

**BEVERLY BOARD OF HEALTH
REGULATION for NOISE CONTROL**

SECTION 1 - PURPOSE

Chronic or repeated exposure to excessive noise is detrimental to public health. The purpose of this regulation is to protect and preserve the health, safety and welfare of the general public from excessive noise in the City of Beverly.

SECTION 2 - AUTHORITY

This regulation is promulgated under the authority granted to the Beverly Board of Health pursuant to Massachusetts General Laws Chapter 111, Section 31 that “[b]oards of health may make reasonable health regulations.”

SECTION 3 - DEFINITIONS

As used in this regulation, the following words shall have the following meanings, unless the context requires otherwise:

Ambient Noise Level: is the background A-weighted sound level that is exceeded 90% of the time, measured at a time when comparison with alleged offensive/excessive noise is to be made.

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

Decibel (dB): a unit for measuring the volume of sound.

Domestic Equipment: electrical, battery or generator powered equipment and non-powered equipment and tools intended for use at a residential property by a homeowner. (Examples include but are not limited to, chain saws, log splitters, power saws, drills, hammers, hand saws, and other home, lawn and garden tools.)

Emergency Work: any machinery, vehicle or equipment used, or work done, employed or performed in an effort to protect, provide or restore safe conditions related to an emergency.

Excessive Noise: is a type of air pollution that results from sounds that cause a nuisance, are or could injure public health, or unreasonably interfere with the comfortable enjoyment of life, property, or the conduct of business.

Person: any individual, association, partnership, or corporation, and includes any officer, employee, department, agency or entity, public or private.

Sound Level Meter: an instrument for the measurement of sound levels which meets or exceeds the requirements pertinent for Type SEA meters in the American National Standards Institute specifications for sound-level meters, S1.4-1971, or the most recent revision thereof.

Residential Property: Any parcel of real property which is developed and used either in part or in whole for residential purposes, excluding transient uses such as hotels and motels.

SECTION 4: - SOUND LEVEL LIMITS

A noise source will be considered to be violating this regulation if the source:

- a) Increases the broadband sound level by more than 10 dB(A) above ambient, or
- b) Produces a “pure tone” condition - when any octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by 3 decibels or more.

These criteria are measured both at the property line and at the nearest inhabited residence.

SECTION 5: EXEMPTIONS

This regulation shall not apply to sounds emitted during and associated with:

- a) Parades, public gatherings or sporting events which have been sanctioned by the City of Beverly.
- b) Any sanctioned activities conducted on any park or playground from sunrise to sunset.
- c) Customary activities conducted on the grounds of any public or private nursery, elementary, intermediate or secondary school or college.
- d) Emergency police, fire and ambulance vehicles.
- e) Police, fire, DPS, mosquito control, civil and national defense activity.
- f) All mechanical devices, apparatus or equipment which are utilized to give relief from inclement weather conditions, including but not limited to, snow blowers and plows.
- g) Any mechanical device, apparatus or equipment used, related to, or connected with emergency machinery, vehicle or work, including but not limited to, emergency generators.
- h) Servicing of commercial dumpsters provided said activities take place between 7 AM and 8 PM on any day except Sunday or a federal holiday or between the hours of 9 AM and 8 PM on Sunday or federal holiday. No contractor shall remove dumpster contents prior to 7:00 am nor later than 8:00 pm (ordinance Article I: Dumpsters section 244-2 (G)).
- i) Domestic equipment provided said activities take place between 7 AM and 8 PM on any day except Sunday or a federal holiday, or between the hours of 9 AM and 8 PM on Sunday or a federal holiday.
- j) Noise sources associated with construction, repair, remodeling, grading or maintenance of real property, provided such activities take place between 7AM and 8 PM on any day except Sunday or a federal holiday, nor at any time on Sunday or a federal holiday.
- k) Any aircraft operated in conformity with, or pursuant to, federal law and federal air regulations.
- l) Any activity to the extent regulation thereof has been pre-empted by state or federal law.

SECTION 6: ENFORCEMENT and PENALTIES

The provisions of this regulation shall be enforced by the Board of Health or their agents/staff and

other authorized municipal representatives, including but not limited to, the police department responding to complaints and observing the excessive noise.

Whoever violates any provision of this regulation may be penalized by the non-criminal method of disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D or by filing a criminal or civil complaint at the appropriate venue.

SECTION 7: SEVERABILITY

If any paragraph or provision of this regulation is found to be illegal or against public policy or unconstitutional, it shall not affect the legality of any remaining paragraphs or provisions.

SECTION 8: EFFECTIVE DATE

This regulation shall be effective as of July 1, 2018.

Enacted: December 11, 1986

Amended: June 20, 2018.