

ITEM

24-014

To hold a Public Hearing to consider and act on adoption of a town-wide noise ordinance, as recommended by the Ordinance Committee

Chapter 175

Noise Control

§ 175-1 Title.

This Chapter shall be known and may be cited as "Noise Control."

§ 175-2 Purpose; authority.

The purpose of this Chapter is to regulate excessive, unnecessary, unnatural, or unusually loud noises that are detrimental to the public health, safety, welfare, and quality of life of residents of the Town of Cumberland.

This Chapter is adopted pursuant to the Town of Cumberland's home rule authority, under Art. VIII, Part Second of the Maine Constitution, and 30-A M.R.S. § 3001.

§ 175-3 Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

Decibel: The practical unit of measurement for sound pressure level, abbreviated dB. The abbreviated "dBA" shall refer to readings taken on the A-weighted scale.

Emergency: Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage that demands immediate action.

Emergency Vehicle: Any motor vehicle authorized by a municipal, county, state, or federal authority to have sound warning devices such as sirens and bells, which can lawfully be used when responding to an emergency.

Emergency Work: Work made necessary to restore property to a safe condition following an emergency, or work required to protect persons or property from exposure to imminent danger.

Equivalent continuous sound level (Leq): The measure that accounts for the moment-to-moment fluctuations in noise levels from all sources during the sampling time period.

Motor Vehicle: "Motor vehicle," as that term is defined in 29-A M.R.S. § 101(42), as amended.

Person: Any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency, or political or administrative subdivision of the State of Maine, or any other legal entity of any kind.

Premises: Any building, structure, land, or portion thereof, including all appurtenances, yards, lots, courts, inner yards, and all real properties without buildings or improvements, owned or controlled by a person.

Sound Level Meter: An instrument for the measurement of sound levels conforming to A.N.S.I. Type I and II Standards, as amended.

Sound Pressure Level: The level of sound measured in dB units with a sound level meter that has a uniform (flat) response over the band of frequencies measured.

§ 175-4 Unlawful noise prohibited.

It shall be a violation of this Chapter for any person to make, emit, continue, or cause to be made, emitted, or continued, any noise that is perceptible beyond the boundaries of the premises in excess of the noise level established in this § 175-5. Where multiple owners or occupants exist within a single premises, the limits of each person's occupancy rights shall be considered the boundary.

§ 175-5 Noise level standards.

Sound or noise from any source within the Town shall not exceed **60 dBA**, to be measured at the lot line of the subject property in accordance with § 175-7.

§ 175-6 Exclusions.

The noise level set in § 175-5 do not apply to noise emitted by or related to the following:

- A.** Natural phenomena.
- B.** Church bells or other similar noise emitted as part of an organized religious ceremony or service, provided that such noise shall not exceed thirty (30) continuous minutes in duration.
- C.** Any siren, whistle, or bell lawfully used by emergency vehicles or any other alarm systems used in any emergency situation; provided, however, that burglar alarms not terminating within thirty (30) minutes after being activated shall remain subject to this Chapter.
- D.** Warning devices required by OSHA or other state or federal safety regulations.
- E.** Noise from domestic power equipment such as, but not limited to power saws, sanders, grinders, lawn and garden tools, lawn mowers, snow blowers, tractors, or similar devices.
- F.** Noise generated by any construction or demolition equipment. Emergency construction or repair work by public utility operators are also exempt.
- G.** Noise created by solid waste collection from residences, performed consistent with § 235-14 of the Town of Cumberland Code of Ordinances.
- H.** Noise created by registered motor vehicles operating on a public way.
- I.** Noise created by plows, trucks, and other equipment used in the removal or treatment of snow or ice.

- J. Noise from any aircraft operated in conformity with, or pursuant to federal law and regulations, including any aircraft operating with technical difficulties, in any kind of distress, or under orders from air traffic control.
- K. Noise from trains operating in conformity with applicable state or federal laws or regulations.
- L. Noise created by the discharge of firearms in compliance with Chapter 92 of the Code.
- M. Noise Events at the Cumberland Fairgrounds
- N. Noise generated from Animal Shelters, Dog and or Cat Daycares
- O. For good cause shown, after public hearing, the Town Council may alter noise levels for specific events, upon a 2/3 vote.

§ 175-7 Measurement Procedures.

For the purpose of determining noise levels as set forth in this Chapter, the following procedures are applicable:

- A. All personnel conducting sound measurements shall be trained in the current techniques and principles of sound measuring equipment and instrumentation.
- B. Instruments used to determine sound level measurements must conform to the Standards of A.N.S.I. Type I or Type II meters.
- C. The following steps shall be taken in making a sound level measurement:
 - (i) The instrument manufacturer's specific instructions for the preparation and use of the instrument must be followed.
 - (ii) The sound level meter must be calibrated before and after each set of measurements. The calibrator itself shall be recalibrated at least once every year.
 - (iii) The sound level meter must be placed as specified by the manufacturer's instructions and at least four (4) feet above the surface of the ground. It shall be placed so as not to be interfered with by individuals conducting the measurements.
 - (iv) All measurements shall be made at the lot line of the receiving property.
 - (v) All measurements shall be taken for fifteen (15) continuous minutes.

§ 175-8 Enforcement; violations; penalties.

- A. This Chapter shall be administrated and enforced by the Code Officer.

- B.** Exceeding the noise standard set forth in § 175-5 of this Chapter, after being sampled for fifteen (15) continuous minutes, shall constitute a violation of this Chapter. Each violation shall constitute a civil violation, for which the Town shall be entitled to collect a civil penalty of between \$100 and \$1,000. Each violation of this Chapter is also declared to be a public nuisance, for which the Town shall be entitled to seek injunctive relief. In any enforcement action brought under this Chapter, the Town shall be entitled to reimbursement of its costs, including reasonable attorney's fees. Actions to enforce this Chapter shall be brought in **Maine District Court, in accordance with Rule 80H of the Maine Rules of Civil Procedure.**

§ 175-9 Validity and severability.

Should any section or provision of this Chapter be declared by any court of competent jurisdiction to be invalid, such decision shall not invalidate any other section or provision of this Chapter.

Chapter Originally Adopted _____, 2024.