

TOWN OF SCITUATE
Noise Ordinance Update, 2012

WHEREAS The Town Council is the governing body of the Town of Scituate and is authorized to promulgate and enforce Ordinances to promote the peace, safety, and general welfare of the Town;

WHEREAS excessive sound is a serious hazard to the public health, welfare, safety and the quality of life;

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 of, an environment free from excessive sound.

Now **THEREFORE**, it is ordained by the Town Council of the Town of Scituate to amend the Noise Ordinance of the Town of Scituate, formerly Chapter 8, Section 8.6, as follows:

REPEAL

This ordinance shall repeal section 8-6 of the Ordinance of the Town of Scituate.

DECLARATION OF POLICY

It is declared to be the policy of the Town of Scituate to prohibit unnecessary, excessive, and annoying noise from all sources subject to its power to protect the health, safety, and quiet enjoyment of its citizenry. At certain levels, noises are detrimental to the health and welfare to the people of the Town of Scituate. Each person has a right to an environment reasonably free from excessive noise which unnecessarily degrades the quality of life. Therefore, in the public interest, such noises shall be systematically proscribed.

PURPOSE

The purpose of this chapter is to establish standards for the control of excessive noise in the town by setting maximum permissible sound levels for various zones within the town.

This chapter shall be referred to as the "Noise Control Ordinance of the Town of Scituate."

DEFINITIONS

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context indicates a different meaning.

"Ambient noise" means the all-encompassing noise associated with a given environment, being a composite of sounds from many sources, near and far.

"A' band level" is the total sound level of all noise as measured with a sound level meter using the 'A' weighting network. The unit of measure is the dB (A). This is used to measure low level sounds.

"B' band level" is the total sound level of all noise as measured with a sound level meter using the 'B' weighing network. The unit of measure is the dB (B). This is used to measure medium level sounds.

"C' band level" is the total sound level of all noise as measured with a sound level meter using the 'C' weighing network. The unit of measure is the dB(C). This is used to measure high level sounds.

"Construction" is any and all activity necessary or incidental to the erection, assembly, alteration, installation, repair or equipment of buildings, dwellings, roadways, or utilities including but not limited to: land clearing, grading, excavating, and filling.

"Emergency work" is activity made necessary to restore property to a safe condition following a public calamity or work required to protect person or property from imminent exposure to danger or work by private or public utilities when restoring utility service.

"Motor vehicle" means, but is not limited to, automobiles, trucks, buses, motorcycles, mini-bikes and go-carts.

"Sound level in decibels" means the level measured on either the A-weighted, B-weighted, or C-weighted scale, as defined in the American National Standard Institute s-1.4-1071.

In responding to community noise complaints or similar noise-related disturbance calls, law enforcement shall have the right to measure noise levels on either the A-weighted, B-weighted, or C-weighted scale.

Sound level meter is an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output or display meter, and weighing networks, used to measure sound pressure levels, which complies with American National Standard Institute (ANSI).

EXCEPTIONS

The provisions of this ordinance shall not apply to:

1. The emission of sound for the purpose of alerting persons to the existence of an emergency, including sound that emanates from emergency rescue, fire, and police vehicles.
2. The emission of sound in the performance of emergency work.
3. The emission of sound in the operation of snow removal equipment.
4. The un-amplified human voice.
5. The emission of sound relative to construction and demolition activities, provided that such activities do not occur between the hours of 9 p.m. and 7:00 a.m. Monday through Friday and 8 p.m. and 9:00 a.m. on Saturdays, Sundays, and any state or federal holiday.
6. The emission of sound relative to the operation of yard or lawn maintenance equipment, including but not limited to lawn movers, lawn tractors, leaf blowers, and chain saws, provided that such activities do not occur between the hours of 9:00 p.m. and 7:00 a.m. weekdays and 9:00 p.m. and 8:00 a.m. on weekends and legal holidays.
7. The emission of sound related to agricultural and farming activities.
8. The emission of sound in a residential area made in the course of the maintenance of a dwelling and or property from 8:00 a.m. and 9:00 p.m.

Maximum permissible sound levels by receiving land use.

- (a) With the exception of sound levels elsewhere specifically authorized or allowed in this article, in the following areas the maximum permissible sound levels allowed at or within the real property boundary of a receiving land are as follows:

ZONE	TIME	SOUND LIMIT [dB(A), dB(B), or dB(C)]
RR 120; RRW 60/80; RS-120; RSW 60/80	7:00 am to 7:00 pm	50
RR 120; RRW 60/80; RS-120; RSW 60/80	7:00 pm to 7:00 am	45
BI.; BG; M	All times	75

MEASUREMENT

The measurement of sound or noise shall be made with a sound level meter. The instrument shall be maintained in calibration and in good working order. A calibration check shall be made of the system at the time of any noise measurement. Measurements recorded shall be taken so as to provide proper representation of the noise source.

PRIMA FACIE VIOLATION

Any noise level exceeding the Ambient Base Level, as defined in the above section, anywhere along the receiving real property line, or receiving property lines of any property, by more than (5) decibels, shall be deemed to be prima facie evidence of a violation of this section.

VEHICLE RADIOS AND STEREO

It shall be unlawful for any person to operate any radio, CD player, television, or other similar sound making equipment within their motor vehicle within the Town of Scituate that exceeds 50 dB(A), dB(B), or dB(C) at anytime.

IMPLEMENTATION, ADMINISTRATION, AND ENFORCEMENT

Enforcement Agency: This ordinance shall be implemented, administered and enforced by the Scituate Police Department.

Article provisions to be enforced: The provisions of this article which prohibit a person from making or continuing noise disturbance, or causing the same to be made or continued, across a real property boundary shall be enforced by the police department.

PENALTIES/FINE REPORTING

Any person found to be in violation of this section by any duly authorized police officer shall be given a written warning for the first offense and shall immediately cease such activity.

Any person who commits a second violation within one year of receiving a written warning shall be fined \$50.00. A person who violates this ordinance within one year of receiving a written offense shall have the ability to admit said violation, and pay the fine directly to the Town of Scituate within 20 days of the offense.

The Chief of Police or his/her designee shall have the power to implement written rules and regulations regarding the collection of said fine. All fines paid to the Town of Scituate shall be

deposited into the general fund of the town and the Town Treasurer shall report, on any annual basis, the total amount of fines collected under this ordinance in a fiscal year to the Town Council in written form.

All subsequent violations shall result in a maximum fine of \$500.00 upon conviction by a court of competent jurisdiction.

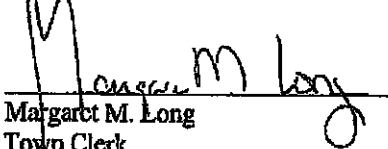
SEVERABILITY

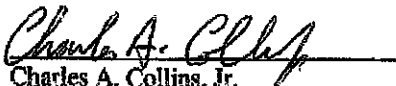
If any provision of any section of this ordinance shall be held invalid, the remainder of the sections and the application of the provisions to person or circumstances other than those as to which it is invalid, shall not be affected thereby.

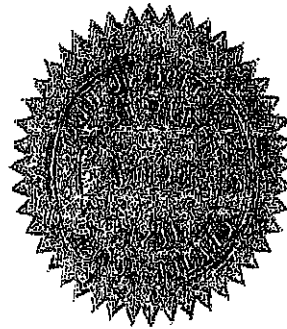
EFFECTIVE DATE: **This Ordinance shall become effective upon passage.**

I hereby certify that the foregoing Ordinance was adopted by the Honorable Town Council of the Town of Scituate at a regular meeting held on the 12th day of July, 2012.

Attest:


Margaret M. Long
Town Clerk


Charles A. Collins, Jr.
President, Town Council



Server://town of Scituate/Town Council Matters/Noise Ordinance Update 07-10-2012

Amend Section 8.6 Paragraphs (b) & (c)

Sec. 8-6. Noise control.

(b)

No person operating a business establishment shall send goods or receive deliveries by truck, except in cases of emergency, between the hours of 11:00 p.m. and 6:00 a.m., where such sending or receiving involves the creation of physically annoying, harsh and prolonged noises which are injurious to the lives, health, peace and comfort of the inhabitants of the town; no truck activity of any sort, parking, idling, etc. shall occur between said hours within any Village Overlay District.

(c)

Any person violating this section shall be punished in accordance with section 1-4

(Ord. of 8-9-71)