

ORDINANCE NO. (assigned by Town Clerk)

ADOPTED:

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF EAST GREENWICH, CHAPTER 152 THEREOF, ENTITLED “NOISE”.

The Town Council of the Town of East Greenwich hereby ordains:

Section 1. Chapter 152 Noise, of the Code of the Town of East Greenwich, is hereby amended as follows:

### **Article I – General Provisions**

#### **§ 152-1. Statement of public policy.**

The Town Council hereby finds and declares that:

- A. Excessive noise is a serious hazard to public health and welfare and the quality of life in the Town of East Greenwich.
- B. A substantial body of science and technology exists by which excessive noise can be substantially abated without serious inconvenience to the public.
- C. Certain of the noise-producing equipment in this community is essential to the quality of life herein and should be allowed to continue at reasonable levels with moderate regulation.
- D. Each person has a right to an environment reasonably free from noise which jeopardizes health or welfare or unnecessarily degrades the quality of life.
- E. It is the declared policy of the Town of East Greenwich 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 Town 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.

#### **§ 152-2. Definitions.**

For the purposes of this chapter, certain terms shall have the meanings ascribed to them in this section, unless the context clearly indicates otherwise:

##### **AMBIENT NOISE**

The all-encompassing 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.

##### **DECIBEL (db)**

A unit of measure often used in describing the amplitude of sound which denotes the ratio between two quantities which are proportional to power; the number of decibels corresponding to the ratio of two amounts of power is 10 times the logarithm to the base 10 of this ratio.

##### **EMERGENCY WORK**

Work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from an imminent exposure to danger, or work by private or public utilities when restoring utility service.

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ADOPTED:

MOTOR VEHICLES

Includes, but is not limited to, minibikes and go-carts.

MAXIMUM PERMITTED SOUND LEVEL

The maximum permitted sound level, as used in this chapter, is the maximum sound level that may be lawfully made pursuant to this chapter and any sound exceeding this sound level is punishable pursuant to § 152-5.

SOUND-AMPLIFYING EQUIPMENT

Any machine or device for the amplification of the human voice, music or any other sound. Sound-amplifying equipment shall not include standard automobile radios when used and heard only by the occupants of the vehicle in which the automobile radio is installed. Sound-amplifying equipment as used in this chapter shall not include warning devices on any vehicle used only for traffic safety purposes.

SOUND LEVEL (also NOISE LEVEL), IN DECIBELS (db)

The sound measured with the "A" or "C" weighting, as set forth herein and slow response (one second averaging) by a sound-level meter.

SOUND-LEVEL METER

An instrument, including a microphone, amplifier, RMS detector, integrator or time averager, output or display meter, and weighting networks, used to measure sound pressure levels, which complies with ANSI Standard 1.4-1971, as the same may be revised.

SOUND TRUCK

Any motor vehicle or any other vehicle regardless of motive power, whether in motion or stationary, having mounted thereon or attached thereto any sound-amplifying equipment.

TOWN

The Town of East Greenwich, Rhode Island.

**§ 152-3. Sound level measurement criteria.**

[Amended 5-12-2014 by Ord. No. 835]

Any sound level measurement made pursuant to the provisions of this chapter shall be measured with a sound-level meter using the "A" weighting. For amplified musical material, sound level measurements shall also be measured using the "C" weighting.

**§ 152-4. ~~Ambient base~~Maximum permitted noise level.**

[Amended 5-12-2014 by Ord. No. 835]

A. The noise levels listed in this section shall be the ~~ambient base~~maximum permitted sound noise levels used for the purposes of this chapter, unless another maximum permitted sound level is provided for in this chapter:

Zoning District	Time	Sound Level (dbA)
R-6, R-10, R-20, R-30	10:00 p.m. to 7:00 a.m.	55
R-6, R-10, R-20, R-30	7:00 a.m. to 10:00 p.m.	60
F, F-1, F-2	10:00 p.m. to 7:00 a.m.	55
F, F-1, F-2	7:00 a.m. to 10:00 p.m.	60

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Zoning District	Time	Sound Level (dbA)
CD, CL, CH	10:00 p.m. to 7:00 a.m.	65
CD, CL, CH	7:00 a.m. to 10:00 p.m.	70
W	10:00 p.m. to 7:00 a.m.	65
W	7:00 a.m. to 10:00 p.m.	70
M	Any time	75

B. Irrespective of zoning district, the se stated sound maximum permitted sound levels and times shall apply to property located east of the railroad tracks, north of Rocky Hollow Road, and bounded by the East Greenwich Cove and the East Greenwich Town line (hereinafter referred to as the “Waterfront Area”). ~~Irrespective of~~ As provided in § 152-5, sound in excess of these stated limits shall constitute a violation of this section chapter. ~~Irrespective of § 152-12B, s~~ Sound-amplifying equipment may only be operated out of doors in the Waterfront Area during the stated dates and hours stated below. The maximum permitted sound limits are as follows:

(1) From Friday of Memorial Day weekend to the end of Labor Day weekend:

Day	Time	Sound Level (dbA)	Sound Level (dbC)
Monday <u>and Tuesday</u>	6:00 p.m. to 10:00 p.m.	55	65
<u>Tuesday</u>	<u>6:00 p.m. to 10:00 p.m.</u>	<u>55</u>	<u>65</u>
Wednesday <u>and Thursday</u>	8:00 p.m. to 11:00 <del>pm</del> <u>midnight</u>	<del>65</del> <u>60</u>	<del>75</del> <u>65</u>
<u>Wednesday and Thursday</u>	<u>11:00 pm to 12:00 midnight</u>	<u>55</u>	<u>60</u>
<u>Thursday</u>	<u>8:00 p.m. to 12:00 midnight</u>	<u>65</u>	<u>75</u>
Friday	5:30 p.m. to <del>11:30</del> <u>ap.m.</u>	<del>65</del> <u>60</u>	<del>75</del> <u>65</u>
<u>Friday</u>	<u>11:30 p.m. to 12:30 a.m.</u>	<u>55</u>	<u>60</u>
Saturday	2:00 p.m. to <del>11:30</del> <u>ap.m.</u>	<del>65</del> <u>60</u>	<del>75</del> <u>65</u>
<u>Saturday</u>	<u>11:30 p.m. to 12:30 a.m.</u>	<u>55</u>	<u>60</u>
Sunday*	2:00 p.m. to 10:00 p.m.	<del>65</del> <u>60</u>	<del>75</del> <u>65</u>
Monday holidays	2:00 p.m. to 10:00 p.m.	<del>65</del> <u>60</u>	<del>75</del> <u>65</u>

\* Except on holiday weekends: to 11:00 p.m. midnight

(2) Then, from the Labor Day weekend to the last weekend of September:

[Amended 4-24-2017 by Ord. No. 867]

Sound Level (dbA)      Sound Level (dbC)

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Thursday, <del>Friday, Saturday</del>	7:00 p.m. to 1 <del>2</del> :00 <del>pm</del> midnight	<del>6560</del> 7565
<del>Thursday, Friday, Saturday</del>	<del>7</del> 11:00 p.m. to 12:00 midnight	<del>6555</del> 7560
<del>Saturday</del>	<del>7:00 p.m. to 12:00 midnight</del>	<del>65</del> 75
Sunday	4:00 p.m. to 8:00 p.m.	<del>6560</del> 7565

**§ 152-5. Violations and penalties.**

A. No person or entity shall make, continue or cause to be made or continued, unless as herein permitted, any sound exceeding the maximum permitted sound level by more than five decibels the ambient base noise level as defined in § 152-4 hereof at the property line of any adjoining property, including a public street or, if a condominium or apartment house, at the common wall of any adjoining dwelling unit.

B. Any person found in violation of any provision of this chapter shall, upon conviction, be punished by a fine of up to not more than \$200 for a first offense, \$300 for a second offense, \$450 for a third offense, and \$500 for a fourth each offense. Any holder of any Town-issued license may be summoned for a Show-Cause hearing as to why said license should not be suspended or revoked, if found in violation of this chapter. Any entertainment license holder convicted of a ~~fourth~~third offense in one calendar year shall suffer a minimum three-month suspension of said entertainment license, which suspension shall be carried over into a future year if the license is seasonal in nature.

C. Any violation of this chapter is declared to be a public nuisance and shall also be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

**§ 152-6. Exceptions.**

The provisions of this chapter 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 and public assembly activities conducted on any private property, public space or public right-of-way;
- D. The emission of sound in the performance of governmental military operations;
- E. The emission of sound in the discharge of weapons or in fireworks displays licensed by the Town;
- F. The emission of sound in the operation of snow removal equipment; ~~and~~

G. The emission of sound relative to permitted construction and demolition activities, provided that such activities do not occur between 9:00 p.m. and 7:00 a.m.;

H. The emission of sound by any acoustic or recorded church bells existing as of the date of the enactment of this amendment (Insert Date), provided that such bells may not be rung for more than twenty minutes at one time and not more than once per hour; and

~~H.I.~~ The emission of sound by a train that is in motion through the Town.

## Article II. Amplified Sound

### § 152-7. Findings and purpose.

The Town Council enacts this legislation for the sole purpose of securing and promoting the public health, comfort, safety and welfare of its citizenry. While recognizing inherent constitutional rights of freedom of speech and assembly, the Council nevertheless finds that it is obligated to reasonably regulate the use of sound-amplifying equipment in order to protect the correlative constitutional rights of the citizens of this Town to privacy and freedom from the public nuisance of loud noise.

### § 152-8. Permit required.

It shall be unlawful for any person, other than personnel of law enforcement or governmental agencies, to install, use or operate within the Town sound-amplifying equipment out of doors in a fixed or movable position or mounted upon any sound truck for any purpose without first obtaining a permit from the Town Council if held by an entertainment license holder, and from the Chief of Police or his designee if not by an entertainment license holder.

### § 152-9. Filing and approval or disapproval of permit.

A. ~~Filing of permit statement~~Application for Non-entertainment License Holder. Every person not holding an entertainment license, and seeking to use sound-amplifying equipment shall file a permit ~~statement application~~ with the Police Department. A permit ~~for use by an entertainment license holder shall be valid for a period of six months. All other permits~~ issued hereunder shall be valid for a maximum period of one week; application shall be made at least 24 hours prior to issuance. The ~~statement application~~ shall contain the following information:

- (1) The name, address and telephone number of the person to whom the permit is to be issued;
- (2) The license and motor number if a sound truck is to be used;
- (3) A general description of the sound-amplifying equipment which is to be used; and
- (4) Whether the sound-amplifying equipment will be used for commercial or noncommercial purposes.

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B. Approval of Non-entertainment License Holder permit ~~statements~~applications. The Police Chief shall return to the applicant an approved certified copy of the permit statement unless he or she finds that:

- (1) The conditions of the motor vehicle movement are such that, in the opinion of the Chief of Police, the use of the equipment would constitute a detriment to traffic safety;
- (2) The conditions of pedestrian movement are such that use of the equipment would constitute a detriment to traffic safety; or
- (3) The permit statement would violate one or more of the provisions set forth elsewhere in § ~~152-12~~ of this chapter ~~or any other pertinent provision hereof~~.

C. Disapproval of Non-entertainment License Holder permit. In the event the permit ~~statement~~ application is disapproved, the Chief of Police shall endorse thereupon his or her reasons for disapproval and return it forthwith to the applicant.

D. Application for Entertainment License Holder. Every person holding an entertainment license, and seeking to use sound-amplifying equipment shall file a permit application with the Town Clerk, with such application to be developed by the Town Manager and Town Clerk. A permit for use by an entertainment license holder shall be valid for a period of up to one year.

E. Approval or Disapproval of Entertainment License Holder Applications. The Town Council shall hold a public hearing on all such applications, and may approve, approve with conditions, or disapprove of such amplification permit, consistent with the purposes of this chapter.

#### **§ 152-10. Permit fees.**

Prior to the issuance of the permit statement, the applicant shall pay the Town a fee in the amount of ~~\$30~~100 for a ~~six-month~~ permit by an entertainment license holder, or \$10 for a ~~one-week~~ permit for a non-entertainment holder ~~shall be paid to the Town~~ if the loudspeaker or sound-amplifying equipment is to be used for commercial purposes. No fee shall be required for the operation of sound-amplifying equipment for noncommercial purposes by a non-entertainment license holder.

#### **§ 152-11. Appeals.**

Any person aggrieved by disapproval of a permit application by the Chief of Police ~~statement~~ may appeal to the Town Council. There shall be no appeal within the Town of disapproval of an entertainment license holder permit application.

#### **§ 152-12. Prohibited acts.**

The commercial and noncommercial use of sound-amplifying equipment shall be subject to the following regulations:

- A. The only sounds permitted shall be either music or human speech, or both.

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B. The operation of sound-amplifying equipment by holders of entertainment licenses in the Waterfront Area shall only occur in the hours set forth in Section 152-4(B), and outside of the Waterfront Area shall only occur between the hours of 10:00 a.m. and the legal closing hour of the establishment. The hours of operation may be further restricted by the issuer of the permit.

C. The operation of all other sound-amplifying equipment shall only occur between the hours of 10:00 a.m. and 10:00 p.m. each day except Sundays and legal holidays. No operation of said other sound-amplifying equipment for commercial purposes shall be permitted on Sundays or legal holidays. The operation of sound-amplifying equipment for noncommercial purposes on Sundays and legal holidays shall only occur between the hours of 10:00 a.m. and 7:00 p.m. The hours of operation may be further restricted by the issuer of the permit.

D. The sound level emanating from nonstationary sound-amplifying equipment shall not exceed 1510 dbA or 10 dbC decibels above the maximum permitted sound ambient base noise level, as defined set forth in § 152-4 hereof.

E. Notwithstanding any other provision of this chapter to the contrary, sound-amplifying equipment shall not be operated within 200 feet of ~~churches~~, schools, hospitals or Town buildings.

### **Article III. Motor Vehicles and Equipment**

**[Added 11-9-2009 by Ord. No. 804]**

#### **§ 152-13. Violations and penalties relating to traffic.**

Every person violating any of the provisions of any ordinance of the Town relating to traffic shall be liable to pay a fine specified by the individual ordinance or a fine of \$20 for each such offense if no fine is specified, except violators of the consecutive parking violation provisions as set forth in §§ 248-35 and 248-46.

#### **§ 152-14. Excessive vehicular noise.**

A. Unnecessary, excessive or offensive vehicular noise. Any sound or noise emanating from any vehicle(s) in motion, parked or standing on any streets, land parcels or properties, public or private, within the Town of East Greenwich, plainly audible to a person of reasonably sensitive hearing at a distance of 200 feet from its source, shall be deemed a prima facie violation of this article.

B. For the purposes of this section, “plainly audible” means any sound which clearly can be heard by unimpaired auditory senses based on a direct line of sight of 200 feet or more from the source of the sound and which crosses a property boundary line or boundary between two dwelling units; however, words or phrases need not be discernible, and said sound shall include base reverberation.

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C. Any operator of any vehicle violating the provisions of this chapter shall be fined according to the following:

(1) First offense: \$100.

(2) Second offense: \$250.

(3) Third and subsequent offenses: \$500.[1]

[1] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. IV).

D. Any and all emergency vehicles engaged in official business requiring audible warning or public address shall be exempt from any provision of this article.

Section 2. This ordinance shall become effective upon adoption.