

Number 13

Noise

Amended

3/26/2007

ARTICLE IV. NOISE  
DIVISION 1. GENERALLY

**Sec. 38-101. Policy Statement.**

The council hereby finds and declares that:

- (1) Excessive noise is a serious hazard to the public health and welfare and the quality of life.
- (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 in the town and should be allowed to continue at responsible levels with moderate regulation.
- (4) Each person has a right to an environment reasonably free from noise which jeopardizes health or welfare or unnecessarily degrades the quality of life.
- (5) It is declared the policy of the town to promote an environment free from excessive noise, otherwise properly called noise pollution, which unnecessarily jeopardizes the health and welfare and 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.

**Sec. 38-102. Title, Purpose and Scope of Article.**

(a) Title: This article may be cited as the "**Noise Ordinance**" of the Town of Tiverton.

(b) Purpose: To establish standards for the control of noise pollution in the Town by setting maximum permissible sound levels for various activities.

(c) Scope: This article shall apply to the control of all noise originating within the limits of the Town or originating from properties lying outside the limits of the Town that are owned or controlled by the Town. State or Federal noise regulations may supersede this ordinance.

(d) Partial Invalidity: If any provision of any section of this chapter be held invalid, the remainder of the sections and the applications of the provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

**Sec. 38-103. 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 clearly indicates a different meaning. Definitions of technical terms used in this article, which are not defined in this section, shall be obtained from publications or acoustical terminology issued by A.N.S.I. or its successor body.

*A-scale (dBA)* means the sound level in decibels measured using the A-weighted network, as specified in A.N.S.I. Standard 1.4-1971 for sound level meters. The level is designated dB(A) or dBA.

*Ambient sound level* means the noise associated with a given environment, exclusive of a particular noise being tested, being usually a composite of sounds from many sources near and far, exclusive of intruding noises from isolated identifiable sources.

*A.N.S.I.* means the American National Standard Institute or its successor body.

*Construction* means any and all activity necessary or incidental to the erection, assembly, alteration, installation, repair or equipment of buildings, roadways or utilities, including land clearing, grading, excavating and filling.

*Decibel (dB)* means a unit of measure used in describing the amplitude of sound.

*Demolition* means any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.

*Dwelling unit* means a building or portion of a building regularly used for residential occupancy.

*Emergency work* means work made necessary to restore property to a safe condition following a public calamity, work to restore public utilities or work required to protect persons or property from imminent exposure to danger.

*Impulsive sound* means sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop-forge impacts and the discharge of firearms.

*Lot* means any area, tract or parcel of land owned by or under the lawful control of one distinct ownership. Abutting platted lots under the same ownership shall be considered a lot. The lot line or boundary is an imaginary line at ground level which separates a lot and its vertical extension owned by one person from that owned by another.

*Motor vehicle* means any motor-operated vehicle licensed for use on the public highways, but not including a motorcycle.

*Motorboat.* See *Watercraft.*

*Motorcycle* means any motor vehicle having a saddle or seat for the use of the rider and designed to travel on not more than three wheels in contact with the ground. The term shall include motorized bicycles, motor scooters, mopeds and the like.

*Narrow band sound* means sound characterized by normal listeners as having predominant pitch or series of pitches; sound described by such listeners as "whine," "hiss," "toot" or "wail"; or a sound whose frequencies occupy an octave band or less.

*Noise disturbance* means any sound which exceeds the dBA level for such sound set out in this article; the making, creation or permitting of any unreasonably loud, disturbing or unnecessary noise; the making, creating or permitting of any noise of such character, intensity or duration as to be detrimental to the life, health or welfare of any individual; or noise which either steadily or intermittently annoys, disturbs, injures or endangers the comfort, repose, peace or safety of any individual.

*Offroad recreational vehicle* means any motor vehicle, including road vehicles, but excepting watercraft, used off public roads for recreational purposes.

*Person* means any individual, including the owner of premises or tenant, association, partnership or corporation, including any officer, department, bureau, agency or instrumentality of the United States, a state or any political subdivision of a state, including the town.

*Physical characteristics of sound* means the steady, impulsive or narrow band property of a sound, the level of the sound and the extent to which it exceeds the background sound level.

*Plainly audible* means any sound for which the information content is unambiguously communicated to the listener, such as, but not limited to, understandable spoken speech, comprehension of whether a voice is raised or normal or comprehensible rhythms.

*Powered model vehicle* means any self-propelled airborne, waterborne or landborne model plane, vessel or vehicle, which is not designated to carry persons including, but not limited to, any model airplane, boat, car or rocket.

*Public right-of-way* means any street, avenue, highway, boulevard, alley, easement or public space which is owned by or controlled by a public governmental entity.

*Public space* means any real property, including any structure thereon, which is owned or controlled by a governmental entity.

*Pure tone* means any sound which can be distinctly heard as a single pitch or set of single pitches.

*Real property boundary* means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intrabuilding real property divisions.

*Receiving land use* means the use or occupancy of the property which receives the transmission of sound.

*Residential property* means any property on which is located a building or structure used wholly or partially for living or sleeping purposes.

*Sound* means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction characteristic of such sound, including duration, intensity and frequency.

*Sound level* means the weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B or C, as specified in A.N.S.I. specifications for sound level meters (A.N.S.I. Standard 1.4-1971, or the latest approved revision of such standard). If the frequency weighting employed is not indicated, the A-weighting shall apply.

*Sound level meter* means an instrument which includes a microphone, amplifier, RMS detector, integrator or time average, output or display meter, and weighting networks, used to measure sound pressure levels, which complies with A.N.S.I. Standard 1.4-1971.

*Sound pressure* means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.

*Sound pressure level* means 20 times the logarithm to the base ten of the ratio of the RMS sound pressure to the reference pressure of 20 micronewtons per square meter ( $20 \times 10^{-6} \text{N/M}^2$ ). The sound pressure level is denoted LP or SLP and is expressed in decibels.

*Sound Variance:* A variance authorized by the Town Council to allow a waiver from the Noise Ordinance for functions and events that are open to the public. Variances are awarded after the proper application is filed and has been reviewed and approved by both the Town Council and in consultation with the Chief of Police.

*Steady sound* means a sound whose level remains essentially constant ( $\pm 2\text{dBa}$ ) during the period of the sound level meter.

*Town* means the Town of Tiverton, Rhode Island, or the area within the territorial limits of the town, and such territory outside of the town over which the town has jurisdiction or control by virtue or ownership or any constitutional or Charter provision or any law.

*Used and occupied* means and includes the words "intended, designed or arranged to be" (used or occupied).

*Watercraft* means any contrivance used, or capable of being used, as a means of transportation or recreation on water.

*Zoning districts* means those districts established in the zoning ordinance and indicated on the official zoning map, or in the zoning ordinance.

#### **Sec. 38-104. Measurement of sound.**

(a) If the measurements of sound are made with a sound level meter, it shall in good operating condition and meeting the requirements as specified by A.N.S.I. standards.

(b) When the location or distance prescribed in this article for measurement of sound is impractical causing inaccurate results, measurements may be taken at other locations using appropriate correction factors. Such procedures shall be set forth in writing as part of any report, including a police report, of a sound measurement.

**Table I: Real-Life Examples:  
Approximate Decibels (dB)**

Decibels	Faint	Moderate	Very Loud	Extremely Loud	Painful
140					Firecracker
130				Jackhammer / Jet Plane	
120				Thunder / Rock Concert	
110			Chain Saw		
105			Screaming Child		
90			Power Lawn Mower		
* 85			Average Traffic		
80			Alarm Clock @ 2'		
70		Vacuum Cleaner			
65		Washing Machine			
60		Sewing Machine			
50		Rainfall (moderate)			
40	Refrigerator Hum				
30	Quiet Whisper				
20	Ticking Watch				

\* Note: 85 dB and above is considered dangerous and earplugs are recommended

**Sec. 38-105. Exceptions to this Ordinance.**

The provisions of this article shall not apply to:

- (a) The emission of sound for the purpose of alerting persons to the existence of an emergency.
- (b) The emission of sound in the performance of emergency work.
- (c) Noncommercial public speaking, public education and public assembly activities, except those activities controlled by section 38-1424. (Regulation of sound equipment and sound amplifying equipment.)
- (d) The emission of sound in the discharge of weapons between 7:00 a.m. and 9:00 p.m. (related police activities may take place outside of these time constraints at the discretion of the Chief of Police.)
- (e) The emission of sound in the discharge of fireworks displays licensed by the town, from 7:00 a.m. to 11:00 p.m.

- (f) The emission of sound in the operation of snow removal equipment.
- (g) The emission of sound relative to construction and demolition activities for which a building or demolition permit has been duly issued., provided that such activities do not occur between 9:00 p.m. and 7:00 a.m.
- (h) The emission of sound relative to the operation of yard or lawn maintenance equipment or machinery, provided such activities do not occur between the hours of 9:00 p.m. and 7:00 a.m. the following day.

**Sec. 38-106. Town Agencies.**

All departments and agencies of the Town shall carry out their programs in accordance with the policies set forth in this ordinance.

**Secs. 38-107--38-120. Reserved.**

**DIVISION 2. ADMINISTRATION AND ENFORCEMENT**

**Sec. 38-121. Implementation, Administration and Enforcement of this Ordinance.**

- (a) The police department shall implement, administer and enforce this ordinance.
- (b) The police department, assisted by any duly designated Town agency, 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 article and the procedures for reporting violations;
  - ~~(3) Coordinate the noise control activities of all Town departments; and~~
  - ~~(4) Review public and private projects for compliance with this ordinance, if these projects are likely to cause sound in violation of this ordinance.~~
- (c) *Responsibility for violation.* Whenever a violation of this article occurs and two or more persons are present in or on the lot from which the sound emanates, and it is impossible to determine which of such persons is the violator, the owner of the lot, if present, shall be presumed responsible for the violation. In the absence of such owner, the tenant of such lot, or any person present with the direct consent of the owner, shall be held responsible for the violation.
- (d) *Continuing violations; town solicitor.* In the case of continuing violations, the town solicitor may institute an action for injunctive relief against the owner and/or tenant of the lot.

**Sec. 38-122. Sound variances.**

- (a) The Town Council shall have the authority, consistent with this section, to grant sound variances from this article after a public hearing.

(b) Any person seeking a sound variance shall file an application with the Town Clerk. The application, available at the Town Clerk's office, shall demonstrate that complying with the regulations would cause an unreasonable hardship on the applicant, on the community or on other persons.

(c) All applications shall include a filing fee sufficient to cover notice and advertising, as may be set from time to time by the Town Council. Notice by first class mail shall be given to all property owners within 200 feet of the Real Property Boundary of the Lot on which the noise source is located. In addition, Advertisement shall be made at least once, seven days prior to the public hearing, in a newspaper of general circulation in the town.

(d) In determining whether to grant or deny an application, or revoke a variance previously granted, the council shall balance the hardship element against the adverse impact on the persons, property affected and any other adverse impact, if the sound variance is not allowed. Applicants shall be required to submit any information that the council may reasonably require in granting or denying an application or in revoking a sound variance previously granted. The Council may impose conditions on the granting of a sound variance, in order to mitigate the impact of such variance on neighboring properties. The council shall cause to be recorded in the land evidence records a copy of the decision and the reasons for granting, denying or revoking the sound variance.

(e) Sound variances shall be granted in writing to the applicant containing all necessary conditions. The variance shall not become effective until all conditions are agreed to by the applicant. Non-compliance with any condition of the variance shall terminate it and subject the person to those provisions of this ordinance.

#### **Sec. 38-123. Penalty for Violation Article.**

(a) The penalty for violation of any section of this article shall be in accordance with *Section 1-7 of the Tiverton Code (General Penalties)* and up to the maximum allowed by state law for municipalities to impose on ordinance violations as follows:

1) The first offense in a calendar year shall be the issuance of a written warning to cease and desist with the violation.

2) Subsequent offenses in the same calendar year shall be punished by the issuance of an order to cease and desist with the violation and a fine of:

a) Second offense: \$100

b) Third offense: \$250

c) Fourth and subsequent offenses: \$500

(b) Each noise disturbance in a calendar year after the issuance of a written warning or order shall be considered a separate offense, and each day it continues shall constitute a separate offense.

(c) Separate Provisions and Related Penalties:

(1) Holders of alcoholic beverage licenses shall be subject to the following provisions:

- a. In addition to any penalty set forth in subsection (a) of this section, any holder of a class A, B, B Ltd., C or D liquor license who shall be cited for violation of the provisions of this article twice within a period of six months shall, upon complaint by the police department to the Town Council sitting as a board of license commissioners, be summoned to appear before the board to show cause why disciplinary action should not be taken against such license holder for violation of the law.
- b. The license holder shall be served with a notice of the date, time and place of any such hearing.
- c. The license holder has the right to be present at any such hearing and to be represented by counsel. If he so chooses, he may cross examine witnesses and to present sworn testimony on his own behalf.
- d. After the hearing, the board may, if it finds that a violation has occurred, take disciplinary action against the license holder including, but not limited to, suspension and/or revocation of the license.

(2) Owners or keepers of dogs and other animals creating a noise disturbance shall be subject to the following:

Owners or keepers of dogs and other animals that create a nuisance by habitual and or continual emitting of sounds natural to the species (such as barking dogs) are in violation of *Section 10-34 of the Tiverton Code (Nuisances)*. Should the Animal Control Officer or Police Officer, upon personal observation of an animal, find that a noise disturbance is habitually created, a citation shall issue, to be adjudicated by the Municipal Court.

- a) First Violation - \$50
- b) Second Violation -\$75
- c) Third an Subsequent Violations - \$100

Each day of the noise disturbance, after receipt of first violation, shall constitute a separate violation of this section.

(3) Subscribers and/or property owners of alarm systems creating a noise disturbance shall be subject to the following: The activation of false or nuisance alarms are in violation of *Section 34 of the Tiverton Code (Nuisances)*.

- a. No installed audible alarm system shall sound an alarm for longer than 15 minutes.
- b. After the second false alarm in any calendar year, the police chief, or in the case of fire alarms, the fire chief shall send a written order to the subscriber instructing him to:

1. Have the alarm system inspected by an alarm company;
2. Review alarm procedures with all employees (if the premises is a business) or members of the household (if the premises is a residence).
3. Within fourteen (14) days after this order is issued, the subscriber shall forward to the police chief proof that the alarm system has been inspected and is in good working order.

This notice shall include a written notice to the subscriber notifying him that a third false alarm within the calendar year will be a nuisance alarm violation and will subject the subscriber to the fines set forth in the schedule of such fines and fees noted below.

c. For the third and subsequent false alarm in a calendar year the following fines shall be imposed for nuisance alarm violations:

1. Third false alarm in a calendar year: \$50.00
2. Fourth false alarm in a calendar year: \$75.00
3. Fifth and subsequent offenses: \$100.00

d. After the third false alarm in a calendar year, the Chief of Police shall have the option of issuing an order disconnecting the audible portion of the alarm system.

**Secs. 38-124--38-133. Reserved.**

### DIVISION 3. REGULATION OF SOUND

**Sec. 38-134. Prohibited noise disturbances.**

No person shall make, continue or cause to be made or continued, except as permitted in this article, any noise or sound which constitutes a noise disturbance. In the absence of specific maximum noise levels, a noise level must exceed the ambient noise level by five dBA or more, when measured at the nearest property line or, in the case of a multi-family residential building, when measured anywhere in one dwelling unit with respect to a noise emanating from another dwelling unit or from common space in the same building, in order to constitute a noise disturbance.

**Sec. 38-135. Measurement of sound.**

(a) *General provision; tests for noise disturbances.* In addition to the definition established in section 10-37, the factors which shall be considered in determining whether a noise disturbance exists shall include, but shall not be limited to, the following:

- (1) The volume of the noise;
- (2) The intensity of the noise;
- (3) Whether the nature of the noise is usual or unusual;

- (4) Whether the origin of the noise is natural or unnatural;
- (5) The volume and intensity of the background noise, if any;
- (6) The proximity of the noise to residential sleeping facilities;
- (7) The nature and zoning of the area within which the noise emanates;
- (8) The density of inhabitation of the area within which the noise emanates;
- (9) The time of the day or night the noise occurs;
- (10) The duration of the noise;
- (11) Whether the noise is recurrent, intermittent or constant; and
- (12) Whether the noise is produced by a commercial or noncommercial activity.
- (13) Whether the noise is constant or in short duration or spikes.

(b) *Classification of use districts.* It is unlawful to project a sound or noise, from one property into another, within the boundary of a use district which exceeds either the limiting noise spectra set forth in Table 1 below, or exceeds the ambient noise level by more than three decibels.

(1) Sound or noise projecting from one use district into another use district with a different noise level limit shall not exceed the limits of each district into which the noise is projected.

(2) Measurement of noise:

a. The measurement of sound or noise shall be made with a sound level meter and octave band analyzer meeting the standards prescribed by the American Standards Association. The instruments shall be maintained in calibration and good working order. Octave band corrections may be employed in meeting the response specification. 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 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 noise level meter shall be used in order to best determine that the average amplitude has not exceeded the limiting noise spectra set forth in Table I. Spiked measurements shall be taken for short duration noise.

c. The measurement shall be made at the property line of the property on which such noise is generated, or perceived, as appropriate five feet above ground.

d. In the case of an elevated or directional sound or noise source, compliance with the noise limits is to be maintained at any elevation at the boundary.

**Sec. 38-136. Maximum permissible sound levels by receiving land use.**

(a) With the exception of sound levels elsewhere specifically authorized or allowed in this article or exempted by this article or by variance, the following are the maximum permissible sound levels allowed at or within the real property boundary of a receiving land use.

*TABLE II  
Sound Levels by Receiving Land Use*

Zoning District	Time	Sound Limit dB(A)
Residential and open space	7:00 a.m. to 10:00 p.m.	60
Residential and open space	10:00 p.m. to 7:00 a.m.	55
General and highway commercial	At all times	70
Light and general industrial	At all times	70
Any zone were the noise is generated from a Public water way	At all times	70

(b) For any source of sound which emits a pure tone, the maximum sound level limits set forth in Table II shall be reduced by five dB.

(c) Exceptions to Table II are activities covered by Sections 38-138 (Emergency Signaling Devices), 38-141 (Regulations of sound equipment and sound amplifying equipment), and 38-144 (Stationary Non-Emergency signaling Devices.)

**Sec. 38-137. Emergency signaling devices.**

(a) 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 subsection (b) of this section.

(b) Testing of a stationary emergency signaling device shall occur at the same time of day each time the test is performed or at such other time as may be permitted by the police department or fire department, but not before 8:00 a.m. or after 9:00 p.m. Any such testing shall use only the minimum cycle test time. In no case shall the test time exceed 60 seconds.

**Sec. 38-140 . Specifically prohibited activities.**

(a) **Sales by hawking and peddlers:** . No person shall create a noise disturbance by offering for sale or selling anything by shouting or outcry across a real property boundary.

(b) **Vehicle or motorboat repairs or testing.** No person shall create a noise disturbance by repairing, rebuilding, modifying or testing any motor vehicle motorcycle or motorized watercraft.

(c) **Powered model vehicles.** No person shall create a noise disturbance by operating or permitting the operation of powered model vehicle in a public or private space out-of-doors between the hours of 10:00 p.m. and 7:00 a.m. the following day.

(d) **Fireworks.** Notwithstanding the provision of section 38-105(7), no person shall create a noise disturbance by the emission of sound in the discharge of fireworks unless such person shall be duly licensed by the appropriate state and local authority.

**Sec. 38-141. 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. Refer to Table II for applicable dB levels.

**Sec. 38-142. Regulation of sound equipment and sound-amplifying equipment.**

Except for activities open to the public and for which a permit and a noise variance have been issued by the town, 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.

**Sec. 38-143. Motorized vehicles.**

(a) No person shall operate the engine providing motive power, or any auxiliary engine, of a motor vehicle with a manufacturer's gross vehicle weight rating of 10,000 pounds or more for a consecutive period longer than 20 minutes while such vehicle is standing and located within 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 pickup vehicles that require the operation of the engine to unload or load their vending loads.

(b) 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 listed in table II for the category of motor vehicle, based on the legal speed limited, posted or not, of the road or way on which such vehicles are operated. Such noise shall be measured at a distance of not more than 50 feet from the centerline of travel under test procedures established by subsection (c) of this section. If the distance of the measuring instrument from the centerline of travel is less than 50 feet, such listed noise limits shall be corrected to reflect the equivalent noise limits for the actual distance.

*TABLE III:  
Vehicle Noise Limitations*

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Type of Vehicle	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 vehicles and any combination of motor vehicle 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 provision of any laws relating to motor vehicle muffler or noise control.

(c) 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 prior representation of the noise sources. The microphone during measurements 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 shall be noted and adjustments made so that these and other background noises do not interfere with the primary noise being measured.

(d) Every motor vehicle and motorcycle shall at all times be equipped with a muffler in good working order and in constant operation to prevent noise which exceeds the dB levels set forth in Table III. No person shall use a muffler cutout, bypass or similar device upon a motor vehicle.

(e) 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.

(f) 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.

(g) Motorized watercraft shall be governed by the sound levels set forth in Table II in section 38-137 (Maximum permissible sound levels by receiving land use.) Every motorized watercraft shall be equipped with a muffler in good working order and constant operation to prevent noise which exceeds the dB level set forth in Table II for public water way.

**Sec. 38-144. Construction.**

(a) No person shall operate or permit the operation of any tool or equipment in 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.

(b) This section shall not apply to:

(1) Emergency work or repair work performed by and for governmental entities or public service utilities; or

(2) Work for which a variance has been obtained from the Town Council.

(c) The use of domestic power tools or equipment is subject to the noise levels set forth in Table II in Section 38-137 (Maximum permissible sound levels by receiving land use).

(d) Properly permitted construction and/or demolition activities are allowed between the hours of 7:00 a.m. and 9:00 p.m. each day.

**Sec. 38-145. Stationary Non- Emergency Signaling Devices.**

(a) 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.

(b) Devices used in conjunction with places of religious worship shall be exempt from this operation section.

ADOPTED 3/26/2007