

Noise Bylaw Samples



Kim D. Hopewell, Town Clerk
August 2011 Town Clerk Query
Accepted Noise Bylaws

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Town of Burlington

4.5 Construction Hours

No commercial construction, demolition, repair, paving or alteration of buildings or streets or excavation shall be conducted between the hours of 7:00 PM and 7:00 AM, except with the approval of the Board of Selectmen. Anyone who violates this bylaw shall be subject to a fine of \$300, each day to constitute a separate occurrence. This bylaw may be enforced through non-criminal disposition by the Building Inspector or any Police Officer of the Town of Burlington. This bylaw shall not apply to emergency activities of Town, County, State or Federal agencies or to emergency activities conducted by public utilities.

1.33 Offensive Operation of Motor Vehicles

1.33.1 No person shall operate a motor vehicle, nor shall any owner of such vehicle permit it to be operated upon any street, public place, or any place to which the public has right of access as invitees or licensees, except fire department and fire patrol apparatus, unless such motor vehicle is equipped with a muffler to prevent excessive or unnecessary noise.

1.33.2 No person operating a motor vehicle upon any street, public place or any place to which the public has right of access as invitees or licensees, shall sound a bell, horn, or other device, nor in any manner operate such motor vehicle so as to make a harsh, objectionable or unreasonable noise, nor permit same.

(Ref. Ch. 90, Section 16 M.G.L.)

Town of Concord

CONSTRUCTION NOISE BYLAW

Section 1. Construction Noise

It shall be unlawful for any person or persons to create, assist in creating, continue or allow to continue any loud noise related to non-public construction activities as outlined below prior to 7:00 am and after 8:00 pm on weekdays and Saturdays which either annoys, disturbs, injures or endangers the reasonable quiet, comfort, repose or the health and safety of others within the Town. Additionally, it shall be unlawful for any person or persons to create, assist in creating, continue or allow to continue any excessive, unnecessary or unusually loud noise related to non-public construction activities as outlined below prior to 8:00 am and after 6:00 pm on Sundays and the following holidays: New Year's, Memorial Day, Fourth of July, Labor Day, Thanksgiving and Christmas.

Construction shall mean those activities requiring a building permit, and shall also include any site preparation, earth removal, grading, assembly, erection, substantial repair, alteration or similar action, including demolition, for or of private streets, structures, utilities or similar non-public property. Construction noise shall be that noise generated by manual or mechanical activities associated with construction.

Section 2. Exemptions

Noise associated with Emergency Work or Emergency Vehicles is exempt from the provisions of this Bylaw. Emergency Work shall mean any work performed in an effort to protect, provide or restore public safety, or work by private or public utilities when restoring utility service. Emergency Vehicles shall mean any vehicle operated in an effort to protect, provide or restore public safety including, but not limited to, ambulances, police vehicles and fire vehicles.

Noise associated with construction activities undertaken with authorization of the Police Chief in order to complete a project, which is in the public interest, in a timely and expeditious manner shall be exempt from the provisions of this Bylaw.

Article 61, Town Meeting, April 2010

NOTE:

Section 3 of this bylaw, approved at the April 2010 Annual Town Meeting, was subsequently disapproved by the Attorney General and has therefore been deleted.

Town of Dalton

MUNICIPAL NOISE CONTROL BY-LAW

ARTICLE 1: PURPOSE

- 1.1. WHEREAS excessive sound is a serious hazard to the public health, welfare, safety, and the quality of life; and, WHEREAS a substantial body of science and technology exists by which excessive sound may be substantially abated; and, WHEREAS the people have a right to, and should be ensured an environment free from excessive sound, it is the policy of the Town of Dalton to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life.
- 1.2. This By-law shall apply to the control of sound originating from stationary and mobile sources, as described herein, within the limits of the Town of Dalton.

ARTICLE 2: DEFINITIONS

The following words and terms, when used in this By-law, shall have the following meanings unless the context clearly indicates otherwise:

- 2.1. “Ambient Sound Level” is the total sound pressure level in the area of interest including the noise source of interest.
- 2.2. “A-Weighting” is the electronic filtering in sound level meters that models human hearing frequency sensitivity.
- 2.3. “Background Sound Level” is the total sound pressure level in the area of interest excluding the noise source of interest.
- 2.4. “Commercial Area” is a group of commercial facilities and the abutting public right-of-way and public spaces.
- 2.5. “Commercial Facility” is any premises, property, or facility involving traffic in goods or furnishing of services for sale or profit, including but not limited to:
 - a. Banking and other financial institutions;
 - b. Dining establishments;
 - c. Establishments for providing retail or wholesale services;
 - d. Establishments for recreation and entertainment;
 - e. Office buildings;
 - f. Transportation; and
 - g. Warehouses.
- 2.6. “Construction” is any site preparation, assembly, erection, repair, alteration or similar action, or demolition of buildings or structures.
- 2.7. “C-Weighting” is the electronic filtering in sound level meters that models a fiat response (output equals input) over the range of maximum human hearing frequency sensitivity.
- 2.8. “dBA” is the A-weighted unit of sound pressure level.
- 2.9. “dBC” is the C-weighted unit of sound pressure level.
- 2.10. “Decibel (dB)” is the unit of measurement for sound pressure level at a specified location.

- 2.11. “Emergency Work” is any work or action necessary to deliver essential services including, but not limited to, repairing water, gas, electric, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, or to abate any immediate or substantial threat of damage to life, health or property.
- 2.12. “Impulsive Sound” is a sound having a duration of less than 1 s with an abrupt onset and rapid decay.
- 2.13. “Industrial Facility” is any activity and its related premises, property, facilities, or equipment involving the fabrication, manufacture, or production of durable or non-durable goods.
- 2.14. “Motor Vehicle” is any vehicle that is propelled or drawn on land by an engine or motor.
- 2.15. “Muffler” is a sound-dissipative device or system for attenuating the sound of escaping gases of an internal combustion engine.
- 2.16. “Multi-dwelling Unit Building” is any building wherein there are two or more dwelling units.
- 2.17. “The Municipality” is The Town of Dalton.
- 2.18. “Noise” is any sound of such level and duration as to be or tend to be injurious to human health or welfare, or which would unreasonably interfere with the enjoyment of life or property throughout the Municipality or in any portions thereof, but excludes all aspects of the employer-employee relationship concerning health and safety hazards within the confines of a place of employment.
- 2.19.1 “Noise Control Administrator (NCA)” is the Board of Health and is empowered to grant permits for waivers.
- 2.20. “Noise Control Officer (NCO)” is an officially designated agent of the Board of Health trained in the measurement of sound and empowered to issue a summons for violations of this By-law.
- 2.21. “Noise Disturbance” is any sound that (a) endangers the safety or health of any person, (b) disturbs a reasonable person of normal sensitivities, or (c) endangers personal or real property.
- 2.22. “Person” is any individual, corporation, company, association, society, firm partnership, joint stock company, the Municipality or any political subdivision, agency or instrumentality of the Municipality.
- 2.23. “Public right-of-way” is any street, avenue, boulevard, road, highway, sidewalk, or alley that is leased, owned, or controlled by a governmental entity.
- 2.24. “Public Space” is any real property or structures thereon that is owned, leased, or controlled by a governmental entity.
- 2.25. “Pure Tone” is any sound that can be judged as a single pitch or set of single pitches by the NCO.
- 2.26. “Real Property Line” is either (a) the imaginary line, including its vertical extension, that separates one parcel of real property from another, or (b) the vertical and horizontal boundaries of a dwelling unit that is one in a multi-dwelling unit building.
- 2.27.1 “Residential Area” is a group of residential properties and the abutting public rights-of-way and public spaces.
- 2.28. “Residential Property” is property used for human habitation, including but not limited to:
 - a. Private property used for human habitation;
 - b. Commercial living accommodations and commercial property used for human habitation;

- c. Recreational and entertainment property used for human habitation; and
 - d. Community service property used for human habitation.
- 2.29. “Sound Level” is the instantaneous sound pressure level measured in decibels with a sound level meter set for A-weighting on slow integration speed, unless otherwise noted.
- 2.30. “Measuring Instrument” is an instrument such as a sound level meter, integrating sound level meter or dosimeter used to measure sound pressure levels conforming to Type 1 or Type 2 standards as specified in the latest version of ANSI Standard S 1.4-1983.
- 2.31. “Sound Pressure Level (SPL)” is 20 multiplied by the logarithm, to the base 10, of the measured sound pressure divided by the sound pressure associated with the threshold of human hearing, in units of decibels.
- 2.32. “Weekday” is any day, Monday through Friday, that is not a legal holiday.

ARTICLE 3: POWERS, DUTIES AND QUALIFICATIONS OF THE NOISE CONTROL OFFICERS AND ADMINISTRATORS

- 3.1. The noise control officer (NCO) shall enforce the provisions of this By-law.
- 3.2. The noise control administrator (NCA) shall have the power to:
- a. Coordinate the noise control activities of all municipal departments and cooperate with all other public bodies and agencies to the extent practicable;
 - b. Review the actions of other municipal departments and advise such departments to the effect, if any, of such actions on noise control;
 - c. Review public and private projects, subject to mandatory review or approval by other departments or boards, for compliance with this By-law; and
 - d. Grant permits for waivers according to the provisions of Article 9.
- 3.3. All persons conducting sound measurements to assess compliance with this section shall be trained in the current techniques and principles of sound measurement equipment and instrumentation.
- 3.4. Noise measurements taken by a NCO shall be taken in accordance with the procedures specified in Article 5.

ARTICLE 4: DUTIES AND RESPONSIBILITIES OF OTHER DEPARTMENTS

- 4.1. All departments and agencies of the Municipality shall carry out their programs according to law and shall cooperate with the NCA in the implementation and enforcement of this By-law.
- 4.2. All departments charged with new projects or changes to existing projects that may result in the production of noise shall consult with the NCA prior to the approval of such projects to ensure that such activities comply with the provisions of this By-law.

ARTICLE 5: SOUND MEASUREMENT PROCEDURES

- 5.1. Insofar as practicable, sound will be measured while the source under investigation is operating at normal, routine conditions and, as necessary, at other conditions, including but not limited to, design, maximum, and fluctuating rates.
- 5.2. All tests shall be conducted in accordance with the following procedures:
- a. The NCO shall, to the extent practicable, identify all sources contributing sound to the point of measurement.

- b. Measurements shall be taken at or within the property line of the affected person.
 - c. The measuring instrument must be calibrated using a calibrator recommended by the measuring instrument manufacturer before and after each series of readings.
 - d. The measuring instrument must be recertified and the calibrator must be recalibrated at least once each year by the manufacturer or by a person that has been approved by the manufacturer. A copy of written documentation of such recertification and recalibration shall be kept with the equipment to which refers.
 - e. No outdoor measurements shall be taken:
 - 1. During periods when wind speeds (including gusts) exceed 15 mph;
 - 2. Without a windscreen, recommended by the measuring instrument manufacturer, properly attached to the measuring instrument;
 - 3. Under any condition that allows the measuring instrument to become wet (e.g., rain, snow, or condensation);or
 - 4. When the ambient temperature is out of the range of the tolerance of the measuring instrument.
- 5.3. The report for each measurement session shall include:
- a. The date, day of the week, and times at which measurements are taken;
 - b. The times of calibration;
 - c. The weather conditions;
 - d. The identification of all monitoring equipment by manufacturer, model number, and serial number;
 - e. The normal operating cycle of the sources in question with a description of the sources;
 - f. The ambient sound level, in dBA, with the sources in question operating;
 - g. The background sound level, in dBA, without the sources in question operating; and
 - h. A sketch of the measurement site, including measurement locations and relevant distances, containing sufficient information for another investigator to repeat the measurements under similar conditions.
- 5.4. Prior to taking noise measurements the investigator shall explore the vicinity of the source in question to identify any other sound sources that could affect measurements, to establish the approximate location and character of the principal sound source, and to select suitable locations from which to measure the sound from the source in question.
- 5.5. When measuring continuous sound, or sound that is sustained for more than 1s at a time, the measuring instrument shall be set for A-weighting, slow response, and the range (if the measuring instrument is designed to read levels over different ranges) shall be set to that range in which the meter reads closest to the middle of the scale. The minimum and maximum readings shall be recorded to indicate the range of monitored values along with the central tendency average most often displayed.
- 5.6. The measuring instrument shall be placed at a minimum height of 3 ft above the ground or from any reflective surface. When handheld, the microphone shall be held at arm's length and pointed at the source at the angle recommended by the measuring instruments manufacturer.
- 5.7. If extraneous sound sources, such as aircraft flyovers or barking dogs, that are unrelated to the measurements increase the monitored sound levels, the measurements should be postponed until these extraneous sounds have become of such a level as not to increase the monitored sound levels of interest.
- 5.8. The monitoring session should last for a period of time sufficient to ensure that the sound levels measured are typical of the source in question.

5.9. The background sound levels shall be subtracted from the measured sound levels of the source of interest by using Table 1 to determine the sound levels from the source of interest alone. If the ambient sound level is less than 3 dBA higher than the background sound level, the source level cannot be derived and a violation of the By-law cannot be substantiated.

Table 1 Correction for Background Levels*

Difference Between Ambient and Background Levels	Correction Factor to be Subtracted from Ambient Sound Level for Source Level
3	3
4 - 5	2
6 - 9	1
10 or more	0

*In dBA

ARTICLE 6: SOUND LEVEL LIMITATIONS

- 6.1. No person shall cause, suffer, allow, or permit the operation of any sound source on a particular category of property or any public space or right-of-way in such a manner as to create a sound level that exceeds the background sound level by at least 10 dBA during daytime (7:00 a.m. to 10:00 p.m.) hours and by at least 5 dBA during nighttime (10:00 p.m. to 7:00 a.m.) hours when measured at or within the real property line of the receiving property, except as provided in Section 6.1.1. Such a sound source would constitute a noise disturbance.
 - 6.1.1. If the background sound level cannot be determined, the absolute sound level limits set forth in Table 2 shall be used.
 - 6.1.2. If the sound source in question is a pure tone, the limits of Table 2 shall be reduced by 5 dBA.

Table 2 Maximum Permissible Sound Levels* Receiving Property

	Residential		Commercial
Source Property	7:00 a.m. – 10:00 p.m. 7:00 a.m.	10:00 p.m. –	(All times)
Residential	55	50	65
Commercial	65	50	65
Industrial	65	50	65

*In dBA. These levels would be appropriate for typical suburban environments. Urban environments may allow for limits that are 5 to 10 dBA higher and rural or quiet suburban environments may allow for limits that are 5 to 10 dBA lower than those listed. The specific limitations should be based on the environment and tastes of the municipality.

- 6.1.3. Nonrepetitive impulsive sound sources shall not exceed 90 dBA or 120 dBA at or within a residential real property line, using the fast meter response speed.
- 6.1.4. In multi-dwelling unit buildings, if the background sound level cannot be determined, the daytime limit is 45 dBA and the nighttime limit is 35 dBA for sounds originating in

another dwelling within the same building

- 6.2. The following are exempt from the sound level limits of Section 6.1:
- a. Noise from emergency signaling devices;
 - b. Noise from an exterior burglar alarm of any building provided such burglar alarm shall terminate its operation within 30 minutes of its activation;
 - c. Noise from domestic power tools, lawn mowers, and agricultural equipment when operated between 7:00 a.m. and 8:00 p.m. on weekdays and between 8:00 a.m. and 8:00 p.m. on weekends and legal holidays except in emergency work, provided they generate less than 85 dBA at or within any real property line of a residential property;
 - d. Any bell or chime from any school, church or municipal facility.
 - e. Noise from construction activity provided all motorized equipment used in such activity is equipped with functioning mufflers, except as provided in Section 7.2(f);
 - f. Noise from snow blowers, snow throwers, and snow plows when operated with a muffler for the purpose of snow removal or their maintenance.
- 6.3. When the source being analyzed is a stereo system with low frequency signals as part of its output, the stereo shall not cause a "C" weighted level of 10dB or greater above the "C" weighted ambient level at a distance of 10 feet from the source, or the complainant's property line, which ever is greater.

ARTICLE 7: SPECIFIC PROHIBITED ACTS

- 7.1. No person shall cause, suffer, allow, or permit to be made verbally or mechanically any noise disturbance, as defined in Section 6.1.
- 7.2. Other than as noted in Section 2.11 no person shall cause, suffer, allow, or permit the following acts:
- a. Operating, playing, or permitting the operation or playing of any radio, television, phonograph, or similar device that reproduces or amplifies sound in such a manner as to create a noise disturbance (as defined in Section 6.1) for any person other than the operator of the device;
 - b. Using or operating any loudspeaker, public address system, or similar device between 10:00 p.m. and 8:00 a.m. the following day, such that the sound therefrom creates a noise disturbance (as defined in Section 6.1) across a residential real property line;
 - c. Owning, possessing, or harboring any animal or bird that, frequently or for continued duration, generates sounds that create a noise disturbance (as defined in Section 6.1) across a residential real property line;
 - d. Loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, liquids, garbage cans, refuse, or similar objects, or the pneumatic or pumped loading or unloading of bulk materials in liquid, gaseous, powder, or pellet form, or the compacting of refuse by persons engaged in the business of scavenging or garbage collection, whether private or municipal, between 9:00 p.m. and 7:00 a.m. the following day on a weekday and between 9:00 p.m. and 9:00 a.m. the following day on a weekend day or legal holiday except by permit, when the

sound therefrom creates a noise disturbance (as defined in Section 6.1) across a residential property line;

- e. Operating or permitting the operation of any motor vehicle whose manufacturer 's gross weight rating is in excess of 10,000 lbs., or any auxiliary equipment attached to such a vehicle, for a period of longer than 5 minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion or emergency work, on a public right-of-way or public space within 150 ft of a residential area between 7:00 p.m. and 7:00 a.m. the following day or as authorized by permit. This section shall not apply to delivery or pickup vehicles that require the operation of the engine to unload or load their vending loads or to the operation of vehicles carrying products which must be kept refrigerated.
- f. Operating or permitting the operation of any tools or equipment used in construction, drilling, earthmoving, excavating, or demolition work between 6:00 p.m. and 7:00 a.m. the following day on a weekday or at any time on a weekend day or legal holiday, except for emergency work, by waiver issued pursuant to Article 9, or when the sound level does not exceed any applicable relative or absolute limit specified in Section 6.1.

ARTICLE 8: EXEMPTIONS

- 8.1. The provisions of this By-law shall not apply to noise emitted by or related to any of the following:
 - a. Any siren, whistle or bell or other sound generating device used in an alarm system relating to an emergency situation except as provided in Section 6.2(b);
 - b. Any siren, whistle or bell lawfully used by emergency response vehicles, cleanup or repair work that is necessary to ensure the protection of public health safety or welfare;
 - c. Natural phenomena;
 - d. Any siren, whistle or bell required by law or regulation which operates at sound levels appropriate to the environment;
 - e. Non-commercial public speaking and public assembly activities subject to federal and state constitutional protection;
 - f. Farming equipment or farming activity; or
 - g. Devices used in conjunction with places of religious worship
- 8.2. Noise generated from municipally sponsored or approved celebrations or events shall be exempt from the provisions of this By-law.

ARTICLE 9: WAIVER CONDITIONS

- 9.1. Any person who owns or operates any stationary or mobile noise source may apply to the NCA for a waiver from one or more of the provisions of this By-law. Every request for a waiver shall be made in writing and shall be subject to a public hearing before the Board of Health. The requesting party, at his or her sole expense, must notify all property owners within 300 feet by certified mail at least ten (10) days prior to the public hearing. Applicants for a permit of waiver shall supply information including, but not limited to:
 - a. The nature and location of the noise source for which such application is made;

- b. The reason for which the permit of waiver is requested, including the hardship that will result to the applicant, his/her client, or the public if the permit of waiver is not granted;
 - c. The level of noise that will occur during the period of the waiver;
 - d. The section or sections of this By-law for which the permit of waiver shall apply;
 - e. A description of interim noise control measures to be taken for the applicant to minimize noise and the impacts occurring therefrom; and
 - f. A specific schedule of the noise control measures that shall be taken to bring the source into compliance with this By-law within a reasonable time.
- 9.1.1. Failure to supply the information required by the NCA shall be cause for rejection of the application.
 - 9.1.2. A copy of the permit of waiver must be kept on file by the municipal clerk for public inspection.
 - 9.1.3. Any denial of a waiver shall also be in writing and shall contain a brief statement of the reasons for denial.
 - 9.1.4. The requesting party has the right to appeal the denial of a waiver by filing suit in Superior Court.
 - 9.2. The NCA may charge the applicant a fee as established by the Select Board to cover expenses resulting from the processing of the permit of waiver application and any required noise evaluations to be conducted by the NCO for the requested permit.
 - 9.3. The NCA may, at their discretion, limit the duration of the permit of waiver, which shall be no longer than 1 year. Any person holding a permit of waiver and requesting an extension of time shall apply for a new permit of waiver under the provisions of this section.
 - 9.4. No waiver shall be approved unless the applicant presents adequate proof that:
 - a. Noise levels occurring during the period of the waiver will not constitute a danger to public health; and
 - b. Compliance with the By-law would impose an unreasonable hardship on the applicant without equal or greater benefits to the public.
 - 9.5. In making the determination of granting a waiver, the NCA shall consider:
 - a. the character and degree of injury to, or interference with, the health and welfare or the reasonable use of property that is caused or threatened to be caused;
 - b. The social and economic value of the activity for which the waiver is sought; and
 - c. The ability of the applicant to apply the best practical noise control measures.
 - 9.6. The permit of waiver may be revoked by the NCA if the terms of the permit of waiver are violated.
 - 9.7. A waiver may be revoked by the NCA if there is:
 - a. Violation of one or more conditions of the waiver;
 - b. Material misrepresentation of fact in the waiver application; or
 - c. Material change in any of the circumstances relied on by the NCA in granting the waiver.

ARTICLE 10: ENFORCEMENT PROCEDURES

The NCO shall initially determine the extent and nature of any violations of the By-law, and having determined that such violations have occurred or are continuing to occur, shall serve a written Notice of Violation on the offender. Every day that the violation continues after service of

a Notice of Violation may constitute a separate violation for which additional notices of violation are not required.

A notice of violation is deemed served on the day it is received, if served by hand or by certified mail, return receipt requested, and is deemed served on the third day after mailing, if served by first class mail, postage prepaid.

Each Notice of Violation shall state that the NCA shall hold a public hearing, at which the offender shall be allowed to appear and present evidence in his behalf, to determine if the violation(s) set forth in the notice constitutes a violation of the By-law, and to impose any and all appropriate penalties for such violations, including fines as set forth below, and/or an order to cease and desist. Notice of such public hearing shall be served on the offender in the manner set forth for the above service of a Notice of Violation, such hearing to be held no sooner than two weeks from the date that such notice is served.

If a person has been found by the NCA to have violated this By-law, and has been ordered to cease and desist such violation, and is subsequently determined by the NCA to have again committed that same violation, then the violator shall, in addition to the penalty and enforcement provisions set forth in this Article, pay to the Town the reasonable cost of testing incurred by the Town to determine such subsequent violation(s).

Any person violating this regulation may be fined one hundred dollars (\$100) for the first offense, two hundred dollars (\$200) for the second offense and three hundred dollars (\$300) for each subsequent offense if committed within one (1) year of the first offense.

Whoever violates any provision of this By-law, the violation of which is subject to a specific penalty in accordance with the Town of Dalton “Non-Criminal Disposition” by-law, may be penalized by fines of one hundred dollars (\$100) for the first offense, two hundred dollars (\$200) for the second offense and three hundred dollars (\$300) for each subsequent offense if committed within one (1) year of the first offense.

ARTICLE 11: SEVERABILITY

11.1. If any provision of this By-law is held to be unconstitutional, preempted by federal or state law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the By-law shall not be invalidated.

ARTICLE 12: EFFECTIVE DATE

12.1. This By-law shall take effect upon its approval by the Attorney General of the Commonwealth of Massachusetts, and is posted and published by the Town Clerk of Dalton, Massachusetts in accordance with Section 32 of G.L. c 40; and is intended to apply to all pre-existing noise pollution as of that date.

Town of Everett

It is best to consider noise as a nuisance. Courts have been very generous with that term. This is the section of our nuisance ordinance dealing with noise

(14) Loud and Unnecessary Noises

a. General Prohibition – No person shall make, continue or cause to be made or continued, any loud and unnecessary sound or noise tending to annoy, disturb or deny expectation of quiet enjoyment to a person of ordinary sensibilities in or about any public street, highway, alley, park or private residence.

b. **Specific Acts Prohibited** – The following acts are declared to constitute loud and unnecessary noise in violation of this section, but the following list should not be deemed to be exhaustive or inclusive:

1. Horns, Signaling Devices – The sounding of any horn or signaling device on any motor vehicle in the City for longer 30 than three seconds in any period of one minute, except as a danger warning.

2. Radios, Stereos – The use, operation or playing of any radio, stereo, phonograph, musical instrument or other machine or device for producing or reproducing sound or music between the hours of 10:00 PM and 7:00 AM in such a manner so as to permit the sound emanating therefore to be plainly audible at the property line of the building, structure, apartment in which such device is located.

3. Loudspeakers, Amplifiers for Advertising – The use or operation of any radio, stereo, phonograph, musical instrument or other machine or device for producing or reproducing sound which is cast upon any public street, alley or highway for the purpose of commercial advertising or attracting attention of the public to the building, business or enterprise from which the sound is cast.

4. Animals, Birds – The keeping of one or more animals or birds which individually or in combination, bark or chirp frequently or for long periods of time, and which thereby create a noise plainly audible at the property line of the building, structure or apartment in which they are located.

5. Exhaust – The ownership or operation of any motor vehicle or other combustible engine that does not have an adequate muffler in constant operation and properly maintained to prevent excessive or unusual noise. The equipping of any muffler or exhaust system with a

cutout, bypass or similar device, or the modifying of any muffler or exhaust system in a manner which will amplify or increase the noise emitted by the engine above that emitted by the muffler or exhaust system originally installed shall constitute a violation of this section.

6. Construction Work – The erection, excavation, demolition, alteration or repair of any building, including but not limited to the operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, backhoe, caterpillar, or other similar equipment attended by loud or unusual noise, between the hours of 9:00 PM and 7:00 AM.

7. Alarms – Any vehicle alarm or any alarm system in violation of 14-57 of the City Ordinances by emitting a continuous and uninterrupted signal for more than thirty (30) minutes which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user or those persons designated by him, and which disturbs the peace, comfort or repose of a community, a neighborhood or a considerable number of inhabitants of 31 the area where the alarm system is located, shall constitute a public nuisance.

Town of Hopkinton

Chapter 141 NOISE

Article I Use of Construction Equipment

§141-1. Hours and days of operation restricted.

Article II Commercial Activity in Residential Zones: RLF, RA, RB

§141-2. Hours and days of activity restricted.

[HISTORY: Adopted by the Town Meeting of the Town of Hopkinton as indicated in article histories; amended in its entirety 5-5-2008 ATM, Art. 61.]

ARTICLE I Use of Construction Equipment

§141-1. Hours and days of operation restricted.

Except in an emergency, outdoor construction activity, including the use of construction, earthmoving or other construction equipment or the delivery to or pick up from a site of such equipment, shall not begin prior to 7:00 a.m. or continue later than 7:00 p.m. on Monday through Friday. Such outdoor construction activity, including the use, delivery or pickup of the above equipment, shall be allowed on Saturdays only between the hours of 8:00 a.m. and 4:00 p.m. No outdoor construction activity or operation of construction, earth moving or other construction equipment or the delivery or pickup of such equipment is allowed on Sundays or holidays, except that outdoor construction activity performed by the owner of an owner-occupied residential property for the maintenance, repair or improvement of such residential property that does not involve the use of heavy construction equipment, may be performed during the hours from 8:00 a.m. to 4:00 p.m. on Sundays and holidays.

The above provisions shall not apply to a.) publicly funded projects involving infrastructure construction and b.) snow removal operations.

ARTICLE II Commercial Activity in Residential Zones: RLF, RA, RB

§141-2. Hours and days of activity restricted

This section shall apply to the use and occupancy of any lot or structure thereon and to the noise produced thereby in residential zones RLF, RA and RB. This section shall not apply to the intermittent or occasional use, between 7:00 a.m. and 7:00 p.m. Monday through Friday and between 8:00 a.m. and 4:00 p.m. on weekends and holidays, of a homeowner's light residential outdoor equipment.

Except in an emergency, outdoor commercial activity, which includes but is not be limited to, all electric motors or internal combustion engines, other commercial devices, tools, or equipment that is started, moved, left to idle or used in any commercial activity including but not limited to, delivery trucks, dump trucks, bulldozers, backhoes, concrete mixers, pneumatic tools, rollers, refuse trucks, scrapers, air compressors, generators, jackhammers, cranes, pavement breakers, pile drivers, rock drills and chain saws shall not begin prior to 7:00 a.m. or continue later than 7:00 p.m. Monday through Friday. Outdoor commercial activity shall be allowed on Saturdays only between the hours of 8:00 a.m. and 4:00 p.m. No outdoor commercial activity shall be allowed on Sundays or holidays.

The above provisions shall not apply to a.) publicly funded projects involving infrastructure construction and b.) snow removal operations.

ARTICLE III

Penalties

§141-3. Violations and penalties

Any person violating this Chapter shall be liable to the Town in the amount of \$50 for the first violation and \$100 for each subsequent violation which shall inure to the town.

Town of Lee

EXCESSIVE NOISE

11-14.1. Noise: Unlawful Activities.

It shall be unlawful for any person to make, continue or cause to be made or continued any excessive, unnecessarily loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the town and in accordance with the concepts, measurements definitions and procedures set forth below. (1995)

11-14.2. Noises Prohibited; exemptions.

- A. **Use districts.** It shall be unlawful to project a sound or noise, excluding noise emanating from cars, trucks or other vehicles, from one property into another within the boundary of a use district, which noise exceeds the limiting noise spectra set forth in Table I below. Sound or noise projecting from one use district into another use district with a different noise level limit shall not exceed the limits of the district into which the noise is Projected
- B. **Loading and Unloading.** It shall be unlawful to load, unload, open, close or otherwise handle boxes, crates, containers, building material, trash cans, dumpsters or similar objects between the hours of 10:00 PM and 6:00 AM so as to project sound across a real property line, except as exempted under Subsection E below.
- C. **Power Tools.** It shall be unlawful to cause a noise disturbance across a real property line by operating any mechanically powered saw, sander, grinder, drill, lawnmower or garden tool or similar device used outdoors with the exception of snow blowers, between 10:00 P.M. and 7:00 AM. Snow blowers, lawnmowers and chain saws shall be exempted from the L-10 and maximum permissible A-weighted sound-level limits enumerated in Table I below. However, such tools shall be operated within all applicable time restrictions and shall be operated in a reasonable manner.
- D. **Radios, television sets, musical instruments and similar devices.** It shall be unlawful to operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument sound amplifier or similar device which produces, reproduces or amplifies sound between the hours of 10:00 PM and 7:00 AM in such a manner as to crude a noise disturbance across a real property boundary.
- E. **Exemptions.** The following uses and activities shall be exempt from noise-level regulations:
 - 1) Noise of safety signals, warning devices and emergency pressure relief valves.
 - 2) Noises resulting from any authorized vehicle when responding to an emergency call or acting in time of emergency.
 - 3) Noise resulting from emergency and maintenance work as performed by the town, by the state or by utility companies.
 - 4) Noises resulting from activities of a temporary duration permitted by law and for which a license or permit therefor has been granted by the town.
 - 5) The unamplified human voice.

- 6) Parades and public gatherings for which the Selectmen have issued a permit.
- 7) Bells, chimes or carillons while being used for religious purposes or in conjunction with religious services, and those bells, chimes or carillons that are presently installed and in use for any purpose. (1995)

11-14.3. Measurement of noise.

- A. The measurement of sound or noise shall be made with a sound-level meter meeting the standards prescribed by ANSIS1.4 Type 1 or Type 2 and IEC 1979. The instrument shall be maintained in calibration and good working order. A calibration check shall be made of the system at the time of noise measurement. Measurements recorded shall be taken so as to provide a proper representation of the noise source. The microphone during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used when required Traffic, aircraft and other transportation noise sources and other background noises shall not be considered in taking measurements except where such background noise interferes with the primary noise being measured.
- B. The slow meter response of the sound-level meter shall be used in order to best determine that the amplitude has not exceeded dm limiting noise levels set forth in Table I below.
- C. The measurement shall be made at the location that the noise is perceived by the complainant or upon a public way, at a level of five (5) feet above die ground. (1995)

11-14.4. Noise tables

A Table I: Limiting Noise Level for Use Districts. (Use District A represents Residential Zones. Use District B remands Residential/Commercial Zones Use District C represents Commercial Zones as defined and delimited in the Lee Zoning Ordinance.) (1995)

MAXIMUM PERMISSIBLE USE
A-Weighted Sound Level

DISTRICT		DAY	NIGHT
DISTRICT A	L-10 Level	55	45
	Maximum	68	58
DISTRICT B	L-10 Level	60	45
	Maximum	70	58
DISTRICT C	L-10 Level	60	60
	Maximum	70	70
DISTRICT D	L-10 Level	60	60
	Maximum	70	70

NOTES: "L-10" refers to a national guideline for measuring noise levels over time and is recommended by the Environmental Protection Agency.

Sound levels are in decibels re: twenty (20) micropascals, measured on the A- weighting network of a sound- level meter meeting the standards referenced in Section 11-14.3A

- 1) For the /impose of this table, "day" shall be defined as 7:00 am to 10:00 pm and "night" shall be defined as 10:00 pm to 7:00 am.
- 2) If the noise is not smooth and continuous, one (1) or more of the corrections in the Table II below shall be added to or subtracted from each of the decibel levels given in Table I of this section.

B. Table II. Type of Operation in Character of Noise.

Character of Noise	Correction
Impulsive (Hammering, etc.)	-5
Periodic (hum, screech, etc.)	-5

11-14.5. Application for special permit.

Application for a permit for relief from the noise level designated in this chapter on the basis of undue hardship may be made to the Board of Selectmen. Any permit granted by the Selectmen shall set forth all conditions pertaining to the specified noise and a reasonable time limit for its abatement. (1995)

11-14.6. Violations and penalties.

Upon an apparent violation of this chapter, the offending party shall be given a verbal order by the enforcing officer to cease or abate the noise immediately or within a specified period of time. If the order is not complied with, the person or persons responsible for the noise shall be charged with a violation of this section. Anyone who violates this section shall be subject to a fine of one hundred dollars (\$100). Written record of all measured violations shall be kept by the Police Department. (1995)

STREETS A SIDEWALKS

Sec. 14-1. Excavating in public way; removing earth, gravel therefrom.

No person shall make any excavation in any public way, or remove earth, or gravel therefrom, without first having obtained the written permit therefor from the superintendent of streets (1954)

Sec 14-2. Depositing, sweeping rubbish into streets.

No person shall deposit or sweep rubbish onto any public way. (1954)

TRAFFIC

Sec. 141/2 -13. Traffic, police to direct

It shall be the duty of officers designated by the Chief of Police to enforce the provisions of these rules and regulations. Such officers are hereby authorized to direct all traffic either in person or by means of visible or audible signal in conformance with the provisions of these rules and regulations provided that in the event of a fire or other emergency, to expedite traffic or safeguard pedestrians, officers of the police or fire department may direct traffic as conditions may require, notwithstanding the provisions of these rules and regulations. (1971)

Sec. 141/2-14. Close street, police may temporarily.

The Chief of Police is hereby authorized to close temporarily any street or highway in an impending or existing emergency, or for any lawful assemblage, demonstration or procession.

Sec. 141/2-15. Parking, police may prohibit temporarily.

The Chief of Police is hereby authorized to prohibit temporarily, parking on any street or highway or part thereof in an impending or existing emergency, or for a lawful assemblage, demonstration or procession. Vehicles parked in places where parking is prohibited temporarily may be moved by or under the direction of an officer. (1971)

Town of Nedham

SECTION 3.8 NOISE REGULATION

General

Except in an emergency, construction activity conducted pursuant to a building permit, which causes noise that extends beyond the property line, shall be limited to the hours of 7AM to 8PM unless authorized by rules or regulations adopted by the Board of Selectmen. The penalty for violation of this regulation shall be a \$50 fine.

Town of Wayland

CHAPTER 139. PEACE AND GOOD ORDER

[HISTORY: Adopted by the Annual Town Meeting of the Town of Wayland 3-12-1973 by Art. 14 as Art. 6 of the 1973 Bylaws. Amendments noted where applicable.]

GENERAL REFERENCES

Alarms — See Ch. 83.

Animals — See Ch. 91.

Hunting and trapping — See Ch. 120.

Sales — See Ch. 149.

§ 139-1. Construal of provisions.

[Added 4-10-1979 ATM by Art. 22]

Nothing in these regulations shall be construed to limit town officials and employees from exercising their official duties.

§ 139-2. Definitions.

[Added 4-10-1979 ATM by Art. 22]

For the purposes of this chapter, the following words and phrases shall have the following meanings:

ALCOHOLIC BEVERAGE

As defined in MGL c. 138, § 1.

LITTER

Filth, rubbish, debris or waste materials or the act of depositing such materials other than into a receptacle provided by the town for this purpose.

NOISE

Loud shouting, clamor, din or other audible disturbance caused by one or more persons or by a source which is or which should be under their control and which interferes with the peace and tranquility of the surrounding neighborhood.

Town of Wilbraham

SECTION 630 : UNREASONABLE NOISE (ATM, 5/6/02, Art. 35)

1. Unreasonable Noise Prohibited. It shall be unlawful for any person or persons to create, assist in creating, continue or allow to continue any excessive, unnecessary, or unusually loud noise which either annoys, disturbs, injures, or endangers the reasonable quiet, comfort, repose, or the health or safety of others within the town of Wilbraham. The following acts are declared to be loud, disturbing, injurious, unnecessary and unreasonable noises in violation of this section, but this enumeration shall not be exclusive, namely:

- a.) Radio, Phonograph, Musical Instruments and Television. The playing of any radio, phonograph, television set, amplified or musical instruments, loudspeakers, tape recorder, or other electronic sound producing devices, in such a manner or with volume at any time or place so as to annoy or disturb the reasonable quiet, comfort or repose of persons in any dwelling, hotel, hospital, or other type of residence, or in any office, school, church, or of any persons in the vicinity.
- b.) Shouting and Whistling. Yelling, shouting, hooting, whistling, singing, or the making of any other loud noises on the public streets, between the hours of 9:00 p.m. and 7:00 a.m., or the making of any such noise at any time or place so as to annoy or disturb the reasonable quiet, comfort or repose of persons in any dwelling, hotel, hospital, or other type of residence, or in any office, school, church, or of any persons in the vicinity.
- c.) Animal Noises. The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the reasonable comfort or repose of any person.
- d.) Devices to Attract Attention. The use of any drum or other instrument or device of any kind for the purpose of attracting attention by the creation of noise. This section shall not apply to any person who is a participant in a school band or duly licensed parade or who has been otherwise authorized to engage in such activity.
- e.) Construction Noise. The operation of vehicles, equipment, tools or machines used as a means of construction, maintenance, repair or demolition of a building site, building, bridge, tower or road between the hours of 9:00 p.m. and 7:00 a.m., or the making of any such noise between the hours of 9:00 p.m. and 7:00 a.m., so as to annoy or disturb the reasonable comfort or repose of persons in any dwelling, hotel, hospital, or other type of residence, or in any office, school, church or of any persons in the vicinity.
- f.) Engine noise during or incident to the repair of motor vehicles between 9:00 p.m. and 7:00 a.m. on commercial premises and any time on residential premises.

2. **Exemptions.** None of the terms or prohibitions of the previous section shall apply or be enforced against:

- a.) Trains

- b.) Emergency Vehicles. Any police or fire vehicles or any ambulance while engaged in necessary emergency business.
- c.) Highway and Utility Maintenance and Construction. Necessary excavation in or repairs of bridges, streets, or highways, or any public utility installation by or on behalf of the Town, or any public utility or any agency of the State of Massachusetts.
- d.) Public Address. The reasonable use of amplifiers or loud speakers for public addresses, which are non-commercial in nature.
- e.) Noise caused by agricultural, farm-related activities as defined by M.G.L. Chapter 128, Section 1A, as amended from time to time, including but not limited to the operation of farm equipment, sawmills, harvesting equipment, noises from farm animals, and the like.
- f.) Noise caused by lawful hunting or other lawful discharge of firearms.
- g.) Noise from activities which have been duly licensed, permitted or otherwise allowed by a governmental body having jurisdiction to license, permit or allow the activity that generates the noise.
- h.) Organized Sports

3. Penalties. The first violation of this By-law shall be punished by a fine of not less than one hundred dollars (\$100.00). The second violation of this By-law within 12 months after the first violation shall be punished by a fine of not less than two hundred dollars (\$200.00). Further violations within 12 months after the last violation shall be punished by a fine of three hundred dollars (\$300.00). Each such act, which either continues or is repeated more than one-half (½) hour after issuance of a written notice of violation of this By-law shall be a separate offense and shall be prosecuted as a separate offense. If the violation occurs on the premises of rental property, which is a non-resident owner, then the owner must also be notified in writing that the violation has occurred.

4. Other Remedies.

- a.) If a person or persons responsible for any activity which violates paragraph 1 cannot be determined, the person in lawful custody and/or control of the premises, including but not limited to the owner, lessee or occupant of the property on which the activity is located, shall be deemed responsible for the violation.
- b.) If the person or persons responsible for an activity which violated paragraph 1 can be determined, any person or persons who remain in willful violation of this By-law after notice by a police officer may be arrested without a warrant provided that the violation occurs in the presence of a police officer and the conduct constitutes “*Disorderly Conduct*” as defined in M.G.L. C 272 S 53.

- c.) If any person shall make complaint in writing to the Board of Selectmen or their designee that a person has acted in violation of this By-law by being responsible for unreasonable noise, the Selectmen shall investigate or cause to be investigated such complaint, including examinations on oath of the complainant and all other persons called to testify or who wish to testify and may make a finding of violation of this By-law after a hearing on the merits of the complaint conducted by the Board of Selectmen. The complainant and the person complained of will be afforded the opportunity to be heard, to call witnesses on their behalf to cross-examine witnesses and to be represented by counsel at the hearing.

5. Enforcement. This By-law shall be administered under the provisions of G.L. c. 40 Section 21D and any statute, regulation or Town By-law implementing enforcement of such By-laws.

6. Severability. If any provision of this By-law is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the By-law shall not be invalidated.