

# CITY OF SOMERVILLE

## ORDINANCE NO. 2023-13

### IN CITY COUNCIL: June 8, 2023

Be it ordained by the City Council, in session assembled, that Chapter 9, Sections 9-114 and 9-116 of the code of ordinances of the City of Somerville is amended as follows by deleting the ~~struckthrough~~ text and adding the underlined text.

#### Sec. 9-114. – Noise control standard.

The standard which may be considered in determining whether a violation of the provisions of this section exists may include, but not be limited to, the following:

- (1) The level of noise;
- (2) The time of day or night of noise;
- (3) Duration of noise;
- (4) Whether the noise is recurrent, intermittent, or constant;
- (5) Whether the nature of the noise is usual or unusual;
- (6) Whether the origin of the noise is natural or unnatural;
- (7) The level and intensity of the background noise, if any;
- (8) The proximity of noise to residential sleeping facilities;
- (9) The density of the inhabitation of the area within which the noise emanates; ~~and~~  
(10) The nature of the zoning area within which the noise emanates; and,  
(11) Whether the noise is related to construction operations on city capital projects for the advancement of the public good.


#### Sec. 9-116. – Noise disturbances.

*Noise disturbances prohibited.* The following acts are declared to be loud, disturbing and unnecessary noises in violation of this section, but said enumeration shall not be deemed to be exclusive.

- (3) Construction. Unless otherwise authorized by the enforcing authority, based on consideration of the factors contained in section 9-114 of this chapter, the public convenience and consultation with the ward councilor, it shall be unlawful to:
  - (A) operate or permit the operation of any tools, pile drivers, hammers or equipment used in construction, drilling, demolition, or similar work, or otherwise conduct any related activity before 7:00 a.m. and after 7:00 p.m. on weekdays, or before 9:00 a.m. and after 7:00 p.m. on Saturdays, and the day after Thanksgiving and Christmas (unless such day falls on a Sunday), or anytime on Sundays and Massachusetts Legal Holidays (as published by the Secretary of the Commonwealth), such that the sound therefrom creates a noise disturbance.
  - (B) In addition to the limitations set forth in subparagraph (A) above, it shall be unlawful to operate or permit the operation of the following machinery or activities after 5:00 p.m. on weekdays, or any time on Saturdays, such that the sound therefrom creates a noise disturbance
    - (I) Drilling rigs;
    - (II) Pile driving or impact hammer rigs;
    - (III) Blasting or explosive equipment of any kind;
    - (IV) Heavy-duty crushing machinery, including rock crushing equipment;
    - (V) Jack hammers;
    - (VI) Concrete or masonry saws; or,

(VII) Sand or abrasive blasting.

Approved:

  
President

Approved:

  
Mayor