

County of Prince George, Virginia



MEMO

TO: The Honorable Chairman & Members of the Board of Supervisors

FROM: Keith Early, Police Chief
Andrea Erard, Assistant County Attorney

DATE: September 24, 2019

RE: Barking Dogs

Prince George County currently has a noise ordinance that meets all legal requirements. There is no authority to enact a more restrictive ordinance on the local level to make it easier to address barking dogs.

The Prince George County Ordinance requires pet owners to keep their animals from disturbing the peace by frequent or long continued noises. The Police Department will respond to circumstances where a dog is barking incessantly, in accordance with section 54-23.1 of the Prince George County Code. However, these violations are sometimes difficult for the Police Department to directly observe.

In addition to responding to complaints, the Police Department can send a letter advising the animal owner of the complaint and relevant laws. The letter could also include tips on controlling barking dogs. To have a letter mailed, citizens would just need to call the Police Department with the exact address of the animal owner and a brief description of the violation.

If the problem is not resolved by the letter, citizens may also enforce the law by contacting the Magistrate's Office to have a summons written for which the pet owner may receive a fine. The Magistrate's Office is located at _____ . More information about the Magistrate's Office can be obtained by calling _____ .

CURRENT ORDINANCE:

Sec. 54-23.1. - Restricted noise during certain times of the day.

It shall be unlawful for any person:

- (a) To use, allow to use, operate or play any radio, phonograph, television, record, compact disc or tape player, musical instrument, loudspeaker, sound amplifier or other machine or device capable of producing or reproducing sound in such a manner that it is plainly audible between 10:00 p.m. and 6:00 a.m. (i) inside the confines of a dwelling unit, house or apartment of another person or (ii) at 50 or more feet from the device. Such machines or devices are permitted to be used at public parks or recreation fields, sporting events, school-sponsored activities on school grounds, and at parades, public functions or commemorative events.
- (b) To allow or permit the playing of any radio, stereo, tape player, compact disc player, loud speaker or other device used to amplify sound which is located on residential property from 6:00 a.m. to 10:00 p.m. and which is plainly audible 50 feet or more from a public road, private road or the property line where the device is located. This provision shall not apply to community activities, weddings, public functions, or security devices.
- (c) To allow noise between the hours of 10:00 p.m. and 6:00 a.m. that is plainly audible either inside the confines of a dwelling unit, house or apartment of another person or at 50 or more feet when the noise is generated from a gathering of ten or more people.
- (d) *To allow any animal or bird except farm animals between the hours of 10:00 p.m. and 6:00 a.m. to create noise such that it is plainly audible at least once a minute for ten consecutive minutes (i) inside the confines of a dwelling unit, house or apartment of another; or (ii) at 50 or more feet from the animal or bird.*
- (e) To play or permit the playing of any radio, stereo, tape player, compact disc player, loud speaker or other electronic device or mechanical equipment used for the amplification of sound, which is located within a motor vehicle and which is plainly audible from outside the motor vehicle at a distance of 50 feet or more from the vehicle. This provision shall not apply to sirens, loud speakers and emergency communications radios in public safety vehicles, nor shall it apply to motor vehicle alarms or other security devices.
- (f) To create plainly audible noise (i) inside the confines of a dwelling unit, house or apartment of another person or (ii) at 50 or more feet from the device between 10:00 p.m. and 6:00 a.m. in connection with the loading or unloading of refuse, waste or recycling collection vehicles.
- (g) To create plainly audible noise (i) inside the confines of a dwelling unit, house or apartment of another person or (ii) at 50 or more feet from the device between 10:00 p.m. and 6:00 a.m. in connection with commercial lawn care, leaf removal,

gardening, tree maintenance or removal and other commercial landscaping, lawn or timbering activities.

(h) This section shall not apply to public safety activities, military activities and repairs to public or public service corporation infrastructure.

(i) Violations of this section shall constitute a misdemeanor punishable by a fine of not less than \$100.00 nor more than \$250.00.