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# Va. Supreme Court to hear appeal of Beach noise law

## VIRGINIA BEACH

The state Supreme Court has agreed to decide whether the city's noise law is constitutional.

In the process, the justices could finally determine how loud is too loud.

The Peppermint Beach Club, which has been repeatedly charged with misdemeanor violations of the noise ordinance, was granted the appeal on Thursday.

Attorney Kevin Martingayle, who represents the Atlantic Avenue club, said the case could have significant repercussions in how noise ordinances are regulated across the state and could establish uniform standards.

"This case is going to result in an opinion that will guide noise enforcement in the state for many years to come," Martingayle said.

Earlier this year, a Circuit Court judge dismissed the club's lawsuit asking that the noise ordinance be declared unconstitutional because it is vague and capriciously enforced.

If the Circuit Court ruling is overturned, the city will have to take a look at the ordinance and make changes.

"We are not anywhere near there yet," said senior city attorney Christopher Boynton. "In the city's view, the trial court got it exactly right."

The justices will hear the case sometime next year.

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**Source URL (retrieved on 01/12/2009 - 15:27):** <http://hamptonroads.com/2008/10/va-supreme-court-hear-appeal-beach-noise-law>