

Chapter 286. Noise

[HISTORY: Adopted by the Council of the City of Pawtucket, approved 12-22-1972 by Ch. No. 1369. Amendments noted where applicable.]

GENERAL REFERENCES

Dogs barking — See Ch. **116**, Art. **IV**.

Public nuisances — See Ch. **290**, Art. **II**.

Parks and playgrounds — See Ch. **294**, Art. **I**.

Peace and good order — See Ch. **298**.

Peddling and soliciting — See Ch. **302**.

§ 286-1. Declaration of policy.

It is hereby declared to be the policy of the City to prohibit unnecessary, excessive and annoying noise from all sources subject to its police power. At certain levels, noises are detrimental to the health and the welfare of the citizenry, and in the public interests shall be systematically proscribed.

§ 286-2. Definitions.

As used in this chapter, unless the context otherwise clearly indicates, the words and phrases used are defined as follows:

AMBIENT NOISE

The all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources near and far. For the purpose of this chapter, "ambient noise" level is the level obtained when the noise level is averaged over a period of 15 minutes without inclusion of noise from isolated identifiable sources, at the location and time of day near that at which a comparison is to be made.

COMMERCIAL PURPOSE

Includes the use, operation or maintenance of any sound-amplifying equipment for the purpose of advertising any business or any goods or any services, or for the purpose of attracting the attention of the public to, or advertising for, or soliciting patronage or customers to or for any performance, show, entertainment, exhibition or event or for the purpose of demonstrating such sound equipment.

DECIBEL

A unit of level 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.

FREQUENCY OF A FUNCTION PERIODIC IN TIME

The reciprocal of the primitive period. The unit is the hertz and shall be specified.

HERTZ

The complete sequence of values of a periodic quantity which occurs during a period.

MICROBAR

A unit of pressure commonly used in acoustics and is equal to one dyne per square centimeter.

MOTOR VEHICLES

Includes but not be limited to minibikes and go-carts.

NONCOMMERCIAL PURPOSE

The use, operation or maintenance of any sound equipment for other than a commercial purpose.

"Noncommercial purposes" shall mean and include, but shall not be limited to, philanthropic, political, patriotic and charitable purposes.

PERIODIC QUANTITY

Oscillating quantity, the values of which recur for equal increments of time.

PERIOD OF A PERIODIC QUANTITY

The smallest increment of time for which the function repeats itself.

PERSON

A person, firm, association, copartnership, joint venture, corporation or any entity, public or private in nature.

SNOW REMOVAL APPARATUS

Gas- or electric-powered equipment utilized for the removal of snow and ice, including but not limited to snowblowers, snow throwers, and snowplows.

[Added 12-8-2011 by Ch. No. 2985]

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 (NOISE LEVEL)

In decibels (db) is the sound measured with the A-weighting and slow response by a sound level meter.

SOUND LEVEL METER

An instrument, including a microphone, an amplifier, an output meter and frequency weighting networks for the measurement of sound levels which satisfied the pertinent requirements in the most recent edition of American Standard Specifications for sound level meters.

[Amended 7-25-1996 by Ch. No. 2420]

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.

§ 286-3. Sound level measurement criteria.

Any sound level measurement made pursuant to the provisions of this chapter shall be measured with a sound level meter using the A weighting.

§ 286-4. Ambient base noise level.

[Amended 8-9-2007 by Ord. No. 2863]

Where the ambient noise level is less than designated in this section the respective noise level in this section shall be the ambient base level for the purpose of this chapter:

Sound Level

| Zone | Time | dbA |
|-------------------|-------------------------|------------|
| RL, RS, RT and PC | 10:00 p.m. to 7:00 a.m. | 50 |
| RL, RS, RT and PC | 7:00 p.m. to 10:00 p.m. | 55 |
| RL, RS, RT and PC | 7:00 a.m. to 7:00 p.m. | 60 |
| RM, RE, PO and CL | 10:00 p.m. to 7:00 a.m. | 55 |
| RM, RE, PO and CL | 7:00 a.m. to 10:00 p.m. | 60 |
| CG and CD | 10:00 p.m. to 7:00 a.m. | 60 |
| CG and CD | 7:00 a.m. to 10:00 p.m. | 65 |
| MB | Anytime | 70 |
| MO | Anytime | 75 |

§ 286-5. Declaration of noise as nuisance; abatement by order or injunction.

Notwithstanding the provisions for violations of any of the sections herein set forth, as an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision of this chapter, which operation or maintenance causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents in the area, shall be deemed, and is declared to be, a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

§ 286-6. Stereos, radios, musical instruments and other noisemaking devices; violations and penalties.

[Amended 5-24-1979 by Ch. No. 1688; 9-6-1990 by Ch. No. 2150]

A. It shall be unlawful for any person within any residential zone or commercial local zone of the City to use or operate any stereo, radio, musical instrument or other noisemaking device for the producing or reproducing of sound between the hours of 11:00 p.m. of one day and 7:00 a.m. of the following day in such a manner as to disturb the peace, quiet and comfort of neighboring residents.

[Amended 3-9-1995 by Ch. No. 2379]

B. It shall also be unlawful for any person within a public open (PO) zone of the City to use or operate any stereo, radio, musical instrument or other noisemaking device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of neighboring residents, as well as any police officer whose normal sense of hearing is disturbed due to the excessive noise being produced from any radio, stereo or musical device. This subsection may include, but shall not be limited to, excessive noise within a motor vehicle.

[Amended 3-9-1995 by Ch. No. 2379; 7-22-1998 by Ch. No. 2498]

C. Any person found in violation of § **286-6** by any police officer in this City shall upon conviction be punished by a fine of not more than \$100 or by imprisonment for a period not exceeding 10, or both, for any one offense.

D. Prima facie violation. Any noise level exceeding the ambient base level (as defined in § **286-4**) at the property line of any property (or, if a condominium or apartment house with any adjoining apartment) by more than five decibels shall be deemed to be prima facie evidence of a violation of the provisions of this section; or, the operation of any such device in such a manner as to be plainly audible at a distance of 50 feet from any building, structure or motor vehicle in which it is located.

E. Complaints. Any person, including a police officer, may be a complainant for the purpose of instituting action for any violations of this § **286-6**.

[Added 3-9-1995 by Ch. No. 2379]

§ 286-7. Hawkers and peddlers.

It shall be unlawful for any person within the City to sell anything by outcry within any area of the City zoned for residential uses. The provisions of this section shall not be construed to prohibit the selling by outcry of merchandise, food and beverages at licensed sporting events, parades, fairs, circuses and other similar licensed public entertainment events.

§ 286-8. Use of drums and other instruments restricted.

It shall be unlawful for any person to use any drum or other instrument or device of any kind for the purpose of attracting attention by the creation of noise within the City. This section shall not apply to any person who is a participant in a school band or duly licensed parade or who has been otherwise duly authorized to engage in such conduct.

§ 286-9. Noise near schools, hospitals and churches.

It shall be unlawful for any person to create any noise on any street, sidewalk or public place adjacent to any school, institution of learning or church while the same is in use or adjacent to any hospital, which noise unreasonably interferes with the workings of such institution or which disturbs or unduly annoys patients in the hospital, provided that conspicuous signs are displayed in such streets, sidewalks or public place indicating the presence of a school, church or hospital.

§ 286-10. Animals and fowl.

No person shall keep or maintain or permit the keeping of, upon any premises owned, occupied or controlled by such person any animal or fowl otherwise permitted to be kept which, by any sound, cry or behavior, shall cause annoyance or discomfort to a reasonable person of normal sensitiveness in any residential neighborhood.

§ 286-11. Machinery, equipment, fans and air conditioning.

[Amended 12-8-2011 by Ch. No. 2985]

It shall be unlawful for any person to operate any machinery, equipment, pump, fan, air-conditioning apparatus or similar mechanical device in any manner so as to create any noise which would cause the noise level at the property line of any property to exceed the ambient base noise level by more than five decibels. Notwithstanding the foregoing, this section shall not apply to the operation of snow removal apparatus when a parking ban is in effect.

§ 286-12. Construction projects.

It shall be unlawful for any person to operate equipment or perform any outside construction or repair work on buildings, structures or projects or to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist or any other construction-type device (between the hours of 10:00 p.m. of one day and 7:00 a.m. of the next day) in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance unless beforehand a special permit therefor has been duly obtained from the Director of Public Works. No special permit shall be required to perform emergency work as defined in § 286-2 of this chapter.

§ 286-13. Vehicle repairs.

It shall be unlawful for any person within any residential area of the City to repair, rebuild or test any motor vehicle (between the hours of 10:00 p.m. of one day and 7:00 a.m. of the next day and at any time of day on a Sunday or legal holiday) in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance.

§ 286-14. Motor-driven vehicles.

It shall be unlawful for any person to operate any motor-driven vehicle within the City in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance. This section shall include screeching of tires, racing of motors and loud mufflers, but shall not be limited to the aforesaid.

§ 286-15. Amplified sound regulations.

- A. The Council enacts this section for the sole purpose of securing and promoting the public health, comfort, safety and welfare of its citizenry. While recognizing that the use of sound-amplifying equipment is protected by the constitutional rights of freedom of speech and assembly, the Council nevertheless feels obligated to reasonably regulate the use of sound-amplifying equipment in order to protect the correlative constitutional rights of the citizens of this community to privacy and freedom from public nuisance of loud and unnecessary noise.
- B. It shall be unlawful for any person, other than personnel of law enforcement or governmental agencies, to install, use or operate within the City a loudspeaker or sound-amplifying equipment in a fixed or movable position or mounted upon any sound truck for the purposes of giving instructions, directions, talks, addresses, lectures, or transmitting music to any persons or assemblages of persons in or upon any street, alley, sidewalk, park, place or public property without first filing a registration statement and obtaining approval thereof as set forth in Subsection C.
- C. Filing and approval of registration statements.
- (1) Filing. Every user of sound-amplifying equipment shall file a registration statement with the Police Division not less than three days prior to the date on which the sound-amplifying equipment is intended to be used, which statement shall contain the following information:
 - (a) The name, address and telephone number of both the owner and the user of the sound-amplifying equipment.
 - (b) The maximum sound-producing power of the sound-amplifying equipment which shall include the wattage to be used, the volume in decibels of sound which will be produced and the approximate distance for which sound will be audible from the sound-amplifying equipment.
 - (c) The license and motor number if a sound truck is to be used.
 - (d) A general description of the sound-amplifying equipment which is to be used.
 - (e) Whether the sound-amplifying equipment will be used for commercial or noncommercial purposes.
 - (2) Approval. The Police Division shall return to the applicant an approved certified copy of the registration statement unless it finds that:
 - (a) 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;
 - (b) The conditions of pedestrian movement are such that use of the equipment would constitute a detriment to traffic safety; or
 - (c) The registration statement required reveals that the applicant would violate the provisions set forth in § 286-14 of this chapter or any other provisions of this Code.
 - (3) Disapproval. In the event that the registration statement is disapproved, the Chief of Police shall endorse upon the statement his or her reasons for disapproval and return it forthwith to the applicant.
- D. Appeals. Any person aggrieved by disapproval of a registration statement may appeal to the Board of Appeals, City of Pawtucket.
- E. Fees. Prior to the issuance of the registration statement, a fee in the amount of \$10 per day, or any portion

thereof, shall be paid to the City, if the loudspeaker or sound-amplifying equipment is to be used for commercial purposes. No fee shall be required for the operation of a loudspeaker or sound-amplifying equipment for noncommercial purposes or for those purposes for which a business license has been issued.

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

[Amended 1-10-2008 by Ch. 2885; 4-23-2009 by Ch. 2917]

- (1) The only sounds permitted shall be either music or human speech, or both.
- (2) The operation of sound-amplifying equipment shall only occur between the hours of 10:00 a.m. and 10:00 p.m. each day, except on Sundays and legal holidays. No operation of 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.
- (3) Notwithstanding the above, the operation of sound-amplifying equipment at outdoor feasts or festivals shall only occur between the hours of 10:00 a.m. and 9:00 p.m. each day, except on Fridays, Saturdays and the day before legal holidays. The operation of sound-amplifying equipment at outdoor feasts or festivals on Fridays, Saturdays and the day before legal holidays shall occur only between the hours of 10:00 a.m. and 11:00 p.m.
- (4) The sound level emanating from sound-amplifying equipment shall not exceed 15 decibels above the ambient base noise level.
- (5) Notwithstanding the provisions of Subsection **F(3)** of this section, sound-amplifying equipment shall not be operated within 200 feet of churches, schools, hospitals or City or county buildings.
- (6) In any event, the volume of sound shall be so controlled that it will not be unreasonably loud, raucous, jarring, disturbing or a nuisance to reasonable persons of normal sensitiveness within the area of audibility.

§ 286-16. General noise regulations.

- A. Notwithstanding any other provision of this chapter, and in addition thereto, it shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary or unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.
- B. The standards which shall be considered in determining whether a violation of the provisions of this section exists shall include, but not be limited to, the following:
 - (1) The level of the noise.
 - (2) The intensity of the noise.
 - (3) Whether the nature of the noise is usual or unusual.
 - (4) Whether the origin of the noise is natural or unnatural.
 - (5) The level and intensity of the background noise, if any.
 - (6) The proximity of the noise to residential sleeping facilities.
 - (7) The nature and zoning of the area within which the noise emanates.
 - (8) The density of the inhabitation of the area within which the noise emanates.
 - (9) The time of the day or night the noise occurs.
 - (10) The duration of the noise.
 - (11) Whether the noise is recurrent, intermittent or constant.

(12) Whether the noise is produced by a commercial or noncommercial activity.

§ 286-17. Training in use of equipment.

[Amended 7-25-1996 by Ch. No. 2420]

The Chief of Police shall designate and train personnel in the proper use of sound-level meters and criteria necessary for the enforcement of the provisions of this chapter.

§ 286-18. Enforcement.

[Amended 7-25-1996 by Ch. No. 2420]

The Division of Police in conjunction with the Director of Zoning and Code Enforcement are to enforce the provisions of this chapter.

§ 286-19. Violations and penalties.

Any person found guilty of violating, disobeying, neglecting or refusing to comply with the provisions of this chapter shall upon conviction be punished by a fine of not more than \$100 or by imprisonment for a period not exceeding 10 days or both, for any one offense.