

**Regulations Governing the Control of Noise from Activities Licensed
Under Chapter 140, Section 183A Entertainment License in the
Town of Montague**

Adopted by the Board of Selectmen on: _____ October 11, 2005 _____

SECTION ONE

Because excessive noise from establishments holding entertainment licenses can interfere with the public health, safety, welfare and the peace and quiet of the inhabitants of the town, and therefore in order to promote public health, safety, welfare and the peace and quiet of the inhabitants, the Board of Selectmen adopts the following regulations and makes them conditions of all entertainment licenses in Town.

- A. Excessive noise at unreasonable hours shall be required to be muffled so as not to be objectionable due to intermittence, beat frequency, shrillness or volume. Failure to so muffle noise is a violation of these regulations.
- B. The maximum permissible sound pressure level of any continuous, regular or frequent source of sound produced by any activity regulated by this regulation shall be established by the time period and type of land use district listed below. Sound pressure levels (using a sound level meter) shall be measured at a lot line from where noise is emanating at a height of at least four feet or higher above the ground surface.
- C. Exceeding sound levels in Table 1 at a lot line shall be deemed excessive noise in violation of this regulation.
- D. If there is no sound meter available, assessment of the noise shall be as follows: if the noise is plainly audible at a distance of 200 feet from the building, or structure or premises or shelter or lot line thereof, in which or from which the noise is produced, the fact that the noise is plainly audible at said distance of 200 feet shall constitute prima facie evidence of a violation of this regulation.
- E. The decibel levels specified in Table 1 may be exceeded by 10 decibels by written application to the Board of Selectmen for a modification of entertainment license, and upon approval by Board of that application.

TABLE 1 (Noise levels exceeding those shown in Table 1 are a violation of this regulation)

	Sound Pressure Level Limits Measured in Decibels			
	6:59 a.m. – 9:59 p.m.		10:00 p.m. – 7:00 a.m.	
	dB(A)	dB(C)	dB(A)	dB(c)
* Business Districts	70	82	60	72
Other Districts	65	77	60	72
Industrial				
Agriculture				

dB(A) weight is a decibel measurement that excludes very low frequencies. dB(A) weight measures sounds the human ear hears best.

dB(C) weight is a decibel measurement that includes very low frequencies.

Therefore, if the dB(C) measurement is much higher than the dB(A) measurement that sound energy is concentrated in the very low frequencies.

Using both dB(A) and dB(C) measurements can ensure reliability of different frequencies of sound.

*** Shall mean: Limited Business Districts, General Business Districts, Central Business Districts and Unrestricted Districts, as defined in the Zoning By-Laws of the Town of Montague as amended from time to time.**

- F. Both dB(A) and dB(C) scales may be used, and a violation of either standard shall be deemed to constitute a violation of this regulation.
- G. Sound level meters used to assess decibel levels shall meet the standards of the American National Standards Institute (ANSI SI.41993) “American Standard Specification for General Purpose Sound Level Meters”, as amended from time to time.
- H. No entertainment license holder shall engage in, cause, or permit to be engaged in activities that cause excessive noise on a site abutting any residential use between the hours of 9:59 p.m. on day and 6:59 p.m. of the following day.

Definitions

Excessive Noise shall mean any of the following:

1. Any noise produced by a person(s) or the operation of any sound equipment or amplification device, drum, musical instrument, sound amplifier or similar devices which produces, reproduces or amplifies sound in such a manner as to create a noise disturbance across a real property boundary plainly audible to a person of normal hearing at a distance of two hundred (200) or more feet from the property line of the property from which the noise is generated.
2. Any specific additional definition of excessive noise as provided herein.

Decibel: Measurement of the intensity of sound. The scale runs from the faintest sound the human ear can detect, which labeled 0 DB to over 180 dB, the noise at a rocket pad during launch. Decibels are measured logarithmically which means that each increase of 10 decibels at

10 times the lower figure. This means that 20 decibels is 10 times the intensity of 10 decibels and 30 decibels is 100 times the intensity of 10 decibel (10 X 10 = 100).

Prima Facie: at first view, on its face: not requiring further support to establish existence, validity, credibility, etc.

Plainly audible: shall mean any sound that can be detected by a person of normal hearing abilities, using his or her unaided hearing faculties. An enforcement officer need not determine exact words of speech or amplified music; the title of a specific song, or specific words of a song. The detection of audible bass or other components of music or noise is sufficient to constitute plainly audible sound.

Sound level meter: technical instrument used to assess decibel levels. All sound level meters used shall meet the standards of the American National Standards Institute (ANSI S1.401961) "American Standard Specification for General Purpose Sound Level Meter," as amended from time to time. The instrument shall be set to the appropriate weight response scales and the meter to the slow response.

Severability

If any part or subsection of this regulation shall be held to be invalid by a court of competent jurisdiction, then such part or subsection shall be considered separately and apart from the remaining parts, provisions or subsections of this regulation, which shall remain in full force and effect.

Adopted by the Montague Board of selectmen on October 11, 2005

by _____
Allen Ross, Chair

Patricia Allen, Member

Patricia Pruitt, Member

This regulation shall be in full effect on _____, 2005

Draft Version A

Regulations Governing the Control of Noise from Activities Licensed Under Chapter 140, Section 183A Entertainment License in the Town of Montague

Adopted by the Board of Selectmen on: May 9, 2016

SECTION ONE

Because excessive noise from establishments holding entertainment licenses can interfere with the public health, safety, welfare and the peace and quiet of the inhabitants of the town, and therefore in order to promote public health, safety, welfare and the peace and quiet of the inhabitants, the Board of Selectmen adopts the following regulations and makes them conditions of all entertainment licenses in Town.

- A. Excessive noise at unreasonable hours shall be required to be muffled so as not to be objectionable due to intermittence, beat frequency, shrillness or volume. Failure to so muffle noise is a violation of these regulations.
- B. The maximum permissible sound pressure level of any continuous, regular or frequent source of sound produced by any activity regulated by this regulation shall be established by the time period and type of land use district listed below. Sound pressure levels (using a sound level meter) shall be measured at a lot line from where noise is emanating at a height of at least four feet or higher above the ground surface.
- C. Each instance of exceeding sound levels in Table 1 at a lot line shall be deemed a single violation of this regulation with a maximum of one violation per day, and be actionable as outlined in Section K.
- D. If there is no sound meter available, assessment of the noise shall be as follows: if the noise is plainly audible at a distance of 200 feet from the building, or structure or premises or shelter or lot line thereof, in which or from which the noise is produced, the fact that the noise is plainly audible at said distance of 200 feet shall constitute prima facie evidence of a violation of this regulation.

~~The Board of Selectmen may permit the decibel levels specified in Table 1 to be exceeded by not more than 10 decibels by written application to the Board for modification of entertainment license if:~~

- ~~a) There is reasonable expectation a disturbance will not be created by such an approval~~

- b) ~~And no violations have occurred in the preceding year. During the term of the license modification, if the Board determines a disturbance has occurred the modification may be revoked or altered.~~

TABLE 1 (Noise levels exceeding those shown in Table 1 are a violation of this regulation)

	Sound Pressure Level Limits Measured in Decibels			
	7 a.m. – 8:59 p.m. (9:59pm on Friday and Saturday)		10:00 p.m. – 7:00 a.m.	
	dB(A)	dB(C)	dB(A)	dB(c)
* Business Districts	80	?	60	72
Other Districts	65	77	60	72
Industrial				
Agriculture				

dB(A) weight is a decibel measurement that excludes very low frequencies. dB(A) weight measures sounds the human ear hears best.

dB(C) weight is a decibel measurement that includes very low frequencies.

Therefore, if the dB(C) measurement is much higher than the dB(A) measurement that sound energy is concentrated in the very low frequencies.

Using both dB(A) and dB(C) measurements can ensure reliability of different frequencies of sound.

*** Shall mean: Limited Business Districts, General Business Districts, 09Central Business Districts and Unrestricted Districts, as defined in the Zoning By-Laws of the Town of Montague as amended from time to time.**

- F. The Board of Selectmen may reduce the decibel levels and/or time limits specified in Table 1 if they deem a significant disturbance is likely.
- G. Both dB(A) and dB(C) scales may be used, and a violation of either standard shall be deemed to constitute a violation of this regulation.
- H. Sound level meters used to assess decibel levels shall meet the standards of the American National Standards Institute (ANSI SI.41993) "American Standard Specification for General Purpose Sound Level Meters", as amended from time to time.
- I. No entertainment license holder shall engage in, cause, or permit to be engaged in activities that cause excessive noise on a site abutting any residential use between the hours of 9 p.m. on day (10pm on Friday and Saturday) and 6:59 a.m. of the following day.
- J. No entertainment license holder shall have any live outdoor music more than 6 times per calendar month.

- K. Violations may be documented by the Montague Police, Montague Board of Selectmen, Montague Board of Health, or any appointed Town official named by the Board.
- L. Upon notification of a violation(s), the Board of Selectmen shall address and validate the violation(s) at the first Board meeting that succeeds the violation(s), and without discretion issue the following penalties:

First offense: Written Warning

Second offense: A fine of \$100 and a suspension of the respective portion of the entertainment license for a period of 15 days

Third offense: A fine of \$250 and a suspension of the respective portion of the entertainment license for a period of 45 days

Fourth offense: A fine of \$500 and a suspension of the respective portion of the entertainment license for the remainder of the calendar year.

Reinstatement of the license shall not occur until all fines are paid and the penalty days are served. Triple monetary penalty may be paid in lieu of suspension of license for the second offense.

Definitions

Excessive Noise shall mean any of the following:

1. Any noise produced by a person(s) or the operation of any sound equipment or amplification device, drum, musical instrument, sound amplifier or similar devices which produces, reproduces or amplifies sound in such a manner as to create a noise disturbance across a real property boundary plainly audible to a person of normal hearing at a distance of two hundred (200) or more feet from the property line of the property from which the noise is generated.
2. Any specific additional definition of excessive noise as provided herein.

Decibel: Measurement of the intensity of sound. The scale runs from the faintest sound the human ear can detect, which labeled 0 dB to over 180 dB, the noise at a rocket pad during launch. Decibels are measured logarithmically which means that each increase of 10 decibels at 10 times the lower figure. This means that 20 decibels is 10 times the intensity of 10 decibels and 30 decibels is 100 times the intensity of 10 decibel (10 X 10 = 100).

Prima Facie: at first view, on its face: not requiring further support to establish existence, validity, credibility, etc.

Plainly audible: shall mean any sound that can be detected by a person of normal hearing abilities, using his or her unaided hearing faculties. An enforcement officer need not determine exact words of speech or amplified music; the title of a specific song, or specific words of a song. The detection of audible bass or other components of music or noise is sufficient to constitute plainly audible sound.

Sound level meter: technical instrument used to assess decibel levels. All sound level meters used shall meet the standards of the American National Standards Institute (ANSI SI.401961) "American Standard Specification for General Purpose Sound Level Meter," as amended from time to time. The instrument shall be set to the appropriate weight response scales and the meter to the slow response.

Severability

If any part or subsection of this regulation shall be held to be invalid by a court of competent jurisdiction, then such part or subsection shall be considered separately and apart from the remaining parts, provisions or subsections of this regulation, which shall remain in full force and effect.

Adopted by the Montague Board of selectmen on May 9, 2016

by

Michael Nelson, Chair

Christopher Boutwell, Member

Richard Kuklewicz, Member

This regulation shall be in full effect on May 23, 2016.

**Regulations Governing the Control of Noise from Activities Licensed
Under Chapter 140, Section 183A Entertainment License in the
Town of Montague**

Adopted by the Board of Selectmen on: _____

SECTION ONE

Because excessive noise from establishments holding entertainment licenses can interfere with the public health, safety, welfare and the peace and quiet of the inhabitants of the town, and therefore in order to promote public health, safety, welfare and the peace and quiet of the inhabitants, the Board of Selectmen adopts the following regulations and makes them conditions of all entertainment licenses in Town.

- A. Excessive noise at unreasonable hours shall be required to be muffled so as not to be objectionable due to intermittence, beat frequency, shrillness or volume. Failure to so muffle noise is a violation of these regulations.
- B. The maximum permissible sound pressure level of any continuous, regular or frequent source of sound produced by any activity regulated by this regulation shall be established by the time period and type of land use district listed below. Sound pressure levels (using a sound level meter) shall be measured at a lot line from where noise is emanating at a height of at least four feet or higher above the ground surface.
- C. **Each instance of** exceeding sound levels in Table 1 at a lot line shall be deemed **a single violation of this regulation with a maximum of one violation per day, and be actionable as outlined in Section K.**
- D. If there is no sound meter available, assessment of the noise shall be as follows: if the noise is plainly audible at a distance of 200 feet from the building, or structure or premises or shelter or lot line thereof, in which or from which the noise is produced, the fact that the noise is plainly audible at said distance of 200 feet shall constitute prima facie evidence of a violation of this regulation.

TABLE 1 (Noise levels exceeding those shown in Table 1 are a violation of this regulation)

	Sound Pressure Level Limits Measured in Decibels			
	6:59 a.m. – 7:59 p.m.		8:00 p.m. – 7:00 a.m.	
	dB(A)	dB(C)	dB(A)	dB(C)
* Business Districts	70	82	60	72
Other Districts	65	77	60	72
Industrial				
Agriculture				

dB(A) weight is a decibel measurement that excludes very low frequencies. dB(A) weight measures sounds the human ear hears best.

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- F. Both dB(A) and dB(C) scales may be used, and a violation of either standard shall be deemed to constitute a violation of this regulation.
- G. Sound level meters used to assess decibel levels shall meet the standards of the American National Standards Institute (ANSI SI.41993) “American Standard Specification for General Purpose Sound Level Meters”, as amended from time to time.
- H. No entertainment license holder shall engage in, cause, or permit to be engaged in activities that cause excessive noise on a site abutting any residential use between the hours of 8:00 p.m. on day and 6:59 a.m. of the following day.
- I. Sustained periods of elevated noise shall not exceed 4 hours per day. In no case shall these events be more frequent than twice per month per city block.
- J. Violations may be documented or recorded by the Montague Police, Montague Board of Selectmen, Montague Board of Health, or any appointed Town official named by the Board.
- K. Upon notification of a violation(s), the Board of Selectmen shall address and validate the violation(s) at the first Board meeting that succeeds the violation(s) AND meets Open Meeting Law requirements, and without discretion issue the following penalties:

First violation: A fine of \$250 and a 15-day suspension of the respective portion of the entertainment license

- Second violation: A fine of \$350 and a 45-day suspension of the respective portion of the entertainment license
- Third violation: A fine of \$450 and a 180-day suspension of the respective portion of the entertainment license
- Forth violation: A fine of \$1,000 and permanent revocation of the respective portion of the entertainment license

Reinstatement of the license shall not occur until all fines are paid and the penalty days are served. Triple monetary penalty may be paid in lieu of suspension of license for the first and second offense.

Definitions

Excessive Noise shall mean any of the following:

1. Any noise produced by a person(s) or the operation of any sound equipment or amplification device, drum, musical instrument, sound amplifier or similar devices which produces, reproduces or amplifies sound in such a manner as to create a noise disturbance across a real property boundary plainly audible to a person of normal hearing at a distance of two hundred (200) or more feet from the property line of the property from which the noise is generated.
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Adopted by the Montague Board of selectmen on _____, 2016

by _____
Michael Nelson, Chair

Christopher Boutwell, Member

Richard Kuklewicz, Member

This regulation shall be in full effect on _____, 2016