

Town of Patten

PENOBSCOT COUNTY

MAINE 04765

OFFICE OF
TOWN MANAGER
528-2215

ORDINANCE PROHIBITING UNNECESSARY NOISE

The Town of Patten hereby ordains that an ordinance entitled "Ordinance Prohibiting Unnecessary Noise" be hereby adopted as follows:

Section 1. It is found and declared that:

- (a) The making and creation of loud, unnecessary or unusual noises within the limits of the Town of Patten is a condition which has existed for some time and the extent and volume of such noises is increasing;
- (b) 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 affect and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the Town of Patten; and
- (c) The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted, is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted 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 of Patten and its inhabitants.

Section 2. It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the Town.

Section 3. The following noises and noise producing acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this ordinance, but said enumeration shall not be deemed to be exclusive, namely:

- (1) Horns, Signaling Devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle anywhere within the limits of the Town, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device except

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one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.

- (2) Radios, Phonographs, Musical Instruments, etc.. The using, operating or permitting to be played, used or operated any radio, receiving set, musical instrument, phonograph, or other machine or device for the producing, reproducing or amplifying of sound in such maner as to disturb the peace, quiet, and comfort of the neighboring inhabitants. The using, operating or permitting to be played, used or operated any radio, receiving set, musical instrument, phonograph or other machine or device for the producing , reproducing or amplifying of sound within a building structure or vehicle between the hours of 9 o'clock p.m. and 7 o'clock a.m. in such a manner that at a distance of 25 feet from the building structure or vehicle in which it is located, it produces a sound which by its volume, frequency, intensity, quality or duration endangers or injures the safety or health of humans or unreasonably annoys or disturbs a reasonable person's normal sensibilities or endangers or injures personal or real property, shall be prima facie evidence of a violation of this section.
- (3) Loud Speakers, Musical Amplifiers, Amplifiers-Bells Horns for Advertising. The using, operating or permitting to be played, used or operated of any radio, receiving set, musical instrument, musical amplifier, phonograph, loud speaker, sound amplifier-bells-horns, or other machine or devise for the producing or reproducing of sound which is cast upon the public street for the purpose of commercial advertising or attracting of the public to any building or structure.
- (4) Yelling, Shouting, etc. Yelling, shouting, hooting, whistling, or singing on the public street, particularly between the hours of 9 o'clock p.m. and 7 o' clock a.m. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of any person in any office, or in any dwelling, hotel, motel, rooming house or other type of residence, or any person in the vicinity.
- (5) 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 ordinance, 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 for any other legitimate cause which teased or provoked the dog.

- (6) Steam Whistles. The blowing of any steam whistle attached to any stationery boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper Town authorities.
- (7) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationery internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (8) Defect in Vehicle or Load. The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- (9) Loading, Unloading, Opening boxes. The creation of loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
- (10) Construction or Repair of Buildings. The erection (including excavation), demolition, alteration or repair of any building which causes loud and unreasonable noise other than between the hours of 6 o'clock a.m. and 9 o'clock p.m., except in the case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Inspector, which permit may be granted for a period not to exceed three (3) days or less while the emergency continues. If the Building Inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of street and highways within the hours of 9 o'clock p.m. and 6 o'clock a.m., he may grant permission for such work to be done within the hours of 9 o'clock p.m. and 6 o'clock a.m., upon application being made at the time the permit for the work is awarded or during the progress of the work.
- (11) Schools, Courts, Churches, Hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use or adjacent to any hospital which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such street indicating that the same is a school, hospital or court street.
- (12) Hawkers, Peddlers. The shouting and crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of the neighborhood.
- (13) Drums. The use of any drum or other instrument or devise for the purpose of attracting attention by creation of noise to any performance, show or sale.
- (14) Metal Rails, Pillars, and Columns, Transportation Thereof. The transportation of rails, pillars, or columns of iron, steel or other material,

over and along streets or other public places upon carts, drays, cars, trucks, or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.

- (15) Pile Drivers, Hammers, etc. The operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoise or other appliance, the use of which is attended by loud or unusual noise, other than between the hours of 6 o'clock a.m. and 9 o'clock p.m. on Monday through Saturday except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Inspector, which permit may be granted for a period not to exceed three (3) days or less while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues.
- (16) Blowers, Fans and Internal Combustion Engines. The operation of any noise-creating blower, power fan or internal combustion engine, which causes noisedue to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.

Section 4. Penalties. Any person who violates any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding \$1,000.00 or by imprisonment for not more than (30) days, or both said fine and said imprisonment.

Section 5. Manner of Enforcement. Violations of this ordinance shall be prosecuted in the same manner as other misdemeanor violations of the Town's code.

Section 6. Additional Remedy. Injunction. Any violation of this ordinance or any provision thereof, shall be deemed a public nuisance and may be subject to abatement by a restraining order of injunction issued by a court of competent jurisdiction.

Section 7. Separability. It is the intention that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention that if any provision of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

*Proposed amendments, additions and/or deletions to
Ordinance Prohibiting Unnecessary Noise*

Addition to Section 1 (c) of the following:

*...Pursuant to Title 19 MRSA §1917, Title 19 MRSA §2151-1-A and
the Constitution of the State of Maine, Article VIII-A.*

Amendment to Section 2 to add the following:

*...each day that a violation of this ordinance continues shall be a
separate violation.*

Replace Section 4 with the following:

*Section 4. Penalties. Any person who violates any provision of this ordinance
shall be deemed that have committed a violation and upon adjudication thereof
shall be penalized no less than \$100.00 nor more than \$2,500.00 for the use of
the Town.*

Replace Section 5 with the following:

*Section 5. Manner of Enforcement. Violations of this ordinance shall be
prosecuted by any member of the Maine State Police, Town of Patten Police,
any member of the Penobscot County Sheriff's Department, the building inspector,
the plumbing inspector, the Board of Selectmen or other person authorized by
law.*

*Above amendments, additions and/or deletions were approved by Town Meeting vote
on March 6, 1989.*

A TRUE COPY.

Attest:


*Glenda Sommers
Town Clerk*