

**TOWN OF OLD ORCHARD BEACH  
TOWN COUNCIL WORKSHOP  
WEDNESDAY, FEBRUARY 27, 2008  
TOWN HALL CHAMBERS**

**A scheduled Town Council Workshop of the Old Orchard Beach Town Council was held on Wednesday, February 27, 2008 to discuss the Noise Ordinance.**

**Present were:**

**Chairman James Long  
Vice Chair Shawn O'Neill  
Councilor Roxanne Frenette  
Councilor Robin Dayton  
Councilor Sharri MacDonald  
Acting Town Manager V. Louise Reid  
Gary Lamb, Acting Town Council Secretary  
Dana Kelley, Police Chief  
Jessica Wagner, Planning Assistant  
Noise Committee members Cheryl Pouloupoulos,  
Jim Albert, Gina Prestorone, John Martinez  
Several other residents also attended**

**The meeting was called to order at 6:31 pm by Chairman Jim Long who then made brief comments on noise ordinance history, the ad hoc committee and funding.**

**Jessica Wagner gave a brief status update, discussing consultants hired, the four phase contract, funds spent to date and the committee consensus that more consultant interaction with the committee is needed.**

**Chairman Long asked for noise committee member opinions. Jim Albert gave major kudos to Jessica for her work, stated this was a work in progress and emphasized the police department needs are top priority with this proposed noise ordinance. Cheryl P. would like more discussion with the consultants re: decibel levels allowed at specific times.**

**Chairman Long stated amplified noise is not required to be behind walls. Bud Harmon stated Palace Playland is just as loud during the daytime as during the night...and final noise ordinance language needs to be well thought out. Chief Kelley stated the PD gets noise complaints all throughout town, and agreed with Bud's Palace Playground comments.**

**Councilor Dayton asked what a 70 dB example would be?**

**George Kerr stated public uses sometimes conflict with commercial uses. Is there a real problem? Businesses, Chamber of Commerce and municipal officials must cooperate during the tourist season. He suggested we document noise complaints for a summer before implementation and conduct the ambient noise study.**

**Bud and Cheryl agreed that proposed decibel thresholds are too low.**

**Councilor Frenette stated the town needs to move forward by doing the ambient noise study. Councilor Long stated that individual parties are more of a problem than downtown businesses. Councilor Frenette mentioned the retail below residential in the Grand Vic. Councilor MacDonald stated residents need to use caution when buying property in a busy, noisy part of town. Councilor O'Neill stated this issue has sat idle for too long after the Council wanted standards to follow in 2004/05.**

**Councilor Dayton stated she is on the fence about going forward...and wondered why the draft noise map does not list the Grand Vic contract zone in the legend. She asked why Town Hall and ballpark properties are not shown as public property on the draft map. She inquired about evening versus daytime hours in the draft plan and why 11pm should be considered evening?**

**Councilor Long suggested we get estimates for the cost of an ambient noise study and how it would be conducted. Council can examine these estimates and then decide whether to issue an RFP. He also suggested the unofficial ad hoc nature of the noise committee continue as is.**

**Meeting was adjourned at 7:39 pm.**

**Respectfully Submitted,**

**Gary Lamb  
Interim Town Council Secretary**

**I, Gary Lamb, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of twenty-five (25) pages including twenty-three (23) pages of documentation not part of the original two (2) page Minutes of the Town Council Workshop of February 27, 2008.**

**Gary Lamb**

## **Background**

**The Town of Old Orchard Beach may be the loudest area in southern Maine, in the summer featuring an abundance of people, cars, motorcycles, music, carnival amusement and many other noises. In 2004, there were more than 360 noise complaints. Noise control is difficult to enforce, but needs to be addressed in order alleviate existing tensions over noise in town. Since 2005, town staff, a volunteer ‘ad hoc’ noise committee, and professional noise consultants have worked to amend the existing ordinance in order to alleviate the problems surrounding the noise control. The intention of this ordinance revision is to develop an enforceable noise ordinance that can be used effectively to settle noise disputes in town.**

**Why is a revision to the ordinance necessary?**

**Currently, if the Town receives a noise complaint the police are called to the site of the complaint, where a reading is then taken to see if the noise level exceeds the existing ordinance allowance. Unfortunately, it is difficult to say if that reading goes beyond the normal ambient noise level because we have no way of knowing what the normal ambient level is. This flaw in the ordinance led to a 2001 court case in which the existing Noise ordinance (Ch. 26 Article 3) was deemed unenforceable. In this case, a sound violation summons was issued to The Salvation Army and the judge concluded that the charges could not be brought forward because the Town did not know the typical “ambient sound level” for the neighborhood. The outcome of this case and the continuing complaints and conflicts over noise levels in town have brought about the need for this ordinance revision.**

**What actions have been taken & who has been involved in the ordinance process?**

**In January 2005 the Town Council requested that the Planning Department write a noise containment ordinance with the help of business owners, residents and town hall members. The noise committee was created to explore issues and recommend solutions for the controversial noise issues. This committee was not officially appointed by Council, but is made up of residents and business owners representing both sides of the issue (see ‘Noise Committee Contact List’). Caroline Segalla, former Asst. Planner was the town staff member who coordinated this process, and Police Chief Kelley has also been included in committee meetings at each step of the revision process.**

**The revision process has also been led by professional noise consultants, Steve Ambrose of SE Ambrose & Associates and Rob Rand of Rand Acoustics. These consultants were hired in August of 2005 to assist town staff and the committee in amending the existing ordinance. Please see the ‘Four Phase Contract’ and the ‘Financial Update’ to learn the consultants’ role and the details about of their involvement. See the ‘Noise Ordinance Timeline’ to see all meeting dates and steps taken in this revision process up to this point.**

**The Council was last updated on the progress of this ordinance revision in October 2005, when former Asst. Planner, Caroline Segalla made a presentation about the revision at a Council Workshop and when Council approved \$5200 to fund Rand Acoustics noise consultants at a Council Meeting (see ‘Town Council Minutes Excerpts’).**

**In January 2008 new planning staff, Jessica Wagner and Gary Lamb took over the process and have picked up where Caroline Segalla left off in mid-2007. The revisions to the ordinance language and Noise Rating by Parcel Map are near completion, and it is our intent to keep Council updated as this revision process moves forward.**

**Noise Ordinance Timeline**

## NOISE ORDINANCE TIMELINE

- **January 2005 - Council requests Staff to create a noise containment ordinance due to excessive complaints stemming from entertainment venues in the downtown districts.**
- **February 24, 2005 -Met with potential Noise Committee, Police Department present**
- **February 2005 – Compiled all noise complaints from Police Department for 2004 into an excel spreadsheet to understand the source of noise complaints and the number of occurrences.**
- **April 11, 2005 – Met with potential consultants Rob Rand and Steve Ambrose who discussed their proposal with Staff.**
- **April 27, 2005 – Meeting with Noise Committee, Police Department present.**
- **May 10, 2005 – Caroline Segalla sends a memo to council. The memo updated council members on the progress of the noise containment process and explained the need for a sound map study.**
- **June 16, 2005 – Meeting with Noise Committee**
- **June 22, 2005- Met with potential consultant Martin Brien of KM CHNG who discussed his company’s proposal with Staff, Police Department present.**
- **July 29, 2005 – Had one more meeting with Rob Rand and Steve Ambrose and Police Chief Kelley to determine that their proposal would satisfy the Police Department since they are the primary enforcers.**
- **August 12, 2005 - Received Rob Rand’s four phased proposal in order to revise the Noise Ordinance**
- **Phases 1 & 2 are accepted by the Town Manager on 08/19/05 for \$4400.00**
- **October 18, 2005 - Council approved Phases 3 & 4 for \$5200.00**
- **October 25, 2005 – Council workshop: Asst. Planner, Caroline Segalla gives a presentation to Council about the ordinance revision progress.**
- **October 2005 – Staff, Rob Rand and Gary Volta of Woodard & Curran work together to create a map layer for GIS.**
- **April 11, 2007 – Meeting with Noise Committee, consultants’ presentation.**
- **June 26, 2007 – Town Attorney, Chris Vaniotis reviewed ordinance revisions.**
- **February 12, 2008 - Meeting with Noise Committee, Police Department present.**

*Compiled by Caroline Segalla, edited by Jessica Wagner*

*Town of Old Orchard Beach*

# Planning Department Memo

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**TO:** Council  
**FROM:** Caroline Roldan, Planning Assistant  
**DATE:** May 10, 2005  
**RE:** Noise Containment

Madam Chair and Council,

During the noise containment meeting of April 27th, the group met for a second time to address noise containment issues within Old Orchard Beach. They were provided summarized tables of complaints for the entire year of 2004 as provided by the Police Department. In order to move forward, the group unanimously voted to meet with Council to seek its support in conducting a Sound Map Study. Chief Kelley stated that in 1992 this test cost approximately \$5,000 and has more than likely doubled in price.

The group feels it is absolutely necessary to proceed with such a study in order to properly measure sounds that are currently occurring within Old Orchard Beach; provide an educational tool; implement an ordinance that is concise and well written according to factual and current data; enhance enforcement efforts by the Police Department and most importantly to establish an ordinance that is fair, enduring and proactive.

Sam Zaitlin motioned that the group request a meeting with Council to:

- 1) exchange views and see what Council's mandate is and
- 2) address study issue determining whether the Town will fund a Sound Map Study

Cheryl seconded  
Unanimous

In attendance were:  
Sandra Lie, Director of Planning  
Caroline Roldan, Planning Asst., ZBA Clerk  
Sam Zaitlin, Resident  
Pat Brown, Resident  
Thomas R. Redmond, Business Owner  
Jeanne La Chance, Business Owner & Resident  
Major David Kelly, Salvation Army  
Cheryl Pouloupoulos, Salvation Army  
Gina Presterone, Business Owner & Resident  
John A. Martinez, Business Owner & Resident  
Jim Albert, Business Owner  
Sgt. Tim DeLuca, Police Department  
Chief John Glass, Fire Department  
Chief Dana Kelley, Police Department

## Town Council Minutes Excerpts

Previous Council meetings when Noise Ordinance revision was discussed:  
October 18, 2005 Regular Council Meeting & October 25, 2005 Council Workshop

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### REGULAR TOWN COUNCIL MEETING TUESDAY, OCTOBER 18, 2005 - 7:00 P.M.

#### NEW BUSINESS:

#795 Discussion with Action: **Approve the payment of \$5,200 to Rand Acoustics, with 50% due to Rand Acoustics at the beginning of Phase III and the remaining balance due at completion of Phase IV from Account Number 20118/50350 – Contingency Account, with a balance of \$60,000.**

SANDRA LIE: Staff is requesting additional funds for the completion of the noise ordinance study, evaluation and a revised noise ordinance. Phases I and II expenditures are \$2,200.00 paid to Rand Acoustics for work performed. Remaining expenditures to be remitted for the completion of Phases I and II is \$2,200.00. Staff is requesting approval of \$5,200.00 for Phases 3 and 4 (refer to proposal/ Exhibit I) which include drafting a revised noise ordinance, and Police training. The funds would come out of Account Number 20118/50350 – Contingency Account, with a balance of \$60,000.

This will come out of Account Number 20118/50350 – Contingency Account with a balance of \$60,000, will be debited for the balance of \$5,200 with 50% due to Rand Acoustics at the beginning of Phase III and the remaining balance due at completion of Phase IV.

**MOTION:** Councilor Long motioned and Councilor O'Neill seconded to **approve the payment of \$5,200 to Rand Acoustics, with 50% due to Rand Acoustics at the beginning of Phase III and the remaining balance due at completion of Phase IV from Account Number 20118/50350 – Contingency Account, with a balance of \$60,000.**

**VOTE: Unanimous**

**TOWN COUNCIL WORKSHOP  
TUESDAY, OCTOBER 25, 2005**

**NOISE ORDINANCE**

Assistant Planner, Caroline Roldan, reported on the work of the Noise Ordinance Committee which has met several times.

**TOWN OF OLD ORCHARD BEACH**

**Noise Containment**

With the establishment of a new Noise Committee, the funding of a study of the “ambient sound levels” throughout the town has been studied by the committee as part of a possible new noise control ordinance. Old Orchard Beach may be the loudest area in southern Maine, in the summer featuring an abundance of people, cars, motorcycles, music, and most other noises you could think of. Although there are few Noise Ordinances in place pertaining to motorcycles, anything producing music or sound and continuous barking of a dog, it is a tough issue that is difficult to enforce. The Town Council last January requested that the Planning Department write a noise containment ordinance with the help of business owners, residents and town hall members. The committee was created to explore issues and recommended solutions for reach of the controversial issues. In 2004 there were more than 360 noise complaints, most of them occurring on Saturdays. The last time a noise ordinance was considered was 1994 when the “loud and unnecessary” ordinance was passed blocking major issues such as motorcycle revving and continuous loud music or musical instruments. Of the total noise complaints 150 of the complaints filed last year were pertaining to music from residential areas as well as businesses.

Sound is one of those issues that affect people differently. What is loud to you may not be loud to someone else and music playing at your neighbors may be music you prefer, leaving you less likely to make a complaint. On a calm and clear night noise will carry and on a humid or foggy night sound will not travel as much. Some of the older businesses in the downtown area have poor ventilation, forcing owners to open up doors allowing the noise from the inside to be heard outside. Various other complaints such as construction trucks, town mowers, car horns, scooters, car alarms and skateboarders were also reported last year. One possible solution to the noise issue that has haunted Old Orchard Beach for years is an “Ambient Sound Mapping Study.” The Study will consist of recording sound levels in different sections of the Town on various days and times throughout the year. It is considered an “ambient” study because it takes into consideration the all-encompassing noise level associated with the given environment. If there happened to be a noise complaint reported, officers would have hard data to turn to and compare the current noise to the normal level at that location. The sound mapping study may be costly but it is important. This study would give us the mechanism we need to be able to enforce an ordinance. It is a good tool to determine the major problem areas in our town. With the study the Noise Committee could look at the existing ordinances and make changes to existing decibel levels (the unit that measures sound levels) if needed. Currently, if the Town receives a noise complaint the police are called to the location where the reading is then taken to see if the noise is over the existing ordinance. Unfortunately, it is difficult to say if that reading goes beyond the normal level without knowing what the normal level is. We need to work off facts which the sound mapping study will give us. The financial support afforded by the Council vote is important. The committee is focusing on enclosed establishments at this time, not open arenas such as

**The Salvation Army Pavilion, Palace Playland, the Beach or the Square. The issue on funding a sound mapping study is ongoing.**

**The approved steps necessary to move forward on the process will be for the Rand Acoustics to draft a new ordinance, later introducing it to town staff and the noise committee for final approval. Next there will be training of police officers on how to correctly measure sound levels using a sound device. Once the measurement is taken, police will be able to refer back to the sound map that was created and compare normal sound level to problem sound levels. The study which was completed in August by Rand Acoustics and Woodard and Curran was to take sound readings throughout the town and place the normal decimal level in specific areas on the Geographical Information System (GIS) map. This map is an aerial view of Old Orchard Beach, visually giving a more detailed look at what sound levels are permitted in that area. This map will create an ordinance that fits our town. The study was completed in August, due to the amount of noise that is omitted throughout the town during this most busy time. Both police and town officials have been pushing for a sound study for quite some time now. Neither could previously enforce a noise level concern without an actual study that has looked at what normal levels throughout the town would be. The one time that a sound violation summons was issued to The Salvation Army in 1990's, a judge said the charges could not be brought forward because the town did not know the typically "ambient sound level" for the neighborhood. The map gives this level throughout town.**

Participants from business and residential community:

**Cheryl Pouloupoulos, Fred Golder, Gina Presterone, Jeanne LaChance, Jim Albert, John Martinez, Major David Kelly, Rich Redmond & Sam Zaitlin**

Town Staff:

**Sandra Lie and Caroline Roldan**

Staff to:

- 1. Create charts and graphs of all noise complaints from 2003-2005 received from the OOB Police department**
  - This will enable Staff to determine when noise/sound occurs (times, days) and determine frequencies**
  - This will enable Staff to determine which residential areas complain**
  - This will enable Staff to determine which businesses receive complaints**
- 2. Set up a meeting with a Acoustic specialist to speak before the group**
- 3. Review DEP Standards on Noise/Sound**
- 4. Next meeting set for April 13<sup>th</sup>, Wednesday 10-12 Council Chambers**

**Expenditures to date: \$2,200.00 - 50% payment with the authorization of Phases I and II with balance due at completion of Phases I and II which has already been approved. Staff requested and had approved at the October 18<sup>th</sup> Council Meeting approval of Phases 3 and 4 with expenditures of \$5,200 as progress is tied into coordinating the work in all four Phases (refer to proposal) including the drafting of a revised ordinance, and Police training. Mr. Rand is in the early stages of analysis of the Town in Phase I and II therefore Staff had requested that the remainder of the Phases be approved in order to create an effective noise ordinance for the town and this was done with the balance of \$5,200 with 50% due to Rand Acoustics at the beginning of Phase III and the remaining balance due at completion of Phase IV. Staff feels that approval of Phases III and IV is pertinent to the effectiveness of the entire study otherwise it will hinder our progress thus far. Staff is confident that this study is**



**proactive and will enhance the Town's Noise Ordinance to reflect the current and future noise issues of the town.**

**Together, Robert Rand and Stephen Ambrose bring to the project a unique and effective combination of engineering skills and experience.**



# RAND ACOUSTICS

**Robert W. Rand, Member INCE**  
49 Webster Road, Freeport, Maine 04032  
Telephone: (207) 865-3462  
E-mail: rwr@randacoustics.com

August 4, 2005

Caroline Roldan, Planning Assistant  
Town of Old Orchard Beach  
1 Portland Avenue  
Old Orchard Beach, ME 04064

Re: Proposal, Noise Control Consulting Services  
Town of Old Orchard Beach, Maine

Dear Caroline,

We are pleased to respond to your request to provide noise control consulting services for an effective noise containment ordinance for the Town of Old Orchard Beach. The proposal is based on our correspondence and discussions with you and Chief Kelly on Friday, July 29, 2005 in your offices.

We understand that the primary noise issues are related to residential properties receiving entertainment sounds from commercial businesses in the downtown area. We understand that the town has considered an "ambient sound mapping study" as an attempt to quantify existing background sound levels. This may have been envisioned to be the basis for modifying the town ordinance. We advise that while such a study may be useful to acoustical consultants, it is often difficult for towns, planners and police to understand and effectively use the results. There are so many influences on sound level measurements that need to be understood during the time measurements. Without this knowledge, it is often very difficult to properly interpret sound level measurements made on a specific day and then be representative for the rest of the year.

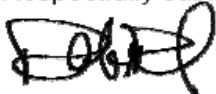
Based on our many years of experience working to minimize the public's adverse reaction to excessive noise, we recommend and propose four tasks or activity phases. The goal is for us to provide a knowledge base for the town, related businesses and public representatives for issues related to noise. We propose the following activity phases:

- 1) Land Use Noise Sensitivity Map
- 2) Pilot Noise Assessment
- 3) Draft Revisions to the Town's Noise Ordinance
- 4) Police Training

A detailed proposal description with itemized cost is attached. This work can be performed in the next 2 months or over a 6-month period depending on the town's budgetary time frame.

We trust this proposal is consistent with your goals and vision for the town. Please feel free to contact me. I look forward to discussing this proposal and answering any questions.

Respectfully submitted,



Robert W. Rand, INCE  
Principal Consultant

Attachments: Proposal and Qualifications

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## 6. Four Phase Contract with Rand Acoustics

Proposal, Noise Control Consulting Services  
Submitted August 4, 2005  
Town of Old Orchard Beach, Maine

**Proposal Phases**

**Phase 1: Land Use Noise Sensitivity Map** \$1600.00

This phase provides a powerful alternative to a limited ambient noise study- mapping properties based on actual land use. A set of land use categories will be applied into a new GIS layer, and a map developed that will show land use by level of noise sensitivity. This map can be used to identify potential problem areas, and can be modified as land use changes. The land use categories will be referenced in draft revisions for the town ordinance. We will develop the land use categories and coach planning staff during GIS layer drafting. We assume one visit to the town offices for this phase, with communications by telephone and e-mail. The product would be a Land Use Sensitivity Map layer in the town GIS system.

**Phase 2: Pilot Noise Assessment** \$2800.00

We propose an assessment of the noise emissions and impacts for a cooperative business that has been involved in noise complaints in the last couple of years. There are important objectives to this phase: 1) confirm noise measurement definitions and procedures for recommended revisions to the town ordinance, and for police training; and 2) determine how specific businesses are generating noise and causing adverse impacts. The product of this phase would be a letter report. We assume one survey visit during late evening hours in the downtown area, and one working meeting with police and planning, with communications by telephone and e-mail.

**Phase 3: Draft Revisions to the Town's Noise Ordinance** \$2800.00

We propose to review and recommend revisions to the town ordinance noise sections as a draft submittal. Our focus is on aligning the ordinance noise sections more closely with the State of Maine noise regulations, which have almost two decades of acceptance by State and municipal courts. The existing town ordinance contains some language that is consistent with the State language- we would revise further and to a level appropriate for regulation at the town level. The product would be a draft-revised ordinance for town review. We assume one working meeting at town offices for this phase, with communications by telephone and e-mail.

**Phase 4: Police Training** \$2400.00

We propose having one 1/2-day training session for police, code enforcement and/or planners covering the following: why people respond to noise; town noise ordinance; sound level meters, how to measure sound, and custom datasheet with procedures. Some advance preparation is required. Two of us will present, train, and answer questions. Town representatives will need to have their own sound level meter(s) present for this training.

*Quote Basis: Quotes are provided on a fixed fee basis. Work is performed with a purchase order, 50 percent is required prior to the start of each phase, and 50 percent due on at the completion of each phase. Quote is effective for 60 days.*

## Qualifications

Robert W. Rand is a principal consultant with 25 years experience in acoustics, noise control, audio systems design, and computer programming, and was elected a Member of the Institute of Noise Control Engineering in 1993. He has worked with power generation, pulp and paper facilities, natural gas compressor stations, and commercial and residential buildings. He has also developed specialized audio software and information display systems for variety of industrial, commercial, military, and education clients. A former Member of the Audio Engineering Society, Robert Rand has extensive experience as a professional sound engineer and audio designer, on tour, in performing and communications facilities; and a professional musician with CD credits, with a knowledge base spanning entertainment and environmental acoustics.

Stephen E. Ambrose is a principal consultant with over 25 years experience in noise control and has been a Board Certified Member of the Institute of Noise Control Engineering since 1991. He has worked in acoustics, noise and vibration control for a variety of industrial & commercial facilities, power generation, pulp & paper, municipal wastewater, natural gas compressor stations, transportation facilities, office buildings and residences. Stephen Ambrose also has experience with noise issues in Old Orchard Beach from his work on the Ballpark in the late 1980s and early 1990s, and has developed town ordinances on several projects. He has conducted sleep interference studies for hospitals and residential noise problems.

Together, Robert Rand and Stephen Ambrose bring to the project a unique and effective combination of engineering skills and experience.

Financial Update

Based on a 4-Phase contract between OOB and Rand Acoustic (dated 08/19/05).

Contract Phase	Cost	Approval
<b>Phase 1: Land Use Noise Sensitivity Map</b>	<b>\$1,600</b>	<b>\$4400 approved by Jim Thomas 8/19/05.</b>
<b>Phase 2: Pilot Noise Assessment</b>	<b>\$2,800</b>	
<b>Phase 3: Draft Revisions to the Town's Noise Ordinance</b>	<b>\$2,800</b>	<b>\$5200 approved by Town Council 10/18/05.</b>
<b>Phase 4: Police Training</b>	<b>\$2,400</b>	
Total Cost	\$9,600.00	

Amount Paid	Date	Reason for payment
<b>\$2,200</b>	<b>08/30/05</b>	<b>First 50% of Phase 1 &amp; 2</b>
<b>\$2,600</b>	<b>11/01/05</b>	<b>First 50% of Phase 3 &amp; 4</b>
<b>\$1,400</b>	<b>03/28/06</b>	<b>Completion of phase 2</b>
<b>\$800</b>	<b>06/06/06</b>	<b>Completion of Phase 1</b>
Total: \$7,000.00		

Contract Total:	\$9,600
Paid:	\$7,000
Remaining:	<i>\$2,600 - remaining 50% of phases 3 &amp; 4. Funds approved by Town Council 10/18/05.</i>

*Complied by Jessica Wagner, 02/14/08*

ARTICLE III. NOISE\*

\*Cross references: Operation of noise-creating devices on public rights-of-way, § 50-271 et seq.

State law references: Disorderly conduct, 17 M.R.S.A. § 501; unnecessary automobile noise, 29-A M.R.S.A. § 2079.

**Sec. 26-56. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~Ambient noise level means the all-encompassing noise level associated with the given environment, being a composite of sounds from many distant, individually indistinguishable sources, excluding the alleged offensive noise and excluding noise from isolated identifiable vehicles at the location and approximate time at which a comparison with the alleged offensive noise is to be made.~~

*A-Weighting* means the electronic filtering in sound level meters that models human hearing frequency sensitivity.

*Adverse Sound Character* means sound that causes building rattle, is impulsive, tonal, or has low frequency bass rumble.

*After hours* means during the time of day after the close of business of a commercial establishment and during nighttime hours.

*Alerting for personal danger or peril of life emergency* means alerting the public for an immediate response by the police, fire or rescue to a personal injury such as an accident, assault, fire, medical, or other emergency situation.

*Audible* means the varying degrees of sound perception as judged by the Noise Control Officer, including but not limited to just perceptible, audible, clearly audible, and objectionable.

*ANSI* means the American National Standards Institute.

*Ambient or Background sound level* means the all-encompassing noise level associated with the given environment, being a composite of sounds from many distant, individually indistinguishable sources, excluding the alleged offensive noise and excluding noise from isolated identifiable vehicles at the location and approximate time at which a comparison with the alleged offensive noise is to be made.

*Bass Rumble* means any sound that can be judged as a low frequency weighted or heavy bass sound spectrum as judged by the Noise Control Officer.

*Boundary* means lot line, as defined herein.

*Commercial property* means any premises, property, or facility located in any zoning district of the Town involving traffic in goods or furnishing of services for sale or profit, or industrial operations, including but not limited to:

1. Banking and other financial institutions;
2. Dining establishments;
3. Establishments for providing retail or wholesale services;

4. Establishments for recreation and entertainment;
5. Office buildings;
6. Transportation and motor freight terminals; and
7. Warehouses.
8. Power production, distribution, or conveyance.
9. Vehicle servicing.

10. Drinking establishments.

11. Hotels and motels

*Congregate* means to assemble or gather on public or private property.

**Daytime hours** means the hours between 7:00 a.m. and 4:00 p.m. Monday through Saturday, and the hours 9:00 a.m. through 4:00 p.m. on Sunday's., unless otherwise specified elsewhere in this article.

**dB(A)** means the abbreviation designating both the unit of measured sound level, the decibel, and the mode of measurement, that uses the A-weighting of a sound level meter.

**Decibel (dB)** means the practical unit of measurement for sound pressure level; the number of decibels of a measured sound is equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound (20 micropascals); abbreviated "dB."

**Domestic power equipment** means but is not limited to power saws, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in residential areas by a homeowner.

*Effective Source Noise Level* means the source noise level after an adjustment for the adverse character of noise (including tonal, impulsive, bass or rumble noise).

*Emergency work* means any work or action necessary to deliver essential services in an emergency situation, including but not limited to repairing water, gas, electricity, telephone and sewer facilities and public transportation, removing fallen trees on public rights-of-way and abating life-threatening conditions.

*Equivalent Sound Level (or Leq)* means the A-weighting sound level measured in decibels with an integrating sound level meter and averaged on an energy basis over a 1-minute duration unless otherwise stated.

*Evening hours* means the hours between 7:00 p.m. and 10:00 p.m. Monday through Sunday, unless otherwise specified elsewhere in this article.

*Excessive noise* means sound that is determined by the Noise Control Officer to be too loud or unnecessary or create a noise disturbance.

*Impulsive Sound* means a sound having duration of less than 1 second with a rapid onset and decay.

*Integrating Sound Level Meter* means an instrument for the measurement of sound levels that meets the ANSI requirements of S1.4-1983 (or later revision) for Type 1 or 2 instruments and integrates the sound energy over a specified time period. The resulting measure is referred to as the Equivalent Sound Level or Leq. For frequency analysis, octave filters shall conform to ANSI S1.11-1986 (or later revision).

***Leq*** means sound level, as defined herein.

***Lmax*** means Maximum Sound Level as defined herein.

***Lot*** means any property with defined property boundaries.

***Lot line*** means the lien along the ground surface including its vertical extension that separates one parcel of real property from another.

***Maximum Sound Level*** means the maximum sound pressure level measured in decibels with a sound level meter set for A-weighting, "Fast" meter response over a measurement period; expressed as Lmax in dBA.

**Nighttime hours** means the hours between 10:00 p.m. and 7:00 a.m. Sunday evening through Saturday morning, ~~except that night means~~ and the hours between 10:00 p.m. Saturday and 9:00 a.m. Sunday, unless otherwise specified elsewhere in this article. Nighttime hours in the DD-1 and DD-2 zones shall commence at 1 a.m.

***NIST*** means the National Institute of Standards and Testing.

***Noise*** means any airborne sounds of such level and duration as to be or tend to be injurious to human health or welfare or that would unreasonably interfere with the enjoyment of life or property.

***Noise Control Officer or NCO*** means the person designated by the Chief of Police to investigate sources that cause noise disturbance(s) or loud and unnecessary noise(s).

***Noise disturbance*** means any sound that, in the judgement of the Noise Control Officer, 1) endangers the safety or health of any person, 2) disturbs a reasonable person of normal sensitivities, or 3) endangers personal or real property.

~~Noise level means the sound pressure level as measured with a sound level meter using the A-weighting network. The level so read is designated "db(A)" or "dBA."~~

***Person*** means any individual, corporation, company, association, society, firm, partnership, joint-stock company, the state or any political subdivision, agency or instrumentality of the state.

~~Property line means that real or imaginary line along the ground surface and its vertical extension which:~~

~~(1) Separates real property owned or controlled by any person from contiguous real property owned or controlled by another person; and~~

~~(2) Separates real property from the public right-of-way.~~

***Property or lot line or boundary*** means either: 1) The the lot line, as defined herein. along the ground surface including its vertical extension that separates one parcel of real property from another, or 2) The vertical and horizontal boundaries of a dwelling unit that is one dwelling unit in a multi-dwelling unit building.



***Public right-of-way*** means any street, avenue, boulevard, road, highway, sidewalk, alley or similar place that is owned or controlled by a governmental entity.

***Public space or Public Use*** means any real property or structures thereon that are owned or controlled by a governmental entity, or properties including churches, schools, libraries and parks used by the public.

***Quiet Residential property*** means any residential property where there is an inherent expectation of quiet, including but not limited to zones R1, R2, R3, R4, RD, BRD, and PMUD as depicted on the official Zoning Map of the Town of Old Orchard Beach.

***Reflective surface*** means any surface of sufficient size and proximity during sound measurements to reflect sound waves toward the measurement location that would influence the measurement in the judgement of the Noise Control Officer.

***Residential property or residence*** means any property approved for or with a structure maintained for permanent or seasonal residential occupancy providing living, cooking, and sleeping facilities and having a permanent indoor sanitary facilities, including whole-property or portion-of-building residential use in the Downtown Zone (DD-1 and DD-2) districts, and excluding recreational vehicles and watercraft.

**Sound level** means the energy-equivalent sound pressure level measured in decibels with a sound level meter set for A-weighting, “Fast” response over a measurement period; expressed as Leq in dBA.

**Sound level meter** means an instrument for the measurement of sound levels that meets the ANSI requirements of S1.4-1983 (or later revision) for Type I or Type II standards instruments. For frequency analysis, octave filters shall conform to ANSI S1.11-1986 (or later revision).

~~**Sound pressure level** means the level of a sound measured in dB units with a sound level meter which has a uniform (flat) response over the band of frequencies measured.~~

***Source Noise Level*** means the equivalent sound level (or Leq) of the noise radiated from a source or group of sources and determined by subtracting (on an energy basis) the background sound level – with the source(s) off – from the total sound level – measured with the source(s) on.

***Tonal Noise*** means any sound that can be judged by the Noise Control Officer as a single pitch or set of single pitches (single frequency and/or harmonics).

***Vacant Lot*** means a property that has no active commercial, residential, or public use. (Ord. of 3-16-1983, § 8-309; Ord. of 3-15-1994)

**Sec. 26-57. Findings.**

**It is found and declared that:**

**(1) The making and creation of loud, unnecessary or unusual noises within the town limits is a condition which has existed for some time, and the extent and volume of such noises is increasing.**

**(2) The making, creation or maintenance of such loud, unnecessary, unnatural or unusual noises which are prolonged, unusual and unnatural in their time, place and use effect and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the town residents; and**

**(3) The necessity in the public interest for the provisions and prohibitions contained and adopted in this article is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions contained and adopted in this article are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the town and its inhabitants.**

**(Ord. of 3-16-1983, § 8-301)**

**Sec. 26-58. Effect of zoning.**

**Any section of chapter 78 ~~pertain~~ing to of the Code (~~z~~Zoning) which is more stringent than the standards set forth in this article shall ~~remain in force~~ prevail over the standards of this article.**

**(Ord. of 3-16-1983, § 8-311)**

**Sec. 26-59. Exemptions for licensed performing arts facility.**

**This article shall not apply to any performing arts facility holding a license pursuant to article VI of chapter 18 for licensing performing arts facilities during such time as such license remains in effect and has not been suspended or revoked.**

**(Ord. of 2-10-1992, § 8-313)**

**Cross references: Performing arts facilities, § 18-286 et seq.**

**Sec. 26-60. Enforcement.**

**(a) This article shall be enforced as follows:**

**a1. The provisions of this ordinance shall be enforced by any officer of the Old Orchard Beach ~~p~~Police ~~d~~Department who has been designated by the Chief of Police ~~is directed to enforce this article~~ and who has noise assessment certification (“Noise Control Officer”).**

**2. Noise assessment certification can be obtained by: (a) completing an instructional program from a noise control professional certified by the Institute of Noise Control Engineering (INCE); (b) completing a training session from a Noise Control Officer certified by an INCE professional; (c) having completed an instructional program in community noise from another qualified training source and demonstrating skill and competence to a certified Noise Control Officer; or (d) having education or experience or a combination thereof and having demonstrated competence to a noise certified Noise Control Officer.**

**3. Noise measurements taken under this ordinance shall be taken by the Noise Control Officer or another person with noise assessment certification and shall be taken in accordance with the procedures specified in Sec. 26-66.**

(b) No person shall interfere with, oppose or resist any authorized person charged with the enforcement of this article while such person is engaged in the performance of his duty.

(c) Violations of this article shall be prosecuted in the same manner as other civil violations; provided, however, that for an initial violation of this article, with the exception of the violations specified in section 26-65(3), a written notice of intention to prosecute shall be given the alleged violator which specifies the time by which the condition shall be corrected. No complaint or further action shall be taken if the cause of the violation has been removed or the condition abated or fully corrected within the time period specified in the written notice of intention to prosecute. Subsequent violations of the same section[s] of this article shall result in the immediate filing of a civil citation.

(d) If the alleged violator cannot be located in order to serve the notice of intention to prosecute in person, the notice ~~as required~~ shall be deemed to be given upon mailing such notice by registered or certified mail to the alleged violator at his last known address or at the place where the violation occurred, in which event the specified time period for abating the violation ~~or applying for a variance~~ shall commence ~~at the date of~~ on the day following the mailing of such notice. ~~Subsequent violations of the same offense shall result in the immediate filing of a civil complaint.~~

(Ord. of 3-16-1983, § 8-308; Ord. of 3-15-1994; Ord. of 8-4-1998)

#### Sec. 26-61. Penalties.

Any person in violation of any of the sections of this article commits ~~shall be deemed guilty of~~ a civil ~~infraction~~ violation and, upon conviction, shall be fined ~~as provided in section 1-14~~ a minimum of \$100.00. Each day such violation continues after the ~~time for correction of the violation~~ expiration of the time to correct the violation specified in the notice of intention to prosecute given under Section 26-60(c) or (d) ~~has been given in an order~~ shall constitute a ~~continuing~~ separate violation, and the amount of the fine shall be doubled for each day the violation continues, ~~The fine shall not exceed~~ to a maximum of \$400.00 per day.

(Ord. of 3-16-1983, § 8-310; Ord. of 3-15-1994)

#### Sec. 26-62. Loud and unnecessary noise.

It shall be unlawful for any person to make, continue, or cause to be made or continued any loud or unnecessary noise within the town limits. For the purposes of this article, the term "loud and unnecessary noise" shall mean any sound a noise disturbance or, any sound which either a) exceeds the limits of the table in section 26-63, or b) is a permitted sound as defined in Section 26-64 but does not comply with restrictions for that permitted sound, or c) ~~which~~ fits the descriptions given in section 26-65.

(Ord. of 3-16-1983, § 8-302; Ord. of 3-15-1994)

#### Sec. 26-63. Noise level standards.

~~Sound from any source controlled by this article shall not exceed the following limits at the lot line of the emitter:~~

#### ~~SOUND PRESSURE LEVEL LIMITS MEASURED IN dB(A)~~

There is hereby adopted and incorporated into this article the map entitled "Noise Rating By Parcel", by Woodard & Curran, dated \_\_\_\_\_, as such may be amended from time to time by the Town Council following the procedures for amending an ordinance. The map divides the Town into five six noise rating classifications, designated as follows:

NC, Commercial  
 NRD, Residential in Downtown Districts (Zoning Districts DD1, DD2)  
 NR, Residential (Zoning Districts, GB-1, GB-2, ID and NC1 through NC-4)  
 NQ, Quiet Residential (Zoning Districts R-1 through R-4, RD, BRD and PMUD)  
 NP, Public Use  
 NV, Vacant Lot

**TABLE INSET:**

	Day	Night
Industrial district (ID) and planned mixed use development (PMUD)	70	60
General business district 1 (GB-1) and general business district 2 (GB-2)	70	60
Downtown district (DD-1)	80*	70*
Downtown district (DD-2)	70*	60*
Residential districts including R-1, R-2, R-3, R-4, R-5, RD, BRD	55	45

The sound level limits applicable to any lot under this Section 26-63 shall be determined according to such lot's designation on the "Noise Rating by Parcel" map. The sound level from any source controlled by this article shall not exceed the following limits at the receptor receiving lot line:

**Property Line Sound Level Limits by Noise Rating Classification:**

**Sound Level Limit At Receptor Lot Property Line, dBA(L<sub>eq</sub>)\***

<u>Noise Rating Classification</u> <u>hours</u>	<u>Daytime hours</u>	<u>Evening hours</u>	<u>Nighttime</u>
Commercial (NC):	70	65	60
Residential in Downtown Districts (NRD): (zones DD1, DD2)	60	55	45
Residential (NR): (zones GB1,GB2,ID,NC1-4)	55	50	45
Quiet Residential (NQ): (zones R1-4,RD,BRD,PMUD)	50	45	40
Public Use (NP):	55	55	55
Vacant Lot (NV):	55	55	55

**\*Notes:**

**1. Daytime, Evening and ~~\*Nighttime~~ hours in the ~~DD-1 and DD-2~~ zones shall ~~commence at 12:00 midnight and~~ shall start and end as specified in section 26-56.**

**2. The Sound Level shall be taken in accordance with the procedures specified in Sec. 26-66 and as stipulated, for NRD receptor locations where no adjustments to Leq shall be made for music.**

**3. ~~(1)~~ Where the emitting and receiving premises are in different zones noise rating classifications noise rating classifications, ~~the limits governing the stricter zone~~ limits shall apply to any regulated noise entering ~~that zone~~ on the receptor lot line.**

**~~(2) The levels specified may be exceeded by ten dB(A) for a single period, not to exceed 15 minutes in any one day.~~**

**(Ord. of 3-16-1983, § 8-303; Ord. of 10-5-1983; Ord. of 3-15-1994; Ord. of 9-19-1995)**

**Sec. 26-64. ~~Exclusions~~ Permitted Sounds.**

**The noise levels in section ~~26-63~~ following shall ~~not apply to noise emitted by or related to~~ be permitted, subject to restrictions as noted:**

**(1) Natural phenomena.**

**(2) Any bell or chime occurring for a short duration (less than one minute) marking an event, from any ~~building~~ clock municipal building, school or church. Longer duration sounds of this type shall require a Town permit.**

**(3) Any siren, whistle, or bell lawfully used by emergency vehicles or any other alarm systems used in an emergency situation; ~~provided, however, that~~ burglar alarms ~~not terminating within~~ sounding more than 30 minutes ~~after being activated~~ shall be unlawful.**

**(4) Warning devices required by the Occupational Safety and Health Administration or other state or federal safety regulations.**

**(5) Farming equipment or farming activity occurring during daytime hours.**

**(6) Noise from domestic power equipment, ~~such as but not limited to power saws, sanders, grinders, lawn and garden tools or similar devices~~ operated during daytime hours on a residential property or other property which is not a commercial property as defined in this article, such as but not limited to power saws, sanders, grinders, lawn and garden tools or similar devices.**

**(7) Timber harvesting operated during daytime hours (felling trees, ~~and~~ removing logs from the woods, and wood chipping).**

**(8) Noise generated by any construction or demolition equipment ~~which is~~ operated during daytime hours, provided that the operation of construction equipment during nighttime hours shall not exceed the maximum noise levels as specified in section 26-63. For purposes of this subsection, daytime hours and nighttime hours shall be as defined in section 26-56, except that during the period from Memorial Day through Labor Day each year, daytime hours shall mean the hours between 9:00 a.m. and 4:50 p.m. daily, and nighttime hours shall mean the hours between 4:50 p.m. and 9:00 a.m. daily. ~~Emergency construction or repair work by public utilities shall also be exempted. The police department may allow construction during nighttime hours if it is demonstrated that the extenuating circumstances disallow construction during the daytime hours.~~**

**(9) Emergency construction or repair work by public utilities ~~shall also be exempted~~. The police department may allow construction during nighttime hours if it is demonstrated that the extenuating circumstances disallow construction during the daytime hours.**

**(910) ~~Noise created by~~ Refuse and solid waste collection.**

**(1011) Municipal or public works projects.**

**(Ord. of 3-16-1983, § 8-304; Ord. of 9-10-1985; Ord. of 3-15-1994)**

**Sec. 26-65. Specific prohibitions.**

**The following acts, ~~among others~~, are declared to be loud, disturbing and unnecessary noises in violation of this article, but such enumeration shall not be deemed to be exclusive:**

**(1) Owning, possessing or harboring any animal or bird which, frequently or for continued duration, makes sounds which create a noise disturbance across a residential real property boundary. For the purpose of this article, a barking dog shall mean a dog that barks, bays, cries, howls or makes any other noise continuously and/or incessantly for a period of ten minutes or barks intermittently for one-half hour or more to the disturbance of any person at any time of day or night, regardless of whether the dog is physically situated in or upon private property; provided, however, that a dog shall not be deemed a "barking dog" for purposes of this article if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated or a person owning, possessing or harboring the dog ~~for any other legitimate cause which is teased or provoked~~ teasing or provoking the dog.**

**(2) The using or operating or the permitting to be played, used or operated of any radio, receiver, electronically amplified musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of music or sound, which is cast upon the public street or adjacent lots and which exceeds the level limits specified in section 26-63.**

**(3) The use of any automobile, truck, motorcycle or other vehicle, non-essential to safe and reasonable operation, in one or more of the following ways:**

**a. Operating or permitting the operation of any semi-trailer or any motor vehicle whose manufacturer's gross weight rating is in excess of 10,000 lbs, or any auxiliary equipment attached to such a vehicle, for a period of longer than 5 minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion or emergency work, on a lot, public right-of-way, or public space within 500 feet of residential property.**

**b. Operating without properly sized and fitted exhaust mufflers that conform to original manufacturer's specifications and requirements for the suppression of noise.**

**ac. Revving of motor vehicle engines or tire squealing.**

**~~Bd.~~ The use operation of vehicle audio equipment at sound levels that are clearly audible ~~beyond~~ outside the confines of the ~~a motor~~ vehicle.**

**(4) The creation of a noise disturbance by or with any sound including the unamplified human voice by three or more people that congregate after hours. This prohibition shall not be applicable for alerting for personal danger or peril of life emergency.**

**(Ord. of 3-16-1983, § 8-305; Ord. of 7-6-1993; Ord. of 3-15-1994; Ord. of 8-4-1998)**

**Sec. 26-66. Measurement procedures.**

**For the purpose of determining sound levels ~~measurements~~ set forth in this article, the following ~~guidelines~~ procedures shall be ~~applicable~~ utilized.**

**(1) Insofar as practicable, sound measurements shall be made while the source under investigation is operating at normal, routine conditions and, as necessary, at other conditions, including but not limited to, design, maximum, and fluctuating rates.**

- (2) No outdoor measurements shall be taken:
- a. During periods when wind speeds (including gusts) exceed 15 mph;
  - b. Without an acoustically acceptable windscreen properly attached to the microphone;
  - c. Under any condition that allows the measuring instrument to become wet (e.g., rain, snow, or condensation); or
  - d. When the ambient temperature is out of the range of the tolerance of the measuring instrument.
- (3) The Noise Control Officer shall, to the extent practicable, identify all sources contributing to the noise at the point of measurement.
- (4) Prior to taking noise measurements the Noise Control Officer shall explore the vicinity of the source in question to identify other sound sources that could affect measurements, to establish the approximate location and character of the principal sound source, and to select suitable locations from which to measure the sound radiated from the source in question.
- (5) When measuring sound, the sound level meter shall be set for A-weighting, "Fast" meter response, linear averaging, and the proper range (i.e., where the sound level registers in the upper measurement range without exceeding its limits). The sample duration shall be at least one minute or one cycle of equipment operation, whichever is longer. To ensure measurement repeatability, a second measure shall be taken that must agree with the first within 2 dBA for both measures to be acceptable. The final measurement is the average of two samples.
- (6) The measuring instrument shall be placed at a minimum height of 3 ft above the ground and from any reflective surface. The microphone shall be held at arm's length and pointed at the source at the angle recommended by the measuring instrument's manufacturer.
- (7) If temporary sound sources unrelated to the measurements are plainly audible, such as aircraft flyovers, barking dogs, or moving motorcycles, the measurements should be postponed until these extraneous sounds have negligible effect on the sound levels of interest.
- (8) The observation session should last for a period of time sufficient to ensure that the sound levels measured are typical of the source in question.
- (19) Instruments used to determine sound levels shall be ANSI Type I or Type II meters and shall be maintained with yearly calibration certificates traceable to NIST.
- ~~(2) Testing procedures and calibration of the sound level meter shall be done in accordance with the manufacturer's specifications for the specific application.~~
- (10) The measurement period shall be for no less than one minute, or for an appropriate time interval encompassing the variations in sound for the source being measured, as determined by the Noise Control Officer.
- (11) The measurement shall be taken 100ft from the source lot line or at the nearest lot line as necessary to obtain a measurement free of sounds from other sources.
- (12) To determine the Source Noise Level, the background level ( $L_{eq}$ ) shall be measured and subtracted from the measured total sound level ( $L_{eq}$ ) on an energy basis using the table below. If the total sound level does not exceed the background sound level by 2 dB or more, the source level cannot be derived and a violation of the ordinance cannot be substantiated.

The following correction factors (dB) shall be applied to the sound level with source operating, based on the following differences (dB) between Source ON and Background sound levels:

<u>Total Sound Level Minus Background, dB</u>	<u>Correction Factor, dB</u>
0-1	Source level can not be derived
2	4
3	3
4-5	2
6-9	1
10+	0

If the noise source is continuous and cannot be turned off to obtain a suitable background noise reading, such a reading shall be obtained at a more distant location where the noise is inaudible, yet the background sound level is similar in loudness and character to what can be heard at the original receiver location.

(13) A minimum of two Source Noise Level measurements shall be obtained. If the two measurements (Leq) differ by more than 2 dBA (3 dBA permitted for music), the investigating personnel shall measure again as needed until two measurements agree within 2 dBA (3 dBA for music), or discontinue measurements and a violation of the ordinance cannot be substantiated. The two measurements shall be averaged arithmetically and the result called the Averaged Source Noise Level.

(14) The “Effective” Source Noise Level or Leq(e) shall be determined by adjusting the Averaged Source Noise Level upward for any adverse character (e.g., tonal, impulsive, bass):

- a. The Averaged Source Noise Level (Leq) shall be adjusted upward by 5 dB if:
  1. The sound source being investigated is judged by the Noise Control Officer as a noise disturbance caused by music (except for NRD receptor locations where no adjustments to Leq shall be made for music), or
  2. The sound source is judged by the Noise Control Officer to contain rumble, or
  3. The sound source is judged by the Noise Control Officer to contain tonal noise, or
  4. The maximum Source Noise Level (Lmax) exceeds the energy-equivalent sound level (Leq) by 6 dB or greater; or
- b. The Averaged Source Noise Level (Leq) shall be adjusted upward by 10 dB if:
  1. There is building rattle or vibration or excessive impulsive sound or rumble as judged by the Noise Control Officer.

(15) The report for each measurement session shall include but not be limited to:

- a. The date and times at which measurements are taken.
- b. The results of the calibration check.
- c. The weather conditions.
- d. The identification of all monitoring equipment.
- e. A description of the source(s) and its operating cycle.
- f. The total sound level (level with the sources in question operating, Leq and Lmax values).
- g. The background sound level (level without the sources in question operating, Leq and Lmax values).
- h. The averaged Source Noise Level (Leq).
- i. The Effective Source Noise Level (Leq(e)).

(Ord. of 3-16-1983, § 8-306; Ord. of 3-15-1994)



**Sec. 26-67. Inspections.**

**(a) For the purpose of determining compliance with this article, the police department is authorized to make inspections of all noise sources and to take measurements and make tests whenever necessary to determine the quantity and character of noise.**

**(b) No person shall hinder, obstruct, delay, resist, prevent in any way, interfere or attempt to interfere with any authorized person while in the performance of his duties under this article.**

**(Ord. of 3-16-1983, § 8-307; Ord. of 3-15-1994)**