

Chapter 252

NOISE

ARTICLE I

Noise Regulations

§252-1. Definitions.

For the purposes of this Chapter, the following terms shall have the meanings respectively ascribed herein:

CHAPTER - Chapter 252 of the Smithfield Code of Ordinances.

dBa - A-weighted sound level in decibels, as measured by a general purpose sound level meter complying with the provisions of the American National Standard Institute "Specifications for Sound Level Meter (ANSI SIR 19711)", properly calibrated, and operated on the "A" weighting network.

EXCESSIVE NOISE - Either of the following: (a) Noise measured in excess of 70 dBa between the hours of 7:00 a.m. and 8:00 p.m., or in excess of 60 dBa at all other times; or (b) Noise that is clearly audible by a person of normal hearing at a distance of two hundred (200) feet from its source.

SOUND-AMPLIFYING EQUIPMENT - Any machine or device utilized out of doors for the amplification of the human voice, music or any other sound. "Sound-amplifying equipment" as used herein shall not be construed as including standard automobile radios when used and heard only by the occupants of the vehicle in which installed, or warning devices on authorized emergency vehicles, or horns or other warning devices on other vehicles used only for traffic safety purposes.

SOUND TRUCK - Any vehicle having sound-amplifying equipment mounted thereon or attached thereto.

§252-2. Registration required.

No person shall use, or cause to be used, a sound truck or sound-amplifying equipment in the Town before filing a registration statement in writing with the Chief of Police.

§252-3. Registration statement and contents.

A registration statement for the use of a sound truck or sound-amplifying equipment shall be

filed in duplicate and shall state the following:

- A. Name and home address of the applicant.
- B. Address of place of business of applicant.
- C. Registration plate number of the sound truck to be used by the applicant.
- D. Name and address of the person who owns the sound truck or sound-amplifying equipment.
- E. Name and address of the person having direct charge of the sound truck or sound-amplifying equipment.
- F. Names and addresses of all persons who will use or operate the sound truck or sound-amplifying equipment.
- G. The purpose for which the sound truck or sound-amplifying equipment will be used.
- H. A general statement as to the section or sections of the Town in which the sound truck or sound-amplifying equipment will be used.
- I. The proposed hours of operation of the sound truck or sound-amplifying equipment.
- J. The number of days of proposed operation of the sound truck or sound-amplifying equipment.
- K. A general description of the sound-amplifying equipment which is to be used.
- L. The maximum sound producing power of the sound-amplifying equipment, including:
 - (1) The wattage to be used.
 - (2) The volume in decibels of the sound which will be produced.
 - (3) The approximate maximum distance for which sound will be thrown from the equipment.

§252-4. Time limit for filing amended registration statement.

All persons using or causing to be used sound trucks or sound-amplifying equipment shall amend any registration statement filed pursuant to this Chapter within 48 hours after any change in the information therein furnished.

§252-5. Possession of registration statement and display upon request.

The Police Chief shall return to each applicant one copy of the registration statement. Such copy of the applicant shall be in the possession of any person operating the sound truck or sound-amplifying equipment, and such copy shall be promptly displayed and shown to any police officer of the Town upon request.

§52-6. Regulations for use.

Use of sound trucks and sound-amplifying equipment in the Town shall be subject to the following regulations:

- A. The only sounds permitted shall be music or human speech.
- B. No operation shall be permitted between the hours of 9:00 p.m. and 9:00 a.m. provided that on Sundays and legal holidays operations shall be permitted only between the hours of 12:00 noon and 6:00 p.m.
- C. Sound-amplifying equipment shall not be operated from a sound truck unless the truck is operated at a speed of at least 10 miles per hour except when used for public functions or for public addresses or when such truck is stopped or impeded by traffic. Where stopped by traffic, the sound-amplifying equipment shall not be operated for longer than one minute at each stop.
- D. Sound shall not be issued within 100 yards of schools, churches, synagogues or courthouses, except at School-or Town-sanctioned athletic events.
- E. No sound truck with its amplifying device in operation shall be operated on any street designated by the Chief of Police as a congested traffic area.
- F. The human speech and music amplified shall not be obscene or slanderous.
- G. The volume of sound shall be controlled so that it will comply with the requirements of this Chapter.
- H. No sound-amplifying equipment shall be operated with an excess of 15 watts of power in the last stage of amplification.
- I. The Town Council may impose special restrictions on sound-amplifying equipment that is proposed for use in conjunction with a Town license issued for a special event, entertainment, show or exhibition.

§252-7. General Prohibitions.

It shall be unlawful for any person or persons to create, assist in creating, make, or cause to be made any excessive noise in the Town of Smithfield. The fact that the noise exceeds the sound level standards, as specified herein, shall be deemed to be prima facie evidence of a violation of the provisions of this Chapter.

§252-8. Responsibility for Noise Violations by Persons in Charge of Premises.

It shall be unlawful for any person or persons having charge or ownership of any building, dwelling, structure, premises, shelter or place in the Town of Smithfield to suffer, allow or permit any excessive noise. The fact that the noise exceeds the sound level standards, as specified herein, shall be deemed to be prima facie evidence of a violation of the provisions of this Chapter.

§252-9. Exemptions.

The provisions of this Chapter shall not apply to:

1. Any public utility company, police department, authorized police emergency vehicles, fire department, authorized fire emergency vehicles, any public works department, or any federal, state, or municipal agency or department.
2. Any alarm, siren, or mechanism used for the purpose of alerting persons to the existence of an emergency or attempted crime. However, any such alarm, siren or mechanism shall be adjusted so that an alarm signal shall be audible for no longer than fifteen (15) minutes after being activated.
3. Any lawfully permitted parade, including any spectators and participants on the parade route during said lawful parade.
4. Any patrons and participants using cannons and gunfire during historical battle re-enactments for which a pyrotechnics permit is required and obtained from the State Fire Marshal or Fire Chief.
5. Any Town-sanctioned fireworks display.
6. Any lawful outdoor event, race, festival, fiesta, carnival, sporting event, entertainment or concert that is in full compliance with a permit issued by the Town provided that the noise created is limited to the days, hours, type and volume (which may be less than, but may not exceed, ninety (90) decibels) set forth in such permit.
7. Sound produced by church bells or church chimes when used as part of religious

observances or services.

8. Sound produced by activities lawfully conducted on public parks, public playgrounds, and public or private schools, including but not limited to, school athletic, band and school entertainment practice or events.
9. Any activity which has been specifically licensed or permitted by a Town department, board or commission, provided that the noise created is limited to the days, hours, type and volume (which may be less than, but may not exceed, ninety (90) decibels) set forth in such license or permit.
10. Snow removal performed by snow blowers, snow throwers, or snow plows when properly outfitted with a muffler.
11. Lawn care equipment, such as: leaf blowers, lawn trimmers, lawn mowers, chain saws, and the like.
12. Agricultural activities.
13. The emission of sound in the performance of military operations, excluding travel by individuals to or from military duty.
14. The emission of sound relative to lawfully permitted construction, demolition and normal maintenance activities, including rock crushing activities authorized by a Town Board or Commission, provided that such activities do not occur between the hours of 8:00 p.m. and 7:00 a.m. and provided further that the volume of such sound does not exceed ninety (90) decibels.
15. The emission of sound from the North Central Airport.
16. Any activity to the extent regulation thereof has been preempted by State or Federal law.

§252-10. Violations and Penalties.

Any person violating any provision of this Chapter shall be punished by a fine of up to one hundred (\$100) dollars for each violation.

The imposition of a fine shall not preclude the Town from seeking or obtaining any or all other legal and equitable remedies to prevent or remove a violation of this Chapter, including but not limited to an injunction.

§252-11. Severability.

If any provision of this Chapter shall be held to be invalid by a court of competent jurisdiction,

then such provision shall be considered separate and apart from the remaining provisions of this Chapter, which shall remain in full force and effect.