance shall be in effect from and after its adoption.