

## ARTICLE III. - NOISE<sup>[3]</sup>

### Footnotes:

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**Cross reference**— Animals, ch. 14; buildings and building regulations, ch. 18; auctions and auctioneers, § 22-31 et seq.; health and sanitation, ch. 46; offenses, ch. 54; blasting, § 54-2; elderly housing zones, § 54-14; unnecessary noise by peddlers, § 62-74; traffic and vehicles, ch. 86; temporary zone of quiet on street where person is seriously ill, § 86-5; zoning, app. A.

### Sec. 38-71. - Exemptions.

This article shall not apply to the operation or use of any organ, radio, bell, chimes or other instrument, apparatus or device by any church, synagogue or school.

(Code 1972, § 12-19)

### Sec. 38-72. - Unnecessary, unreasonable noises prohibited.

(a) Subject to the provisions of this article, the creation of any unreasonably loud, disturbing and unnecessary noise is prohibited. Noise of such character, intensity and duration as to be detrimental to the life or health of any individual or contrary to the public welfare is prohibited.

(b) Any person who creates an unnecessary or unreasonable noise as described in this section shall be subject to a \$50.00 fine for the first offense, \$100.00 for the second offense, and \$300.00 for a third and subsequent offense.

(Code 1972, § 12-20; Ord. of 6-18-96 [18th amd.], § 1)

### Sec. 38-73. - Enumeration of prohibited noises.

(a) The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this article, but the enumeration herein shall not be deemed to be exclusive:

(1) Horns, signaling devices. The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while stationary, except as a danger signal when an approaching vehicle is apparently out of control or, if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; or the sounding of any such device for an unnecessary period of time.

(2) Noisy vehicles. The use of an automobile, motorcycle or other vehicle so out of repair or so loaded in such a manner as to create loud, unnecessary grating, grinding, rattling or other noise.

(3) Discharge of exhaust. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or boat

engine or motor except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(4) Construction, demolition, or excavation. The erection, including excavating, demolition, alteration or repair, of any building further than between 7:00 a.m. and 6:00 p.m. on weekdays, except in case of an urgent necessity in the interest of public safety and then only with a permit from the board of public works, which permit may be renewed for a period of three days or less while the emergency continues. Notwithstanding the prohibition stated above, a homeowner shall not be prohibited by this section from working on his/her own residence on Saturday and Sunday between the hours of 9:00 a.m. and 6:00 p.m., provided:

(i) The work has been properly permitted by the department of codes and inspections; and

(ii) The work is being performed by the owner on his/her own full-time residence, without the aid of any paid contractors.

(5) Noise near schools, other institutions. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same is in session, or adjacent to any hospital, which unreasonably interferes with the workings of such institutions, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital, church or court street.

(6) Loading and unloading. The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers. The emptying of bulk waste containers located within 1,000 feet of a residentially zoned parcel shall be prohibited between the hours of 11:00 p.m. and 7:00 a.m.

(7) Hawking or peddling. The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.

(8) Drums, loudspeakers, and similar devices. The use of a drum, loudspeaker or any other sound-producing instrument or device for the purpose of attracting attention to any election campaign, performance, show or sale or display of merchandise by the creation of noise, except where authorized by special permit to be issued by the chief of police, who shall make reasonable rules and regulations therefor.

(9) Noise in conduct of business. The creation of any unnecessary noise in the operation, conduct and/or maintenance of any business, factory, plant, yard or manufacturing establishment, including excavating, blasting (where permitted), grinding, breaking, crushing or processing of any substance or materials.

(10) Power lawn mowers and leaf blowers. The operation of power lawn mowers or leaf blowers between the hours of 8:00 p.m. and 8:00 a.m.

(b) Any person who violates any provision described in this section shall be subject to a \$50.00 fine for the first offense, \$100.00 for the second offense, and \$300.00 for a third and subsequent offense.

(Code 1972, § 12-21; Ord. of 6-18-96 [18th amd.], § 1; Ord. of 10-17-00 [1st amd.], § 1; Ord. of 3-5-02 [2nd amd.], § 1; Ord. of 2-5-13 [5th amd.], § 1)

**Sec. 38-74. - Unreasonably loud audio equipment in motor vehicles.**

(a) Violations. Any person who creates an unreasonably loud noise through the use of amplification sound devices including, but not limited to, a "boom box" or radio amplification or similar equipment, including any audio, stereo, cassette player, radio or similar equipment in a parked or moving motor vehicle, shall be subject to a \$50.00 fine for the first offense, \$100.00 for the second offense, and \$300.00 for a third and subsequent offense committed over a 36-month period.

(b) Loud and unreasonable noise defined. For purposes of this section, an unreasonable loud noise is defined as a sound which is greater than 50 decibels in the hours between 11:00 p.m. and 7:00 a.m., and 70 decibels at other times, or any sound which is discernible at a distance of 100 feet, provided such sound is not otherwise authorized by permit or license granted by the Commonwealth of Massachusetts or the city or by permission of the chief of police.

(Code 1972, § 12-23)

Cross reference— Traffic and vehicles, ch. 86.

**Sec. 38-75. - Security alarm systems.**

(a) No person shall install or cause to be installed, use, or maintain an alarm system on premises owned, rented or leased within the city without first:

(1) Obtaining an alarm user's permit from the police department. A one-time permit fee of \$25.00 for business and residential users shall be paid.

(2) Notify the police department of the name of the individual who should be contacted and how or where such individual may be contacted should the alarm sound. The police department shall be notified of any change regarding such individual.

(3) Alarm permits shall not be transferable. A new alarm user's permit shall be issued when a business/residence changes its name, ownership or relocates.

(b) The chief of police or his designee may declare an alarm system at a specific location to be a public nuisance if such alarm system actuates excessive false alarms. Excessive false alarms shall be defined as more than five false alarms occurring in any 12-month period.

(c) False alarm shall mean the activation of an alarm resulting from human error, system malfunction, improper installation of the system, or design deficiencies necessitating response by the police when an emergency does not exist.

(d) Notwithstanding the preceding, if an alarm sounds and the police department deems such sounding to be authentic, such sounding shall not result in the implementation of a fine.

(e) There shall be a penalty for the excessive sounding of an alarm system for the sixth through the tenth false alarm violations in said 12-month period in the amount of \$25.00 each, or \$20.00 each if paid within 30 days of the issuance of the citation. For any additional false alarms in any 12-month period after the tenth, there shall be a penalty of \$50.00 each, or \$40.00 each if paid within 30 days of the issuance of the citation.

(Ord. of 3-4-97 [21st amd.], § 1; Ord. of 1-21-03 [3rd amd.])