

EAST GREENWICH
Draft Amendment
Article I – General Provisions
Chapter 152 - Noise

§ 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.~~

MAXIMUM PERMITTED NOISE LEVEL

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

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.

MOTOR VEHICLES

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

SOUND-AMPLIFYING EQUIPMENT

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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)

The sound measured with the "A" weighting and slow response by a sound-level meter.

SOUND-LEVEL METER

An instrument, including a microphone, amplifier, RMS detector, integrator or time average, 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~~may 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 noise levels used for the purposes of this chapter, unless a more restrictive maximum permitted noise level is provided for in another part of 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
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

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B. Irrespective of zoning district, the stated 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. ~~Irrespective of As provided in § 152-5,~~ sound in excess of these stated limits shall constitute a violation of this section. ~~Irrespective of § 152-12B, sound amplifying equipment may only be operated out of doors during stated hours.~~ The limits are as follows:

(1) ~~From the Monday after the last weekend of September to Thursday of Memorial Day weekend~~ Monday through Thursday, year round, from 8:00 a.m. to 10:00 p.m., and Fridays through Sundays, year round, from 8:00 a.m. to 11:00 p.m., the maximum permitted noise level shall be 60dBA. Sound amplification equipment may only be used by the holder of an entertainment license in this area in conformance with all conditions of said entertainment license, and the use of the sound amplification equipment shall not cause the noise level to exceed 60dBA.

(2) ~~From Friday of Memorial Day weekend to the end of Labor Day weekend~~ Monday through Thursday, year round, from 10:00 p.m. to 8:00 a.m., and Fridays through Sundays, year round, from 11:00 p.m. to 8:00 a.m., the maximum permitted noise level shall be 50 dBA. Sound amplification equipment may only be used by the holder of an entertainment license in this area in conformance with all conditions of said entertainment license, and the use of the sound amplification equipment shall not cause the noise level to exceed 50dBA.

(3) ~~Then, from the Labor Day weekend to the last weekend of September:~~
[Amended 4-24-2017 by Ord. No. 867]

§ 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 ~~by more than five decibels the ambient base noise level as defined in § 152-4 hereof~~ the maximum permitted noise level 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 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 duration.

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.

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§ 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.

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