

**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 31, 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 one hour period, 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			
	7 a.m. – 8p.m.		8:01 p.m. – 6:59 a.m.	
	dB(A)	dB(C)	dB(A)	dB(C)
* Business Districts	70	82	60	72
By Special Permit limited to the hours of 5:00PM – 9PM Friday and Saturdays ONLY **see below	75 (up to 4 events per licensee)	87		
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.**

**** Special Permit:**

Permit may be issued by the Board of Selectman up to 4 times per calendar year (January 1 – December 31) per license holder.

Note: The Board of Selectman reserve the right to limit concurrent Special permits

- 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 8:01 p.m. on day and 6:59 a.m. of the following day.
 * Unless modified by special permit as outlined in Table #1 above. Hours would then be 9:01 pm on day and 6:59 am of the following day
- I. Sustained periods of elevated noise shall not exceed 4 hours per day.

- 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 of Selectman.
- 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: Written Warning

Second violation: A fine of \$100 and a 15-day suspension of the respective portion of the entertainment license

Third violation: A fine of \$250 and a 45-day suspension of the respective portion of the entertainment license

Forth violation: A fine of \$500 and 12 month (1 year) revocation of the respective portion of the entertainment license

Note #1: 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 only.

Note #2: Violation count shall be reset to zero (0) upon 12 months (1 year) of compliance from date of most recent violation.

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.

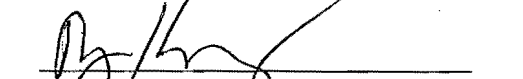
Sound level meter: technical instrument used to assess decibel levels. All sound level meters used shall meet the standards of the American National Standards Institute (ANSI SI.401961) "American Standard Specification for General Purpose Sound Level Meter," as amended from time to time. The instrument 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 31, 2016

by


Richard Kuklewicz, Chairman


Michael Nelson, Vice-Chairman

Christopher Boutwell, Member

This regulation shall be in full effect on June 1, 2016