
PART FIVE — GENERAL OFFENSES CODE

ARTICLE 527 Noise

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CROSS REFERENCES

West Virginia Code 8-12-5(23) provides municipalities with the authority to eliminate hazards to public health and safety and to abate public nuisances, which in the opinion of the Council of the Corporation of Harpers Ferry, includes excessive noise.

The following sections of Harpers Ferry ordinances apply:

- Ord. 505.04—Barking or howling dogs
- Ord. 509.06—Breach of Peace
- Ord. 509.01—Disorderly Conduct

527.01 Noise control.

No person shall, within the limits of the Municipality, make, continue or cause to be made or continued, any loud, unnecessary or unusual noise or any noise which does or is likely to either annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of reasonable persons of ordinary sensibilities.

527.02 Noise prohibited.

The following acts and emissions of noise are declared to be loud, disturbing and unnecessary noises prohibited by Section 527.01, but such enumeration shall not be deemed to be exclusive, namely:

- (a) Horns, Signaling Devices. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place of the municipality, except as a danger warning, in a manner which is plainly audible at a distance of fifty (50) feet from said vehicle.
- (b) Vehicles. Noise from the use of any automobile, truck, motorcycle or other vehicle within the Municipality which either: (1) emits a noise above the level of 90 decibels, as measured by a Sound Level Meter properly calibrated under standards of the U.S. Environmental Protection Agency, as measured from the edge of the road carrying the vehicle; or (2) emits a noise above 65 decibels if between the hours of 10 p.m. to 8 a.m. (Ord. 06-10. Passed 10-9-2006.)
- (c) Sound Amplifying Devices. The using, operating or permitting to be played, any device for the producing or reproducing or amplifying of sound, in such manner so as to disturb the peace, quiet and comfort of the neighboring inhabitants which exceeds 65 decibels, or fifty five (55) decibels if between the hours of 10 p.m. to 8 a.m., as measured fifty (50) feet from the building or vehicle from where the noise emanates.
- (d) Power Tools and Equipment. The use of power tools, landscaping or yard maintenance equipment that produce an audible sound at or above the level of 65 decibels, measured from the property line of the property from which the sound is emanating, between the hours of 10 p.m. to 8 a.m.

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527.03 Enforcement.

Any certified law enforcement officer who encounters evidence of a violation of this ordinance is empowered to issue a summons to a person or persons whom the law enforcement officer believes has violated this ordinance. The summons shall summon the individual or individuals to appear before the municipal court at a stated time and place to answer charges of a violation of this ordinance as stated in the summons.

527.04 Penalties.

- (a) The municipal court, having found that an individual has violated any provision of Article 527, may order the perpetrator to abate the public nuisance and may order the perpetrator to pay a civil penalty of not less than \$50.00 nor more than \$300.00.
- (b) The municipal court having found that an individual has committed a subsequent violation of Article 527 within twelve (12) months after being adjudged to have committed his / her last violation, may order the perpetrator to pay a civil penalty of not less than \$150.00 nor more than \$500.00.
- (c) Each violation of this ordinance, which occurs on a separate day shall constitute a separate offenses under this ordinance.

527.05 Exclusions.

The provisions of Article 527 are not applicable to noise from the following sources:

- (a) Emergency or public safety vehicles;
- (b) Emergency repair activity directed at vital services;
- (c) Any public or private emergency or alarm device;
- (d) Noise emanating from any place of worship;
- (e) Trains or railway devices;
- (f) Sporting events;
- (g) Authorized public activities which have been authorized by the Town Council or Mayor.

527.06 Appeals.

Appeals to the Jefferson County Circuit Court may be made pursuant to Rule 18 of the West Virginia Rules of Civil Procedure for Magistrate Courts.

527.07 Civil cause of action not precluded.

Nothing contained in this ordinance shall be construed to limit or preclude the right of any individual, entity or municipality from pursuing any civil cause of action otherwise authorized by law for either injury or damage arising from any noise which creates either public or private nuisance under law. (Passed 11-14-2005.)