

## NOISE CONTROL ORDINANCE OF THE TOWN OF STONINGTON

### SECTION 1: PURPOSE AND AUTHORITY

#### 1.1 Purpose:

Whereas excessive noise is a serious hazard to public health, welfare, safety, and quality of life;

Whereas a substantial body of science and technology exists by which excessive noise may be substantially abated; and,

Whereas the public has a right to be free from excessive noise;

Now, therefore, it is the policy of the Town of Stonington, within its corporate limits, to prevent excessive noise which may jeopardize the health, welfare, or safety of the inhabitants of the Town of Stonington.

#### 1.2 Authority:

This ordinance is adopted pursuant to 30-A M.R.S.A. § 3001 et seq. and to the home rule powers contained in the Maine Constitution.

### SECTION 2: DEFINITIONS

2.1 Ambient Noise Level: The existing level of all-encompassing noise associated with a given environment, usually a composite of sounds from many sources near and far, without inclusion of intruding noises from isolated identifiable sources.

2.2 A-weighted Sound Level: The sound pressure level in decibels as measured on a sound level meter using the A weighted network. The level so read is designated dBA or dB(A).

2.3 Construction: Any site preparation, assembly, erection, substantial repair, alteration, or similar action, but excluding demolition, for or of public or private rights of way, structures, utilities, or similar property.

2.4 Daytime: The hours between 7:00 A.m. and 10:00 P.M.

2.5 Decibel: A unit for measuring the volume of a sound equal to twenty times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is twenty micro-pascals.

2.6 Demolition: Any dismantling, intentional destruction or removal of structures, utilities, public or private right of way surfaces, or similar property.

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

2.8 Emergency Work: Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

2.9 Night time: The hours between 10:00 p.m. and 7:00 a.m.

2.10 Noise Control Officer: The municipal employee trained in the use of sound level meters as authorized under this ordinance.

2.11 Property Line: The real or imaginary line along the ground surface and its vertical extension which a) separates real property owned or controlled by any person from contiguous real property owned or controlled by another person, and b) separates real property from the public right of way.

2.12 Sound Level Meter: An instrument, including a microphone, and amplifier, an output meter and frequency waiting network for the measurement for the sound levels, which meets or exceeds the requirements for Type 2 meters under the American National Standards Institute specification for sound level meters.

### SECTION 3: PROHIBITED ACTS

3.1 No person, individual, company, partnership or corporation shall unreasonably make, continue, or cause to be made, excessive noise. Noise that exceeds the maximum noise level limit provided in Section 4 shall be deemed unreasonable and excessive except as provided in Section 5.

### SECTION 4: MAXIMUM NOISE LEVELS

4.1 Noise from any source controlled by this ordinance shall not exceed the following limits at the lot line of the receiving property:

#### Sound Pressure Level Limits

Daytime 65 dBA

Night Time 60 dBA

4.2 If ambient noise from other than identifiable sound sources is determined to be higher than the maximums listed above, the maximum permissible noise level shall be five decibels higher than the ambient noise level.

## SECTION 5: EXCEPTIONS

5.1 Maximum sound levels may be exceeded by 10 dBA for a single period, no longer than 15 minutes, in one day.

5.2 A natural phenomena

5.2 Any bell or chime from any building clock, school, or church.

5.3 Any siren, whistle, or bell lawfully used by emergency vehicles, or any other alarm system used in an emergency situation.

5.4 Warning devices required by OSHA or other state or federal safety regulations.

5.5 Aircraft operations which are subject to federal noise regulations.

5.6 Occasional sporting, cultural, religious or public events allowed by the local municipality.

5.7 Noise generated by any construction or demolition equipment which is operated during daytime hours.

5.8 Emergency repair work to public utilities .

5.9 Timber harvesting

5.10 Noise created by blasting, provided that the blasting is conducted during daytime hours.

5.11 Noise created by refuse and solid waste collection, provided it is done during daytime hours.

## SECTION 6: NOISE LEVEL MEASUREMENT PROCEDURES

For the purpose of determining noise levels as set forth in this ordinance, the following guidelines shall be applicable:

6.1 All personnel conducting sound measurement shall be trained in the current techniques and principals of sound measuring equipment and instrumentation.

6.2 Instruments used to determine sound level measurements shall conform to the standards of A.N.S.I. Type 1 or Type 2 meters.

6.3 The general steps listed below shall be followed when preparing to take sound level measurements.

a) The instrument manufacturer's specific instructions for the preparation and use of the instrument shall be followed.

b) The sound meter shall be calibrated before and after each set of measurements. The calibrator itself shall be recalibrated at least once every year.

c) When measurements are taken out of doors, a wind screen shall be placed over the microphone of the sound level meter as per manufacturer's instructions.

#### SECTION 7: ENFORCEMENT

7.1 The Code Enforcement Officer (CEO), or the Town Manager of Stonington, under the direction of the Stonington Board of Selectmen, will be responsible for the enforcement of this ordinance.

7.2 No person shall interfere with, oppose, or resist any authorized person charged with the enforcement of this ordinance while such person is engaged in the performance of his or her duty.

7.3 Upon receipt of a citizen complaint of a request to investigate or upon personal observation of an apparent violation, the town's Noise Control Officer, equipped with a approved sound level meter, may investigate the complaint.

7.4 In the event of an initial violation of the provisions of this ordinance, a written notice shall be given the alleged violator which specifies a time by which the condition shall be corrected. Notice shall be given by delivering a copy to the alleged violator or by mailing it to the last known address. No complaint or further action shall be taken in the event that the cause of the violation has been removed, or the condition abated or fully corrected within the time period specified in the written notice.

SECTION 8: PENALTIES

Any person, individual, company, partnership, or corporation who violates this ordinance shall have committed a civil violation under 17-A M.R.S.A. 4-B, which may be prosecuted in the District Court under 4 M.R.S.A. §152. The minimum penalty for a violation of this ordinance shall be \$100 per day of violation. The maximum penalty shall be \$500 per day of violation. In the event that court action is necessary to enforce this ordinance, the violator will, in addition, be responsible for court costs, interest, and reasonable attorney's fees incurred by the Town of Stonington.

SECTION 9: SEVERABILITY

If, for any reason, any word, clause, paragraph, or section of this ordinance shall be found by a court to be void or unenforceable, this ordinance shall not hereby be invalidated and the remainder of the ordinance shall continue in effect.

SECTION 10: EFFECTIVE DATE

This ordinance shall become effective upon adoption by town meeting.

SECTION 11: AMENDMENTS

This ordinance may be amended by majority vote at at any town meeting.

Certified Copy of Ordinance passed at Town Meeting on June 21, 1994.

Joseph M. Gude

2/22/99  
Date

ORDINANCE PROHIBITING THE USE OF STONE BURNERS  
IN THE TOWN OF STONINGTON

Whereas the operation of stone burners in quarries for the purpose of quarrying stone is a nuisance; and

Whereas the operation of stone burners creates an exceptionally loud noise;

Now, Therefore, Be It Ordained by the Town, the following regulation forbidding the operation of stone burners in quarries for the purpose of quarrying stone within the corporate limits of Stonington:

**SECTION 1: STONE BURNERS PROHIBITED** No person, individual, company, partnership, or corporation will be permitted, after the passage of this ordinance, to operate a stone burner, burner, or torch for the purpose of quarrying stone from the ground, within the corporate limits of the Town of Stonington.

Torches used to finish the surface of cut stones may still be operated after the passage of this ordinance.

**SECTION 2: ENFORCEMENT** The Code Enforcement Officer (CEO) or the Town Manager of Stonington under the direction of the Stonington Board of Selectmen will be responsible for the enforcement of this ordinance.

**SECTION 3: PENALTY** Any person, individual, company, partnership, or corporation who violates this ordinance is subject to a fine of not less than \$100 nor more than \$500 per day of violation. In the event that court action is necessary to enforce this ordinance, the violator will, in addition, be responsible for court costs, interest, and reasonable attorney's fees incurred by the Town.

11-16-93

The foregoing is a true copy of "Ordinance Prohibiting the Use of Stone Burners in the Town of Stonington".

ATTEST:

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Selectmen of Stonington

Date: \_\_\_\_\_