

Noise Ordinance



Town of York, Maine

Most Recently Amended: May 16, 2015

Prior Dates of Amendment: May 19, 2012

November 2, 2004

Date of Original Enactment: November 6, 2001

ENACTMENT BY THE LEGISLATIVE BODY

Date of the vote to amend this Ordinance: May 16, 2015.

Certified by the Town Clerk:

May 19, 2015
(signature)

on *June 19, 2015*
(date)

TOWN OF YORK
NOISE ORDINANCE

SECTION 1: PURPOSE

The Town of York has a compelling interest in ensuring for its residents and visitors an environment free from excessive noise that may jeopardize their health or welfare, or degrade their quality of life. This Ordinance is enacted to protect, preserve and promote the health, safety, welfare and quality of life for the citizens of York through the reduction, control and prevention of loud and unreasonable noise.

SECTION 2: STANDARDS

Standards. Noise shall be controlled by relative and absolute standards, in accordance with the following:

- 2.1 Relative Limits. In order to prevent a single sound source from radically changing the noise levels in a neighborhood, the amount of additional sound that may be generated shall be limited.
 - A. In the Route One-3, Route One-4, and BUS-3 zoning districts, the following relative increases shall be permitted:
 - 1) between 7:00 a.m. and 10:00 p.m.: an increase not to exceed 10 decibels; and
 - 2) at all other times: an increase not to exceed 5 decibels.
 - B. In all other zones, relative increases shall not exceed 5 decibels.
 - C. In any zone, a short-duration activity that occurs for not more than 15 minutes per day, between the hours of 8:00 a.m. and 5:00 p.m., shall be permitted to increased the relative sound level by an additional 10 decibels above that otherwise permitted in this Section.
- 2.2 Absolute Limits. The maximum permissible sound pressure level of any continuous, regular, or frequent source of sound shall be limited as follows:
 - A. Between 7:00 a.m. and 10:00 p.m.:
 - 1) 70 decibels in the Route One-3, Route One-4, and BUS-3 zoning districts; and
 - 2) 60 decibels in all other zones.
 - B. At all other hours: 50 decibels.

SECTION 3: EXCEPTIONS

Activities listed in this Section are declared to be exempt from the limitations of this Ordinance, as follows:

- 3.1 Natural phenomena.
- 3.2 Church bells rung as part of any official church ceremony or service, and tower clock bells ringing the hour during daytime hours.
- 3.3 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 terminated within thirty (30) minutes after being activated shall be unlawful.
- 3.4 Safety signals or warning devices required by OSHA or other State or Federal regulations.

- 3.5 Lawful emergency maintenance or construction such as, but not limited to, repair of a broken water main or replacement of overhead power lines.
- 3.6 Special events approved by the Board of Selectmen, including but not limited to parades, special sporting events, public concerts and fire works displays.
- 3.7 Noises created by on-site construction and maintenance activities between 7 a.m. and 8 p.m.
- 3.8 Traffic noise.
- 3.9 Municipal Activities. Any legitimate activity of the Town, or a water or sewer district, may be exempt from the provisions of this Ordinance at the discretion of the Superintendent of Public Works.
- 3.10 Emergencies or Extraordinary Situations. In an emergency or an extraordinary situation, the Police Chief may vary these standards if, in the Chief's sole judgment, it is in the best interests of the Town.

SECTION 4: SPECIFIC PROHIBITIONS

Activities defined in this Section are declared to be loud, disturbing and/or unnecessary noises regardless of the specific decibels generated.

- 4.1 All domestic animal noise issues shall be controlled exclusively through the Animal Control Ordinance.
- 4.2 Using, operating or playing any type of audio device in a loud and unreasonable manner that casts sound upon the public streets for the purpose of commercial advertising or attracting the attention of the public shall be prohibited.
- 4.3 The loud and unreasonable shouting and crying of peddlers, hawkers, and vendors that disturbs the peace and quiet of the neighborhood shall be prohibited.
- 4.4 Any vending machine located outdoors and within 200' of a residence shall not be filled with products nor emptied of money during the time from 10:00 PM to 6:00 AM.

SECTION 5: MEASUREMENT

- 5.1 Sound Pressure Level. This Ordinance regulates sound pressure levels. It shall be measured in terms of overall readings that provide a single decibel value taking into account all frequencies or pitches.
- 5.2 Equipment. A sound level meter used in the administration of this Ordinance shall be a Type 2 (or better) meter that complies with the ANSI standard S1.4, 1983, or the latest version thereof.
- 5.2 Location. Measurements shall be taken in accordance with the following:
 - A. In all cases, noise measurements shall be taken with the meter at least four feet above the ground.
 - B. To measure relative limits, noise shall be measured at the point of concern, not on the property on which the noise is generated. In the case of a compliant, measurement shall be taken at the property of the person complaining.
 - C. To measure maximum limits, noise shall be measured at points around the perimeter of the lot on which the sound is being generated.

SECTION 6: ADMINISTRATION AND ENFORCEMENT

- 6.1 This Ordinance shall be administered and enforced by the York Police Department.
- 6.2 No person shall interfere with, oppose or resist an authorized person charged with the enforcement of this Ordinance while such person is engaged in the performance of his duty.
- 6.3 For the purpose of determining compliance with the provisions of this Ordinance, the Police Officers are authorized to make inspections of all noise sources, and to take measurements and make tests whenever necessary to determine the quantity and character of noise. They may enter any property with the consent of the owner or owner's agent. If consent is not granted, the Officer may seek an administrative warrant from District Court.
- 6.4 Violations of this Ordinance shall be prosecuted in the same manner as other civil violations, provided, however, that in the event of an initial violation of the provisions of this Ordinance, a written notice shall be given the alleged violator which specifies the time by which the condition shall be corrected. No complaint or further action shall be taken in the event the cause of the violation has been removed, the condition abated or fully corrected within the same period specified in the written notice. The notice shall state that unless corrections are made within the allotted time, the violator is subject to prosecution pursuant to provisions of this Ordinance.
- 6.5 In the event the alleged violator cannot be located in order to serve the notice of the intent to prosecute, the notice as required herein shall be deemed to be given upon mailing of notice by registered or certified mail, return receipt requested, to the alleged violator at this last known address or at the place where the violation occurred, in which event the specified time period for abating the violation or applying for a variance shall commence at the date of the day following the mailing of such notice. Subsequent violations of the same offense shall result in the immediate filing of a criminal complaint.

SECTION 7: PENALTIES

Any person who violates this ordinance shall be subject to a civil penalty of \$100.00 for the first offense, \$150.00 for the second offense, and \$250.00 for the third and subsequent offenses.

SECTION 8: WAIVER/PAYMENT OF FINES

Any person charged with a violation of this section, shall be allowed to waive such violation and tender to the Town of York the fine amount if paid within 20 days of issuance of the summons. If the waiver fine is paid, no appearance before a District Court Judge or other judicial officer shall be required. If the offender pays the waiver fine, the matter will be closed in the York Police Records system and listed as a subsequent offense for future violations.

If the offender chooses not to pay the waiver fine, he/she shall appear in court on the specified date to answer for the ordinance violation. If the offender is found to have committed the offense in court, fines, applicable court fees, attorney's fees, and prosecution costs may apply.

SECTION 9: GENERAL PROVISIONS

- 9.1 Saving Clause. If any portion of this Ordinance is found to be invalid by the courts, it shall not affect the validity of any other portion of this Ordinance.

- 9.2 Conflict with Other Codes. Where provisions of this Ordinance are in conflict with or different than provisions of other codes, the more restrictive shall apply.
- 9.3 Internal Conflicts. Where provisions of this Ordinance are in conflict with one another, the more restrictive shall apply.
- 9.4 References to Zoning Districts. References to districts in the Zoning Ordinance shall refer to the geography delineated as of November 1, 2001.
- 9.5 Effective Date. This Ordinance shall become effective upon adoption by Town Meeting.
- 9.6 Amendment. This Ordinance may be amended by majority vote of any Town Meeting.

Ordinance Amended: *May 16, 2015*
May 19, 2012
November 2, 2004
Ordinance Adopted: *November 6, 2001*