

## **A Motion For The Arlington County Civic Federation (ACCF)**

### Resolution Regarding Proposed Revisions to Chapter 15 of the Arlington County Code ("Noise Ordinance")

WHEREAS in April 2009, a Virginia Supreme Court decision voided the portions of Arlington's noise ordinance that used the "reasonable person" standard to define a noise disturbance; and

WHEREAS since April 2009, the ACCF Planning & Zoning Committee has provided suggested changes and tracked the progress of the revisions; and

WHEREAS County staff's proposed revisions to the noise ordinance were made public on 10/17/12 via a Request to Advertise (RTA) and placed on the consent agenda for the 10/20/12 County Board meeting; and

WHEREAS ACCF President James Schroll successfully requested deferral of the RTA in a letter to the County Board on 10/22/12 and in public testimony on 10/23/12; and

WHEREAS since the release of staff's proposed revisions, members of the ACCF Planning & Zoning Committee have carefully reviewed those revisions; submitted written comments and questions to staff on 10/31/12, to which staff responded in writing on 11/7; met with staff to review issues on 11/7/12; and on 11/12/12 prepared a report that documents changes that should be considered; and

WHEREAS the schedule for adoption of the revisions provides for two public meetings (11/13/12 and 11/14/12), County Board advertisement in December, and County Board action in January; and

WHEREAS the above referenced documents are on the ACCF Website.

#### **THEREFORE BE IT RESOLVED:**

1. That the advertisement of the proposed changes to the noise ordinance should include within its scope the changes recommended in "Noise Ordinance Revisions\_11-12-2012" document posted on the Civic Federation's website, so that the public can discuss and debate their merits;
2. That in presenting the noise ordinance to the public and the Board, staff should clearly enumerate and justify the major policy changes proposed within the advertisement including the fundamental change to the definition of "noise disturbance" and the elimination of standards based on the zoning category of the noise-receiving site;
3. That County should clearly notify the public what the enforcement plan is for the revised ordinance including, specifically, that Police Officers will not be equipped or trained to use noise meters, and that Code Enforcement Inspectors will not respond to new calls during nights and weekends (and the implication of this for the use of decibel levels for nighttime enforcement); and
4. That upon advertisement, the County Board should allow ample time for a public process that will allow sufficient discussion and resolution of these important and complex issues.