

Town of Holbrook, Massachusetts Noise Ordinance

Section 13-11

Massachusetts Noise Ordinance

(A.) General Prohibition and Definitions

No person shall make or cause to be made any unreasonable or excessive noise in the Town of Holbrook, by whatever means or from whatever means or from whatever source. As used herein, the following terms shall have the following meanings:

- (a.) dBa shall mean A- weighted sound level in decibels, as measured by a general-purpose sound level meter complying with the provisions of the American National Standard Institute, "Specifications for Sound Level Meter (ANSI SIR 19711)", properly calibrated, and operated on the "A" weighting network
- (b.) Loud amplification device or similar equipment shall mean a radio, television, stereo, tape player, cassette player, compact disc player, MP3 player, loud speaker, sound amplifier, electronic device, or any other similar apparatus or equipment operated in such a manner that it creates excessive noise.
- (c.) Leq measurement shall be defined as the equivalent sound level in decibels equivalent to the total sound energy measured over a stated period of time.
- (d.) Plainly audible shall mean any sound that can be detected by a person using his or her unaided hearing facilities.
- (e.) Normal hearing shall be defined as a range of decibel levels from 0 dBHL (decibel hearing level) to 20 dBHL.
- (f.) Unreasonable or excessive noise shall mean:
 1. Broadband level measured in excess of 50 dBa between the hours of 9:00 p.m. and 7:00 a.m., or in excess of 70 dBa at all other hours from the nearest property line of the source measured in Leq for a sample of 10 minutes; or
 2. Increases of the broadband sound level by more than 10 dB (A) above ambient sound level at property line of the source, and/or
 3. Produces a "pure tone" condition at the property line of the source- when any octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by 3 decibels or more, and/or

4. In the absence of an applicable noise level standard or regulation of the Air Pollution control commission or in the absence of a noise measuring device, any noise plainly audible at a distance of three hundred (300) feet or, in the case of loud amplification devices of similar equipment, noise plainly audible at a distance of one hundred (100) feet from ~~its source~~ the nearest property line of the source by a person of normal hearing.

(g.) Noise

1. Noise is defined as “sound sufficient intensity and/or duration as to cause a condition of air pollution”

(h.) Air Pollution

1. Air pollution means “the presence in the ambient air space of one or more air contaminants or combinations thereof (including sound) in such concentrations and of such durations as to:
 - a. Cause a nuisance
 - b. Be injurious, or be on the basis of current information, potentially injurious to human health or animal life, to vegetation, or to property
 - c. Unreasonably interfere with the comfortable enjoyment of life and property or the conduct of business

(f.) Nuisance

- a. Harm, injury, or affecting well-being

(B.) Disturbing the peace

It shall be unlawful for any person or persons in a residential area within the Town of Holbrook to disturb the Peace by causing or allowing to be made any unreasonable or excessive noise, including but not limited to such noise resulting from the operation of any loud amplification device, or from the playing of any band or orchestra, or from the use of any device to amplify the aforesaid noise, or from the making of excessive outcries, exclamations, or loud singing or any other excessive noise by a person or group of persons, or from the use of any device to amplify such noise provided, however, that any performance, concert, establishment, band, group or person who has received and maintains a valid license or permit from any department, board or commission of the Town of Holbrook authorized to issue such license or permit shall be exempt from the provisions of this section. At no time shall it be allowed in the Town of Holbrook that a person or persons broadcast any loud amplification device from a private residence for the sole purpose of attracting attention of the passing public or as part of a decorative theme no matter the dBa level. It shall be unlawful for any person in any area of the Town of Holbrook to operate a loud amplification device or similar equipment in or on a motor vehicle, which is moving, standing or stationary in, on or upon a public way. The

fact that the noise exceeds the sound level standards as specified herein shall be deemed to be a violation of the provisions of this ordinance. The police or health agent, in response to each complaint, shall verify by use of the sounds level meter described herein that the noise complained of does exceed the limit described herein and if so, may thereupon issue the appropriate fines.

(C.) Dogs

It shall be unlawful for any person or persons in a residential area within the Town of Holbrook to allow unreasonable barking from a dog(s) in excess of fifteen minutes.

(D.) Motorcycles and all other vehicles

It shall be unlawful for any person or persons in a residential area within Town of Holbrook to leave a motorcycle, dirt bike, ATV or any other vehicle that is considered to be a recreational off-road vehicle in the idle position for more than five minutes between the hours of 10:00 p.m. and 6:00 a.m.

(E.) Construction

It shall be unlawful for any person or persons in a residential area within the Town of Holbrook to operate machinery or create any noise associated with construction, demolition, alteration, repair, maintenance or upkeep of any residential property between the hours of 7:00 p.m. and 7:00 a.m. Monday thru Saturday, and 7:00 p.m. and 8:00 a.m. on Sundays.

(F.) Exemptions

This ordinance shall not apply to:

1. Any public utility company, Police Department, authorized police emergency vehicles, Fire Department, authorized fire emergency vehicles, any Public Works Department, or any agency or department of the Town of Holbrook or the Commonwealth of Massachusetts whom are on duty. Exceptions shall be in an emergency situation or for the purpose of snow removal.
2. Any alarm, siren, or mechanism used for the purpose of alerting persons to the existence of an emergency, or attempted crime.
3. Any lawfully permitted parade, including any spectators and participants on the parade route during said lawful parade.
4. Any patrons and participants using cannons and gunfire during historical battle reenactments for which a pyrotechnics permit is required and obtained by the State Fire Marshal or Fire Chief.

5. Any town-sanctioned fireworks display.
6. Any lawful outdoor event, race, festival, fiesta, carnival, sporting event, entertainment or concert that is in full compliance with a permit issued by the Town of Holbrook, provided that the noise created is limited to the days and hours set forth in terms of such Permit.
7. Sound produced by religious activities when used as part of religious observances or service during daytime hours.
8. Sound produced by activities conducted on public parks, public playgrounds, and public or private schools, including but not limited to, school athletic, band and school entertainment practice or events.
9. Any activity which has been specifically licensed or permitted by a Town of Holbrook department or board provided that the noise created is limited to the days, hours, and type set forth in such license or permit.

(G.) Fines and Penalties

Any person violating the provisions of this ordinance shall be punished by fine of fifty (\$50) dollars for the first offense, (\$100) dollars for the second offense occurring within twenty-four (24) hours of the first offense, and a fine of one hundred and fifty (\$150) dollars for the third offense and any subsequent offense thereafter occurring within twenty four (24) hours of the first offense. Any violation of the provisions of this ordinance occurring more than twenty-four (24) hours after the first offense shall constitute a new and separate offense. The enforcing person, health agent or police officer shall make a record of the complaint, such record to include the following information (to the extent that it is available), name and address of person violation; name and address of landlord, if applicable; date; time; motor vehicle registration number, if applicable; and location of the violation. If the violator refuses to give the above-noted information or if any information proves false, said person shall be punished by a fine of an additional twenty-five (\$25) dollars. As an alternative, a violation of this ordinance may, in the discretion of the enforcing person, be enforced by non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D. The issuance of a fine shall not preclude the town from seeking or obtaining any or all other legal and equitable remedies to prevent or remove a violation of this ordinance, including but not limited to preliminary and/or permanent injunction(s).