

Chapter 140

NOISE

[HISTORY: Adopted by the Town Meeting of the Town of Lee as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Animals — See Ch. 84.

Ice cream truck vendors — See Ch. 150, Art. II.

ARTICLE I

General Provisions

[Adopted 2-9-1995 STM by Art. 11]

§ 140-1. Excessive noise prohibited.

It shall be unlawful for any person to make, continue or cause to be made or continued any excessive, unnecessarily loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the Town and in accordance with the concepts, measurements, definitions and procedures set forth below.

§ 140-2. Unlawful acts; exemptions.

- A. Use districts. It shall be unlawful to project a sound or noise, excluding noise emanating from cars, trucks or other vehicles, from one property into another within the boundary of a use district, which noise exceeds the limiting noise spectra set forth in Table I below. Sound or noise projecting from one use district into another use district with a different noise level limit shall not exceed the limits of the district into which the noise is projected.
- B. Loading and unloading. It shall be unlawful to load, unload, open, close or otherwise handle boxes, crates, containers, building material, trash cans, dumpsters or similar objects between the hours of 10:00 p.m. and 6:00 a.m. so as to project sound across a real property line, except as exempted under Subsection E below.
- C. Power tools. It shall be unlawful to cause a noise disturbance across a real property line by operating any mechanically powered saw, sander, grinder, drill, lawn mower or garden tool or similar device used outdoors, with the exception of snowblowers, between 10:00 p.m. and 7:00 a.m. Snowblowers, lawn mowers and chain saws shall be exempted from the L-10 and maximum permissible A-weighted sound-level limits enumerated in Table I below. However, such tools shall be operated within all applicable time restrictions and shall be operated in a reasonable manner.
- D. Radios, television sets, musical instruments and similar devices. It shall be unlawful to operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to

create a noise disturbance across a real property boundary.

- E. Exemptions. The following uses and activities shall be exempt from noise-level regulations:
- (1) Noise of safety signals, warning devices and emergency pressure-relief valves.
 - (2) Noises resulting from any authorized vehicle when responding to an emergency call or acting in time of emergency.
 - (3) Noise resulting from emergency and maintenance work as performed by the Town, by the state or by public utility companies.
 - (4) Noises resulting from activities of a temporary duration permitted by law and for which a license or permit has been granted by the Town.
 - (5) The unamplified human voice.
 - (6) Parades and public gatherings for which the Selectmen have issued a permit.
 - (7) Bells, chimes or carillons while being used for religious purposes or in conjunction with religious services and those bells, chimes or carillons that are presently installed and in use for any purpose.

§ 140-3. Measurement.

- A. The measurement of sound or noise shall be made with a sound-level meter meeting the standards prescribed by ANSI S1.4 Type 1 or Type 2 and IEC 1979. The instrument shall be maintained in calibration and good working order. A calibration check shall be made of the system at the time of any noise measurement. Measurements recorded shall be taken so as to provide a proper representation of the noise source. The microphone, during measurement, shall be positioned so as not to create an unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used when required. Traffic, aircraft and other transportation noise sources and other background noises shall not be considered in taking measurements, except where such background noise interferes with the primary noise being measured.
- B. The slow meter response of the sound-level meter shall be used in order to best determine that the amplitude has not exceeded the limiting noise levels set forth in Table I below.
- C. The measurement shall be made at the location that the noise is perceived by the complainant or upon a public way, at a level of five feet above the ground.

§ 140-4. Noise tables.

- A. Table I: Limiting Noise Level for Use Districts. Use District A represents Residential, Conservation-Residential, Residential-Agricultural, Floodplain and Residential-Multiple Dwelling Districts. Use District B represents Business-Multiple Dwelling, Commercial Business Corridor and Rural Business Districts. Use District C represents Business and Planned Commercial Village Center Districts. Use District D represents Office Park and Light Industrial, Downtown Commercial Business Corridor and Industrial Districts.

[Amended 1-29-1997 ATM by Art. 13]

Maximum Permissible A-Weighted Sound Level

Use District	Day	Night
District A		
L-10 level	55	45
Maximum	68	58
District B		
L-10 level	60	45
Maximum	70	58
District C		
L-10 level	60	60
Maximum	70	70
District D		
L-10 level	60	60
Maximum	70	70

NOTES:

- (1) L-10 refers to a national guideline for measuring noise levels over time and is recommended by the Environmental Protection Agency.
- (2) Sound levels are in decibels re: 20 micropascals, measured on the A-weighting network of a sound-level meter meeting the standards referenced in § 140-3A.
- (3) For the purpose of this table, "day" shall be defined as 7:00 a.m. to 10:00 p.m. and "night" shall be defined as 10:00 p.m. to 7:00 a.m.

B. If the noise is not smooth and continuous, one or more of the corrections in Table II below shall be added to or subtracted from each of the decibel levels given in Table I of this section.

C. Table II: Type of Operation in Character of Noise.

Character of Noise	Correction
Impulsive (hammering, etc.)	-5
Periodic (hum, screech, etc.)	-5

§ 140-5. Application for special permit.

Application for a permit for relief from the noise level designated in this article on the basis of undue hardship may be made to the Board of Selectmen. Any permit granted by the Selectmen

shall set forth all conditions pertaining to the specified noise and a reasonable time limit for its abatement.

§ 140-6. Enforcement; violations and penalties.

Upon an apparent violation of this article, the offending party shall be given a verbal order by the enforcing officer to cease or abate the noise immediately or within a specified period of time. If the order is not complied with, the person or persons responsible for the noise shall be charged with a violation of this article. Anyone who violates this article shall be subject to a fine of \$100. Written record of all measured violations shall be kept by the Police Department.

ARTICLE II

Sound Trucks

[Adopted 5-26-1971 STM by Art. 10 as Sec. 11-2 of the 1971 Code]

§ 140-7. Permit required.

Sound trucks and other advertising sound wagons or vehicles shall not operate on the public highways with such sound or other noise apparatus or devices in operation, except in accordance with a written permit from the Board of Selectmen.