

TOWN OF NORTH ATTLEBOROUGH – BOARD OF HEALTH

NOISE REGULATIONS

SECTION 1: AUTHORITY

These regulations are issued by the Board of Health pursuant to its authority under Chapter 111, Section 31, of the Massachusetts General Laws as reasonable and necessary for the protection of the health and welfare of the citizens of North Attleborough.

SECTION 2: PURPOSE

Chronic or repeated exposure to excessive noise is recognized by public health experts as a hazard to both physical and mental health. It can cause a number of ailments including emotional stress, fatigue, high blood pressure and hearing loss. Damage to hearing from excessive noise can be permanent; hearing loss cannot be restored with therapy. The purpose of these regulations is to protect all residents of North Attleborough from exposure to excessive noise.

SECTION 3: DEFINITIONS

The following definitions shall apply in the interpretation, implementation and enforcement of these regulations.

- 1 “Activity” shall mean any construction, demolition, entertainment or sporting event, freight handling, land clearing, machinery or vehicle operation, property or vehicle maintenance, or combination thereof.
- 2 “dBA” shall mean the noise level in decibels as measured on the A-weighted scale of a noise level meter.
- 3 “Noise” shall mean any undesired or unwanted sound that has been the subject of three or more complaints from different households within the same general area of town.
- 4 “Normal ambient noise levels” shall mean those levels of sound that can normally be heard in the background at the time of day and in the general area of town that an activity about which there have been complaints is occurring.
- 5 “Person” shall mean any individual, association, group, business, proprietor, partnership, corporation, firm, trust or unit of government.

SECTION 4: NOISE THRESHOLDS AND EXCLUSIONS

- 1 Between the hours of 11:00 p.m. and 7:00 a.m., no person shall engage in any continuous intermittent, recurring, scheduled or seasonal activity which generates noise from a building, device, explosive, machine, vehicle or any other man-made source if that noise is likely to exceed normal ambient noise levels by five (5) dBA.
- 2 At other times of day, no person shall engage in any continuous, intermittent, recurring, scheduled or seasonal activity which generates noise from a building, device, explosive, machine, vehicle or any other man-made source if that noise, when recorded at a distance of fifty (50) feet from its source, exceeds a level of

- eighty-five (85) dBA, or when recorded from the boundary of the property of one or more complainants, exceeds normal ambient noise levels by more than ten (10) dBA.
- 3 These restrictions shall not apply to emergency response, cleanup or repair work that is necessary to ensure the protection of public health, safety or welfare, including but not limited to the operation of fire and police apparatus. These restrictions also shall not apply to routine lawn and garden maintenance occurring on property that is used exclusively for residential purposes.

SECTION 5: RIGHT OF ENTRY

The Board of Health or its agent(s) may enter upon privately-owned property, with reasonable notice, for the purpose of ensuring compliance with these regulations.

SECTION 6: MEASUREMENT OF NOISE LEVELS

The Board of Health or its agent(s) will perform or oversee all noise level measurements, which shall employ appropriate equipment that is properly calibrated to industry standards. Noise levels shall be measured on the A-weighted scale of a noise level meter both at a distance of fifty (50) feet from its source and from the boundaries of the properties of the three or more complainants, and shall include measurement of pure tone. The precise location(s) of the measurement site(s), as well as date, time, duration of the noise(s) and noise level(s) measured will be recorded in a manner that is acceptable to the Board of Health and will be made a permanent part of Board of Health records.

SECTION 7: CORRECTION OF VIOLATIONS AND ENFORCEMENT

- 1 Any noise level measured in excess of one or more of the thresholds prescribed in Section 4 of these regulations shall constitute evidence of a noise violation. The Board of Health will serve official notice of the violation upon the person responsible by the most expeditious means practical. That person shall cease or curtail the offending activity within thirty (30) minutes.
- 2 Any person who continues to violate any provision of these regulations after being given due notice by the Board of Health shall be punished by a fine of not more than one hundred (100) dollars for each violation. Should the violator hold any license(s) and/or permit(s) issued by the Board of Health, said license(s) and/or permit(s) may be suspended for up to twenty-four (24) hours for each violation. Each day or portion thereof during which a violation continues shall constitute a separate offense. If more than one provision of these regulations is violated, each violation shall constitute a separate offense.

SECTION 8: VARIANCES

The Board of Health may vary the application of any provision of these regulations, unless otherwise prohibited by law, in any case when, in the opinion of the Board of Health, enforcement will do manifest injustice. Variances may be issued unilaterally by the Board of Health or formally requested by any party affected by these regulations. Every request for a variance shall be made in writing on a form provided by the Board of Health, and shall be subject to a public hearing before the Board of Health. The requesting party must at his or her sole expense notify all abutters by

certified mail at least ten days prior to the public hearing. Any variance granted by the Board of Health shall be in writing. Any denial of a variance by the Board of Health shall also be in writing and shall contain a brief statement of the reasons for the denial.

SECTION 9: OTHER APPLICABLE LAWS

These regulations shall not be interpreted or construed to supersede or nullify the requirements of any other applicable local, state or federal environmental protection or public health codes, regulations or statutes.

SECTION 10: SEVERABILITY

In the event that any provision of these regulations is declared invalid or unenforceable for any reason, all other provisions will be unaffected and shall remain in full force and effect. To that end, the provisions of these regulations are hereby declared severable.

SECTION 11: EFFECTIVE DATE AND AMENDMENTS

These regulations shall take effect thirty (30) days after a summary of their provisions is published in a newspaper of general circulation in the Town of North Attleborough. Publication was made in the August 10 editions of *The Free Press* and *The Sun Chronicle*. As required by Chapter 111, Section 31, of the Massachusetts General Laws, an attested copy of these regulations has been filed with the Massachusetts Department of Environmental Protection.

These regulations may be amended by a majority vote of the Board of Health. Amendments shall take effect thirty (30) days after their publication in a newspaper of general circulation in the Town of North Attleborough.

Issuance of these regulations was approved by the Board of Health on August 4, 1994, at a legally posted meeting.

BOARD OF HEALTH

Thomas D. Higgins, Chairman
Jerome F. Kennedy, Member
Susanne Jordan, Member

SUMMARY OF NOISE REGULATIONS

The North Attleborough Board of Health, pursuant to its authority under Chapter 111, Section 31, of the Massachusetts General Laws, voted on August 4, 1994, to adopt noise regulations.

Upon taking effect September 10, 1994, the regulations will prohibit construction, demolition, Entertainment and sporting events, freight handling, land clearing, machinery or vehicle operation, and property or vehicle maintenance between the hours of 11:00 p.m. and 7:00 a.m. if those activities are likely to exceed normal ambient noise levels by five (5) decibels as measured on the A-weighted scale of a noise level meter. At other times of day, activities generating more than 85 decibels when measured 50 feet from the noise source or exceeding normal ambient noise levels by ten (10) decibels when measured from a property used for residential purposes are prohibited. There are no restrictions on emergency response, cleanup, cleanup or repair work that is necessary to ensure the protection of public health, safety or welfare, including but not limited to the operation of fire or police apparatus, nor on routine lawn and garden maintenance occurring on property that is used exclusively for residential purposes.

Violators who fail to cease or curtail offending activities within 30 minutes of receiving notice from the Board of Health shall be subject to fines of up to \$100 per day per violation and the suspension of any licenses or permits issued by the Board of Health for up to 24 hours per violation.

The Board of Health may vary the application of any provision(s) of these regulations, either unilaterally or upon receiving a formal request from an affected party, when the Board of Health believes enforcement will do manifest injustice.

Copies of these regulations are available from the office of the Board of Health in the lower level of Town Hall at 43 South Washington Street, North Attleborough, MA 02760. Questions may be directed to the Health Agent at (508) 699-0103.