

§ 215-1. Findings; administration.

- A. The Quincy City Council finds that excessive noise harms residential life, public health, and general welfare and impairs the fundamental enjoyment of residential real estate. The intent of this chapter is to control noise sources to protect residential life, public health, and general welfare and to promote the peaceful enjoyment of residential real estate. Quincy, as a community with many residential properties that abut, or are located near, establishments that generate noise, requires legislation to address this problem in a manner that is fair to both the resident(s) and the commercial establishment(s) involved. This chapter must be liberally construed if and when necessary to carry out this intent.
- B. The Department of Inspectional Services ("Department") shall administer this chapter.
 - (1) The Department must coordinate proposed noise abatement programs within the City of Quincy.
 - (2) The Department, Zoning Board of Appeals (ZBA) and/or any special permit granting authority so sitting, Planning Board, Board of Licensing Commissioners and Conservation Commission must establish procedures to identify and reduce noise sources when they issue permits, variances, exemptions, approvals, conditions, or certifications. **[Amended 6-1-2020 by Order No. 2020-012]**
 - (3) The Department, as the oversight authority, shall make recommendations to the Mayor, City Council, and Planning Board regarding noise control policy, administrative policies, and enforcement and assist in the identification of noise-sensitive areas.

§ 215-2. Definitions.

In this chapter, the following words and phrases have the following meanings:

CONSTRUCTION — Temporary activities directly associated with site preparation, assembly, erection, repair, alteration, or demolition of structures or roadways.

CONTINUOUS NOISE — A continuous sound level that has duration of more than one second. "Continuous noise" may include but is not limited to the following: amplified music or voice, unamplified music or voice, horn or signaling device from nonemergency vehicles, leaf blowers, wood chippers, chain saws, landscaping equipment, construction equipment, vacuums, or a howling dog.

DAYTIME — The hours from 7:00 a.m. to 5:00 p.m. on weekdays and 9:00 a.m. to 5:00 p.m. on weekends and holidays or any hours permitted by the Director of Inspectional Services in the event of an emergency.

dba — The abbreviation designating the unit of sound level as measured by a high precision grade sound-level meter using A-weighting.

Db or DECIBEL — A unit of measure equal to 10 times the logarithm to the base 10

of the ratio of a particular sound pressure squared to the standard reference pressure squared. For this chapter, the standard reference pressure is 20 micropascals.

DEPARTMENT — The Department of Inspectional Services.

DIRECTOR — The Director of Inspectional Services or the Director's authorized designee.

HIGH PRECISION INSTRUMENT — A meter used to measure sound meeting the standards of ANSI, as they may be amended from time to time.

IMPULSIVE NOISE — Either a single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one second. "Impulsive noise" may include but is not limited to the following: noise from weapons fire, pile drivers, punch presses, a barking dog, or loading, unloading, opening, closing, or otherwise handling containers.

NIGHTTIME — The hours from 5:00 p.m. to 7:00 a.m. weekdays and 5:00 p.m. to 9:00 a.m. weekends and holidays.

NOISE — Sound, including sounds emanating from any and all sources, irrespective of the source or sources, heard by an individual or captured by a sound recording/measuring device.

NOISE DISTURBANCE REQUIRING ENFORCEMENT ACTIVITY — Any noise that is:

- A. Unpleasant, annoying, offensive, loud or obnoxious;
- B. Unusual for the time of day or location where it is produced or heard; or
- C. Detrimental to the health, comfort, or safety of any individual or to the reasonable enjoyment of property or the lawful conduct of business because of the loudness, duration, or character of the noise.

NOISE-SUPPRESSION PLAN — A written plan to use the most effective noise-suppression equipment, materials, and methods appropriate and reasonably available for a particular type of construction.

NONRESIDENTIAL NOISE AREA — Refers to Business A, B and C and Industrial A and B Zoning Districts as defined by Chapter 375, Zoning, of Quincy's Municipal Code.

PERSON — An individual, group of individuals, corporation, firm, partnership, or voluntary association, or a department, bureau, agency, or instrument of the county or any municipality, or of any other government to the extent allowed by law.

RECEIVING PROPERTY or RECEIVING NOISE AREA — Any location on real property where people live or work and where noise can be heard, including an apartment, condominium unit, or cooperative building unit, including attached balconies.

RESIDENTIAL NOISE AREA — Refers to Residence A, B and C and PUD Zoning Districts as defined by Chapter 375, Zoning, of Quincy's Municipal Code. **[Amended 6-1-2020 by Order No. 2020-012]**

§ 215-3. Noise Control Advisory Board.

- A. A Noise Control Advisory Board must advise the Mayor, Director of Inspectional Services, City Council, and Planning Board on noise control issues, including administration and enforcement of this chapter.
- B. The Board consists of seven members appointed by the Mayor and confirmed by the City Council, each of whom shall be appointed within 30 days of the passage of this chapter into law. The terms of the members shall be staggered at the time of initial appointment, and after the first appointments establishing the Board will commence on the first Monday of February as terms end:
 - (1) For three members, on the first Monday of February 2011 and every third year thereafter;
 - (2) For two members, on the first Monday of February 2012 and every third year thereafter; and
 - (3) For two members, on the first Monday of February 2013 and every third year thereafter.
- C. When appointing the first seven members to serve on the Board the Mayor must designate the term in Subsection B for which the Mayor is appointing each individual member.
- D. Three members are to be appointed without regard to profession. Two members are to be appointed from the legal profession. Two members are to be appointed from the community.
- E. The Board must elect one member as Chairperson and another member as Vice Chairperson to serve at the pleasure of the Board. The Board must meet at the call of the Chairperson as required to perform its duties, but not less than once each quarter. A majority of the members of the Board constitutes a quorum for transacting business. The Board may act by a majority vote of those present.
- F. At least every third year, the Board must evaluate the effectiveness of the City's noise control program and recommend any improvements to the Director of Inspectional Services, Mayor, City Council, and Planning Board.
- G. No later than March 1 each year, the Chairperson of the Board must report to the Director of Inspectional Services, Mayor, City Council, and Planning Board on activities and actions the Noise Control Advisory Board took during the previous calendar year.

§ 215-4. Maximum allowable noise levels.

- A. A person, business, event, contraption, or animal must not cause a noise disturbance or permit noise levels that exceed the following levels when measured on the receiving property/receiving noise area:

Maximum Allowable Noise Levels (dBA) for Receiving Noise Areas		
	Daytime	Nighttime
Nonresidential noise area	77	72
Residential noise area	75	65

- B. Sound that crosses from a nonresidential noise area to a residential noise area must not exceed the levels set in Subsection A for residential noise areas.
- C. Sound must be measured by a high precision instrument or recording device on the receiving property where noise from the offending source is greatest. When the complainant is not on a receiving property he cannot seek enforcement action under this chapter.

§ 215-5. Noise level and noise disturbance standards for construction.

- A. Maximum allowable noise levels for construction.
 - (1) A person must not cause or permit noise levels from construction activity that exceed the following levels:
 - (a) From 7:00 a.m. to 5:00 p.m. weekdays: (The hours set forth in this chapter are not intended to modify the time restrictions otherwise set forth in the Code for use of machinery and other noisy and disturbing items, which time restrictions shall remain in full force and effect.)
 - [1] Seventy-five dBA if the Department has not approved a noise-suppression plan for the activity; or
 - [2] Eighty-five dBA if the Department has approved a noise-suppression plan for the activity.
 - (b) The level specified in § 215-4 at all other times.
 - (2) Construction noise levels must be measured at the location, at a distance no more than 50 feet from the source where noise from the source is greatest.
 - (3) The Department must, by administrative policies, establish requirements for noise-suppression plans and adopt procedures for evaluating and approving plans. The administrative policies must provide that, at least 10 days before approving a noise-suppression plan, the Director must provide public notice reasonably calculated to reach at least a majority of households that might be affected by the construction activity where noise levels are above 75 dBA.
- B. Examples. The following examples illustrate common construction noise-producing acts that violate this chapter if they exceed the noise level standards set in Subsection A or create a noise disturbance. The examples are illustrative only and do not limit or expand the construction noise level or noise disturbance standards of this chapter.

- (1) Delivering materials or equipment or loading or unloading during nighttime hours in a residential noise area.
- (2) Operating construction equipment with audible backup warning devices during nighttime hours.

§ 215-6. Measurement of sound.

- A. The Department must issue administrative policies establishing the equipment and techniques it will use to measure sound levels. The Department may rely on currently accepted standards of recognized organizations, including the American National Standards Institute (ANSI), the American Society for Testing and Materials (ASTM), and the United States Environmental Protection Agency.
- B. For multiple sources of sound it is permissible for the Department to measure sound levels at any point or distance to determine the source of a noise.

§ 215-7. Noise-sensitive areas.

- A. Upon a two-thirds vote, the City Council may designate land within any geographical area as a noise-sensitive area, so as to protect public health, safety, and welfare. Land including uses such as churches, nursing homes, libraries and/or schools shall be examples of such potentially designated land.¹
- B. Any such designation so voted must include within the vote:
 - (1) A description of the area by reference to named streets or other geographic features;
 - (2) An explanation of the reasons for the designation;
 - (3) Established specific noise limits or requirements that apply in the noise-sensitive area; and
 - (4) A description by example or enumeration of activities or sources that violate the noise disturbance limits or requirements.

§ 215-8. Exemptions.

This chapter does not apply to:

- A. Residential landscaping equipment maintained in accordance with the manufacturer's specifications.
- B. Emergency operations by fire and rescue services, police agencies, or public utilities and their contractors.
- C. A source or condition expressly subject to any state or federal noise control law or regulation that is more stringent than this chapter.

1. Editor's Note: Orders designating specific noise-sensitive areas are included as attachments to this chapter.

- D. Sound, not electronically amplified, created between 7:00 a.m. and 11:00 p.m. by sports, amusements, or entertainment events or other public gatherings operating according to the requirements of the appropriate permit or licensing authority. This includes athletic contests, carnivals, fairgrounds, parades, band and orchestra activities, and public celebrations, except in areas designated noise-sensitive areas.
- E. Noise sources associated with routine residential living during daytime hours, such as home workshops, power tools, and power lawn and garden equipment, when used in accordance with manufacturer specifications. This exception does not apply to repairs or maintenance on a motor vehicle that is not registered for use on public roads and/or amplified sound originating from a home entertainment system, television, stereo or similar electronic device.
- F. Boats operated in accordance with manufacturer specifications.

§ 215-9. Waivers.

- A. Temporary waiver.
 - (1) The Director may waive any part of this chapter for a temporary event if the noise the event will create or cause in excess of the limits established under this chapter is offset by the benefits of the event to the public.
 - (2) In order to obtain a temporary waiver, a party must apply to the Director on a form prescribed by him, with said application provided at least 30 days prior to the event. The Director shall provide notice of such application by announcing the same at the next available Board of Licensing Commissioners hearing and providing a written notification that shall be made a part of the Board of Licensing Commissioners agenda. The notice shall provide that written objection and/or comment on the application must be submitted to the Director at least 10 days prior to the scheduled event. The Director shall notify the applicant, the Board of Licensing Commissioners, and any party that provides written comment/objection of his decision, in writing, at least seven days prior to the scheduled event. If this notice provision is not adhered to by the Director, then the application for waiver shall be deemed denied.
 - (3) No temporary waiver shall apply to an event that occurs on four or more days within a seven-day period.
- B. Other waiver. Any waiver other than a temporary waiver may only be granted by the Board of Licensing Commissioners and shall be subject to the administrative and procedure regulations of that body.

§ 215-10. Enforcement; violations and penalties.

- A. The Department of Inspectional Services is responsible for the enforcement of this chapter. Consistent with the provision of municipal ordinance, the Police Department shall retain its enforcement authority relative to the provisions herein, subject to the discretion of the Chief of Police.

- B. Each day a violation continues is a separate publishable offense. A violation of § 215-5 is a separate punishable offense.
- C. A single fine of \$100 per day will be assessed upon the violation of any section of this chapter.
- D. The Department may seek injunctive or other appropriate judicial relief to stop or prevent continuing violations of this chapter.
- E. For any offender violating provisions of this chapter that holds a license granted by the Board of Licensing Commissioners of the City of Quincy, a disciplinary hearing will take place upon three violations within a twelve-month period. Disciplinary actions to be considered shall include license suspension by day as well as total license revocation.
- F. If the Director finds that a person has violated this chapter, the Director may issue a notice of violation and corrective order to the person. The notice must contain the following information:
 - (1) The section of this chapter that the person violated.
 - (2) The date, nature, and extent of the violation.
 - (3) The action required to correct the violation.
 - (4) If the Director requires a compliance plan, one is to be placed on file with the Director within 10 days of the violation.
- G. The compliance plan referred to in Subsection F(4) must establish a schedule for achieving compliance with this chapter, as specified in the corrective order. A compliance plan and amendments to a plan are not effective until the Director approves the plan or amendment. An action allowed under an approved compliance plan does not violate this chapter.
- H. A person aggrieved by any action or order of the Director under this chapter shall seek review in accordance with the provisions of MGL c. 249.
 - (1) A person responsible for a violation of § 215-5 and the person responsible for the management or supervision of the construction site where the source of the violation is located are jointly and severally liable for the violation.
 - (2) For recurring violations of § 215-5 on the same construction site, in addition to any other penalty under this chapter, the Director may issue a stop-work order for up to:
 - (a) Three consecutive working days for a second violation within 30 days after the first violation;
 - (b) Five consecutive working days for a third violation within 60 days after the first violation; and
 - (c) Seven working days per offense for the fourth and subsequent violations

within a one-hundred-twenty-day period.

- (3) This section does not limit the Director's authority to revoke a permit or approval issued under that section.
- I. Any person aggrieved by a violation of this chapter may file a civil action in any court with jurisdiction against a person responsible for the alleged violation. The aggrieved person must notify the alleged violator and the Director of Inspectional Services of the alleged violation at least 60 days before filing the action.