

## ARTICLE 20

### Noise

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#### **Section 20.1 Statement of Public Policy.**

The Commissioners find and declare that:

1. Excessive unreasonably loud, or disturbing noise is a serious hazard to the public health and welfare and the quality of life in a close urban society and can violate the well-being, tranquility, and privacy of the home.
2. A substantial body of science and technology exists by which excessive noise can be substantially abated without serious inconvenience to the public.
3. Certain of the noise producing equipment in this community is essential to the quality of life herein and should be allowed to continue at reasonable levels with moderate regulation.
4. Each person has a right to an environment reasonably free from unwelcome noise, which jeopardizes health, or welfare, degrades the quality of life, or violates the well-being, tranquility, and privacy of the home.
5. When enacting restrictions on expressive activities by way of laws or ordinances, the protections of the First Amendment must be paramount and restrictions imposed by such laws and ordinances must be enacted without reference to the content of any expressive activity.
6. It is the declared policy of the Town of Belville to promote an environment free from excessive, unreasonably loud, or disturbing noise, otherwise properly called noise pollution, which unreasonably jeopardizes the health and welfare of the public, violates and disturbs the well-being, tranquility and privacy of the home, or otherwise

degrades the quality of the lives of the residents of this community, without unduly prohibiting, limiting or otherwise regulating the function of certain noise-producing equipment which is not amenable to such controls and yet is essential to the quality of life in the community, and at the same time keeping the protections of the First Amendment paramount in enacting any provisions prohibiting noise disturbances without reference to the content of any expressive activity.

### **Section 20.2 Implementation, Administration and Enforcement**

This chapter shall be implemented, administered and enforced by the Zoning Code Administrator. To implement and enforce this chapter, the Zoning Code Administrator, shall have the power to:

1. Conduct research, monitoring and other studies related to sound;
2. Conduct programs of public education regarding the causes, effects and general methods of abatement and control of noise, as well as the actions prohibited by this chapter and the procedures for reporting violations;
3. Review public and private projects, including those subject to mandatory review or approval by other departments, for compliance with this chapter, if these projects are likely to cause sound in violation of this chapter;
4. Prepare recommendations for consideration by the commissioners, after publication of notice and after a public hearing, for establishing the boundaries of noise sensitive areas.

### **Section 20.3 Measurement of Sound**

1. For the purpose of determining db(A)'s as referred to in this Section, the noise shall be measured on the A-weighting scale on a sound level meter of standard design and quality having characteristics established by the American National Standards Institute.
2. Readings shall be taken at lot lines, the meter shall be held approximately four feet above the ground. Readings closer than three feet to a wall or structure shall be avoided to lessen sound echo effect.
3. When the location or distance prescribed in this chapter for measurement of sound is impractical or would provide misleading or inaccurate results, measurements may be taken at other locations or distances using appropriate correction factors specified in this chapter.
4. Procedures and tests required by this chapter and not specified herein shall be placed on file with the town clerk.

### **Section 20.4 Exceptions**

The provisions of this chapter shall not apply to:

1. The emission of sound for the purpose of alerting persons to the existence of an emergency;
2. The emission of sound in the performance of emergency work;
3. Private or public speaking, including the unamplified human voice, private or public assembly activities conducted on any private property, public space or public right-of-way, except those activities controlled by Section 20.6 or prohibited by Section 20.5.
4. Agricultural activities, exclusive of those involving the ownership or possession of animals or birds;
5. The emission of sound in the performance of military operations, exclusive of travel by individuals to or from military duty;
6. The emission of sound in the discharge of weapons or in fireworks displays licensed by the town, from seven a.m. to ten p.m.;
7. The emission of sound relative to permitted construction and demolition activities, provided that such activities do not occur between nine p.m. and seven a.m.

### **Section 20.5 Noise Disturbances Prohibited**

No person shall make, continue or cause to be made or continued, except as permitted, any noise or sound, which constitutes a noise disturbance, as defined in this chapter.

### **Section 20.6 Regulation of Sound Equipment and Sound Amplifying Equipment**

No person shall operate play, or permit the operation or playing of any radio, television, phonograph or other sound amplifying equipment so as to create a noise disturbance, except as provided for in Section 20.4.

### **Section 20.7 Maximum Permissible Sound Levels by Receiving Land Use**

1. With the exception of sound levels elsewhere specifically authorized or allowed in this chapter, the following are the maximum permissible sound levels allowed at or within the real property boundary of a receiving land use:

TABLE I

Sound Levels by Receiving Land Use and Penalties for Violating Levels

Location of Receiving Land Use	Time	Sound dBA	Limit
Zoning District:			
Residential	7:00 a.m. to 10:00 p.m.	65 dBA	
	10:00 p.m. to 7:00 a.m.	55 dBA	
Business	At all times	75 dBA	
Industrial			
Other:			
Public Water	At all times	65 dBA	
Noise Sensitive Area	7:00 a.m. to 10:00 p.m.	65 dBA	
	10:00 p.m. to 7:00 a.m.	55 dBA	

2. Notwithstanding any other provision of this chapter, any business with a liquor license which is cited for a noise disturbance is subject to the penalty for a violation in the general business district as set out in Table I.
3. For any source of sound which emits a pure tone, the maximum sound level limits set forth hereinabove shall be reduced by five dBA.

**Section 20.8 Motorized Vehicles**

1. No person shall operate the engine providing motive power, or any auxiliary engine, of a motor vehicle with a manufacturer's gross vehicle weight rate of ten thousand (10,000) pounds or more for a consecutive period longer than twenty (20) minutes while such vehicle is standing and located within one hundred fifty (150) feet of property zoned and used for residential purposes, except where such vehicle is standing within a completely enclosed structure. This Section shall not apply to delivery or pick-up vehicles that require the operation of the engine to unload or load their vending loads.
2. No person shall operate, within the speed limits specified in this Section, either a motor vehicle or a combination of vehicles of a type subject to registration, at any time or under any condition of grade, load, acceleration or deceleration in such a manner as to exceed the noise limit in Table II for the category of motor vehicle, based on the legal speed limit, posted or not, of the road or way on which such vehicle or vehicles are operated. Such noise shall be measured at a distance of not more than fifty (50) feet from the centerline of travel under test procedures established by Section 20.8 (3). If the distance of the measuring instrument from the centerline of travel is less than fifty (50)

feet, such listed noise limits shall be corrected to reflect the equivalent noise limits for the actual distance.

TABLE II

Type of Vehicle	Noise Limit in Relation to Legal Speed Limit	
	35 mph or less	Over 35 mph
(1) Any motor vehicle with a manufacturer's gross vehicle weight rating of 10,000 pounds or more and any combination of vehicles towed by such motor vehicle	88 dB(A)	92 dB(A)
(2) Any motorcycle	82 dB(A)	86 dB(A)
(3) Any other motor vehicle and any combination of motor vehicles towed by such motor vehicle	76 dB(A)	82 dB(A)

This Section applies to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provisions of these Codified Ordinances relating to motor vehicle muffler or noise control.

3. The measurement of sound or noise shall be made with a sound level meter meeting the standards prescribed by A.N.S.I. The instrument shall be maintained in calibration and 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 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 noise interfere with the primary noise being measured.
4. Every motor vehicle and motorboat shall at all times be equipped with a muffler in good working order and in constant operation to prevent noise which exceeds the dBA levels set forth in Table II. No person shall use a muffler cutout, bypass or similar device upon a motor vehicle on a highway.
5. No person shall modify the exhaust system of a motor vehicle or motorcycle by installation of a muffler or bypass and no person shall operate a motor vehicle or motorcycle, which has been so modified.
6. No person shall operate a recreational vehicle or permit the operation of one or more recreational vehicles, individually or in a group or in an organized racing event, on public

or private property, in such a manner as to create a noise disturbance across a real property boundary or in a noise sensitive area.

### **Section 20.9 Animals and Birds**

No person shall keep any dog, cat or other animal or bird which makes frequent or long continued sounds such that a reasonably prudent person would recognize as likely to unreasonably disturb persons in the vicinity.

### **Section 20.10 Musical Instruments and Similar Devices**

No person shall operate, play or permit the operation or playing of any drum, musical instrument or similar device which produces sound in such a manner as to create a noise disturbance across a residential real property boundary or outdoors within a noise sensitive area.

### **Section 20.11 Emergency Signaling Devices**

1. No person shall operate or permit the intentional sounding outdoors of any fire, burglar or civil defense alarm, siren, whistle or similar stationary emergency signaling device, except for emergency purposes or for testing, as provided in item 2 below.
2. Testing of a stationary emergency signaling device shall occur at the same time of day each time the test is performed, but not before eight a.m. or after nine p.m. Any such testing shall use only the minimum cycle test time. In no case shall the test time exceed sixty (60) seconds.

### **Section 20.12 Construction**

1. No person shall operate or permit the operation of any tool or equipment in commercial construction, drilling or demolition work, or in preventive maintenance work for public service utilities, which creates a noise disturbance across a residential real property boundary or within a noise sensitive area between 7 p.m. and 7 a.m.
2. This Section shall not apply to:
  - a. Emergency work or repair work performed by and for governmental entities or public service utilities; or
  - b. Work for which a variance has been obtained from the town clerk.
3. The use of domestic power tools or equipment is subject to the noise levels set forth in Table I.

**Section 20.13 Stationary Non-Emergency Signaling Devices**

1. No person shall operate or permit the sounding of any stationary bell, chime, siren, whistle or similar device, intended primarily for non-emergency purposes, from any place, for more than one minute in any one hour.
2. Devices used in conjunction with places of religious worship shall be exempt from this Section.

**Section 20.14 Violation--Penalty**

Any person who violates this chapter shall be fined not less than two hundred dollars (\$200.00). In the case of subsequent violations within six months of the first violation, the maximum fine of five hundred dollars (\$500.00) shall apply. In those instances where the violation occurs between the hours of ten p.m. and seven a.m., a minimum fine of not less than three hundred dollars (\$300.00), shall apply at all times.