

**ORDINANCE #20150427-9**

**AN ORDINANCE AMENDING CHAPTER 5, GENERAL OFFENSES, ARTICLE I, NOISE.**

The Board of Commissioners of the Town of Hillsborough ordains:

SECTION 1. All section references below refer to the Town of Hillsborough Code, Chapter 5, Article I

**SECTION 2. Section 5-4 Special Provisions for Amplified Sound**

Section 5-4 – Special Provisions for Amplified Sound, shall be added to read as follows.

Section 5-4. – Special Provisions for Amplified sound

a) Terminology

1. Amplified Sound – any sound or noise, including the human voice, which is increased in volume or intensity by means of electrical power. Examples of amplified sound include bands and entertainment, radios and stereo equipment, loudspeakers, etc.
2. A-weighted sound level – sound level in decibels determined by the “A” weighting scale. A-Weighting is a frequency response adjustment of a sound level meter that conditions the output signal to approximate human response.
3. Decibel (dB) – Unit for measuring the relative loudness of sounds equal approximately to the smallest degree of difference of loudness ordinarily detectable by the human ear whose range include approximately 130 decibels on a scale beginning with one as the faintest audible sound.
4. Measurement period – a 5-minute period in which sound measurements are taken every 10 seconds.
5. Sound Level – the weighted sound pressure level (measured in decibels) obtained by the use of a sound level meter and frequency weighted network.
6. Sound Level Meter – an instrument for measuring sound levels that includes an omnidirectional microphone, and amplifier, an output meter and frequency weighting networks for the measurement of sound. Sound Level Meters must be certified to meet or exceed the current standards of the American National Standards Institute (ANSI).

b) Limits – it shall be unlawful for any person to cause or allow the emission of sound from any source or sources which, when measured in accordance with section (c) below exceed the following maximum decibel limits for more than 20 percent of any measurement period:

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|--|----------|
| 1. Sunday-Thursday 7:00 AM to 11:00 PM | 65 dB(A) |
| 2. Sunday-Thursday 11:00 PM to 7:00 AM | 55 dB(A) |
| 3. Friday-Saturday 7:00 AM to Midnight | 65 dB(A) |
| 4. Friday-Saturday Midnight to 7:00 AM | 55 dB(A) |

c) Measurement Guidelines – a sound measurement shall be taken and sound levels determined using the following procedures:

1. The sound meter must be serviced, calibrated and operated as recommended by the manufacturer and in accordance with procedure maintained by the Police Department. Persons using the sound level meter shall be trained in sound level measurement and the operation of the sound meter being used.
2. Sound readings will be taken using the “A-weighting” scale in slow response.
3. The sound readings shall be taken from the nearest property line of the occupied residential property situated closest to the source of the sound being measured.
4. When possible, the sound level meter should be positioned at least ten feet from any walls or structures, and approximately 4 feet above the ground.
5. No person, other than the operator and a recorder shall be within 10 feet for the sound level meter while a reading is being taken.
6. Sound level measurements will be taken for an entire measurement period – recording one reading at 10 second intervals for a period of 5 minutes.
7. Any readings that are impacted by obvious external sounds not emanating from the source location being measured, such as loud vehicular traffic, will be disregarded.

d) It shall be unlawful for any person to interfere, through the use of sound or otherwise, with the taking of sound measurements.

e) Special Events Permitting exception for Amplified Sound Events – locations may seek a Special Events permit that will allow for extended hours for the daytime dB(A) limits described in item b above. Special Events Permits will be subject to the following provisions:

1. A location may only be granted 4 Special Events Permits requesting this exemption per calendar year.
2. The Special Events Permit exemption sets the limit for amplified sound at the 65 dB(A) level until 1:00 AM.
3. Locations that are issued a Special events Exemption will be required to notify residents residing within a 500 foot radius from their location, in writing no more than 10 days and no fewer than 5 days in advance of the Special Event, that a permit has been issued.
4. Locations that violate the provisions of a Special Events Permit, or have violated the general provisions of this section will not be issued a Special Events Permit for a 6-month period.

### SECTION 3.

All Provisions of any Town Ordinance in conflict with this Ordinance are repealed.

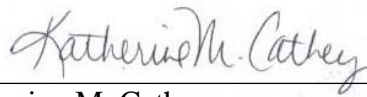
SECTION 4. This ordinance shall become effective on April 27, 2015.

The foregoing ordinance having been submitted to a vote, receiving the following vote and was duly adopted this 27<sup>th</sup> day of April, 2015.

Ayes: 5

Noes: 0

Absent or Excused: 0



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Katherine M. Cathey

Town Clerk