

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 1988-2

No. 32 AN ORDINANCE OF THE CITY OF PROVIDENCE RELATING TO NOISE REGULATIONS, AS AMENDED.

Approved January 26, 1988

Be it ordained by the City of Providence:

SECTION 1. DECLARATION OF POLICY. It is hereby declared to be the policy of the city to prohibit unnecessary, excessive, and annoying noise from all sources subject to its police power. At certain levels, noises are detrimental to the health and the welfare of the citizenry; therefore, in the public interest, such noises shall be systematically proscribed.

SECTION 2. DEFINITIONS. Unless the context clearly indicates otherwise, the words and phrases used in this chapter shall have the following meanings:

(a) Sound Level (Noise Level) in decibels is the level measured on the A-weighted scale as defined in the American National Standard S-1.4-1071.

(b) Ambient Noise is the all-encompassing noise associated with a given environment, being a composite of sounds from many sources, near and far. For the purpose of this code, ambient noise level is the average over 15 minutes excluding random or intermittent noises and the alleged offensive noise at the location and time of day at which a comparison with an alleged offensive noise is to be made.

Averaging may be done by instrumental analysis in accordance with American National Standard S.13-1971, or may be done manually as follows:

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(1) Observe a sound level meter for five seconds and record the best estimate of central tendency of the indicator needle, and the highest and lowest indications.

(2) Repeat the observations as many times as necessary to provide that observations be made at the beginning and at the end of the 15 minute averaging period and that there shall be at least as many additional observations as there are decibels between the lowest low indication and the highest high indication.

(3) Calculate the arithmetical average of the observed central tendency indications.

(c) Decibel (dBA). The decibel is a unit of measure of sound (noise) level relative to a standard reference sound on a logarithmic scale. The decibel level of a given sound is determined as 20 times the logarithm to the base 10 of the ratio of the pressure in micronewtons per square meter of the sound being measured to the standard reference sound pressure of 20 micronewtons per square meter (0.0002 microbar).

(d) Non-stationary Sources. A machine or device capable of being moved from place to place for occasional or temporary use at a given location including, but not limited to, power lawn mowers, chain saws, bulldozers and pile drivers.

(e) Fixed Source. A machine or device capable of creating a noise level at the property upon which it is regularly located, including but not limited to: industrial and commercial machinery and equipment, pumps, fans, air conditioning apparatus or refrigeration machines.

(f) Emergency Work. 'Emergency Work' shall mean work necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger or work by private or public utilities when restoring utility service.

(g) Person: 'Person' shall mean a person, firm, association, co-partnership, joint venture, corporation, or any entity, public or private in nature.

(h) Motor Vehicles: 'Motor Vehicles' shall include, but not be limited to automobiles, trucks, buses, motorcycles, mini-bikes and go-carts.

(i) Sound Amplifying Equipment. 'Sound Amplifying Equipment' shall mean any machine or device for the amplification of the human voice, music, or any other sound. 'Sound amplifying equipment' shall not include standard automobile radios when used and heard only by the occupants of the vehicle in which the automobile radio is installed. 'Sound amplifying equipment' shall not include warning devices on any vehicle used only for traffic safety purposes.

(j) Sound Truck. 'Sound Truck' shall mean any motor vehicle or any other vehicle regardless of motive power, whether in motion or stationary, having mounted thereon or attached thereto any sound amplifying equipment.

(k) Commercial Purposes. 'Commercial Purposes' shall mean and include the use, operation, or maintenance of any sound amplifying equipment for the purpose of advertising any business or any goods, or any services, or for the purpose of attracting the attention of the public to, or advertising for, or soliciting patronage or customers to or for any performance, show, entertainment, exhibition, or event, or for the purpose of demonstrating such sound equipment.

(l) Noncommercial Purpose. 'Noncommercial Purpose' shall mean the use, operation, or maintenance of any sound equipment for other than a 'commercial purpose.' 'Noncommercial purpose' shall mean and include, but shall not be limited to, philanthropic, political, patriotic, and charitable purposes.

(m) Unnecessary, Excessive, or Offensive Noise shall mean any sound or noise conflicting with the criteria, standards, or levels set forth in this Ordinance for permissible noises. In the absence of specific maximum noise levels, a noise level which exceeds the ambient noise level by 5 dBA or more, when measured at the nearest property line or, in the case of multiple-family residential buildings, when measured anywhere in one dwelling unit with respect to a noise emanating from another dwelling unit or from common space in the same building, shall be deemed a prima facie violation of this Ordinance.

SECTION 3. RADIOS, TELEVISION SETS, AND SIMILAR DEVICES. It shall be unlawful for any person within any residential zone of the city to use or operate any radio receiving set, musical instrument, phonograph, television set, or other machine device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of neighborhood residents or of any reasonable person or normal sensitivity residing in the area. The operation of any such set, instrument, phonograph, machine or device so as to exceed 50 dBA between the hours of eight (8) o'clock P.M. and seven (7) o'clock A.M. or so as to exceed 55 dBA between the hours of seven (7) o'clock A.M. and eight (8) o'clock P.M. measured at the property line of the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

SECTION 4. HAWKERS AND PEDDLERS. It shall be unlawful for any person within the city to sell anything by outcry within any area of the city zoned for residential uses. The provisions of this section shall not be construed to prohibit the selling by outcry of merchandise, food, and beverages at licensed sporting events, parades, fairs, circuses, or other similar licensed public entertainment events.

SECTION 5. DRUMS. It shall be unlawful for any person to use any drum or other instrument or device of any kind for the purpose of attracting attention by the creation of noise within the city. This section shall not apply to any person who is a participant in a school band or duly licensed parade or who has been otherwise duly authorized to engage in such conduct.

SECTION 6. SCHOOLS, HOSPITALS AND CHURCHES. It shall be unlawful for any person to create any unnecessary, excessive or offensive noise, as defined in section (2m) above on any street, sidewalk, or public place adjacent to any school, institution of learning, hospital or church while the same is in use, provided conspicuous signs are displayed in such street, sidewalk, or public places indicating the presence of a school, hospital or church.

SECTION 7. MACHINERY, EQUIPMENT, FANS, AND AIR CONDITIONING. It shall be unlawful for any person to operate any machinery, equipment, pump, fan and air conditioning apparatus, or similar mechanical device in any residential neighborhood so as to exceed 50 dBA between the hours of 8:00 P.M. and 7:00 A.M. or so as to exceed 55 dBA between the hours of 7:00 A.M. and 8:00 P.M.

SECTION 8. CONSTRUCTION OF BUILDINGS AND PROJECTS. It shall be unlawful for any person to operate equipment or perform any outside construction or repair work on buildings, structures, or projects or to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist, or any other construction type device between the hours of 8:00 P.M. and 7:00 A.M. so as to create that unnecessary, excessive or offensive noise as defined in section (2m) above, unless beforehand a special permit therefor has been duly obtained from the Director of Public Works. No special permit shall be required to perform emergency work as defined in Section (2f) of this chapter.

SECTION 9. VEHICLE REPAIRS. It shall be unlawful for any person within any residential area of the city to repair, rebuild, or test any motor vehicle between the hours of 8:00 P.M. and 7:00 A.M. or at any time of the day on a Sunday or legal holiday so as to create unnecessary, excessive or offensive noise as defined in section (2m) above.

SECTION 10. AMPLIFIED SOUND: PURPOSE OF LEGISLATION. The City Council enacts this legislation for the sole purpose of securing and promoting the public health, comfort, safety, and welfare of its citizenry. While recognizing that the use of sound amplifying equipment is protected by the constitutional rights of freedom of speech and assembly, the City Council nevertheless feels obligated to reasonably regulate the use of sound amplifying equipment in order to protect the correlative constitutional rights of the citizens of this community to privacy and freedom from public nuisance of loud and unnecessary noise.

SECTION 11. AMPLIFIED SOUND: REGISTRATION REQUIRED. It shall be unlawful for any person, other than personnel of law enforcement or governmental agencies, to install, use, or operate within the city a loud speaker or sound amplifying equipment in a fixed or movable position or mounted upon any sound truck for the purpose of giving instructions, directions, talks, addresses, lectures, or transmitting music to any persons or assemblages of persons in or upon any street, alley, sidewalk, park, place, or public property without first filing a registration statement and obtaining approval therefor as set forth in Section 12.

SECTION 12. AMPLIFIED SOUND: REGISTRATION: REQUIREMENTS AND DUTIES:

(a) Registration Statements; Filing: Every user of sound amplifying equipment for commercial purposes shall file a registration statement with the Police Department not less than five (5).

days prior to the date on which the sound amplifying equipment is intended to be used. Every user of sound amplifying equipment for noncommercial purposes shall file a registration statement with the Police Department not less than twenty-four (24) hours prior to the time when the sound amplifying equipment is intended to be used.

Each registration statement shall contain the following information:

- (1) The name, address and telephone number of both the owner and the user of the sound amplifying equipment;
- (2) The date, time and place of the intended use of the equipment;
- (3) The maximum sound producing power of the sound amplifying equipment, including the wattage to be used, the volume in decibels of sound which will be produced, and the approximate distance for which sound will be audible from the sound amplifying equipment;
- (4) The license and motor number if a sound truck is to be used;
- (5) A general description of the sound amplifying equipment which is to be used; and
- (6) Whether the sound amplifying equipment will be used for commercial purposes.

(b) Registration Statements; Approval: With respect to completed application for noncommercial purposes, the Police Department shall, forthwith, return to the applicant an approved certified copy of the registration statement. With respect to commercial purposes, the Police Department shall, within 48 hours of the filing of the application, return it to the applicant an approved certified copy of the registration statement unless it finds that:

- (1) The condition of the motor vehicle movement are such that, in the opinion of the Chief of Police, the use of the equipment would constitute a detriment to traffic safety; or
- (2) The conditions of the pedestrian movement are such that, in the opinion of the Chief of Police, the use of the equipment would constitute a detriment to traffic safety.

Disapproval: In the event a registration statement for a commercial purpose is disapproved, the Chief of Police shall endorse upon the statement his specific reasons for disapproval and return it to the applicant, within 48 hours of the filing of the application.

SECTION 13. AMPLIFIED SOUND: APPEALS. Any person aggrieved by disapproval of a registration statement may appeal within ten (10) days to the Commissioner of Public Safety, City of Providence.

SECTION 14. AMPLIFIED SOUND: FEES. Prior to the issuance of the registration statement, a fee in the amount of \$10.00 per day, or any portion thereof, shall be paid to the City, if the loudspeaker or sound amplifying equipment is to be used for commercial purposes. No fee shall be required for the operation of loudspeaker or sound amplifying equipment for noncommercial purposes for which a business license has been issued.

SECTION 15. AMPLIFIED SOUND: REGULATIONS. The commercial and noncommercial use of sound amplifying equipment shall be subject to the following regulations:

(1) The only sounds permitted shall be either music or human speech, or both.

(2) The operation of sound amplifying equipment shall only occur between the hours of 10:00 A.M. and 8:00 P.M. each day except on Sundays and legal holidays. No operation of sound amplifying equipment for commercial purposes shall be permitted on Sundays or legal holidays. The operation of sound amplifying equipment for noncommercial purposes on Sundays and legal holidays shall only occur between the hours of 10:00 A.M. and 7:00 P.M.

(3) The volume of sound shall be controlled so that it will not be audible for a distance in excess of one hundred (100) feet from the sound truck.

(4) No sound amplifying equipment shall be operated with an excess of 15 watts of power in the last stage of amplification.

(5) Sound amplifying equipment shall not be operated within two hundred (200) feet of any churches, hospitals or schools while the same is in use provided that conspicuous signs are posted adjacent to such institution indicating the presence of a church, hospital or school.

SECTION 16. VIOLATIONS: PENALTY. Any person found guilty of violating, disobeying, neglecting, or refusing to comply with the provisions of this Ordinance, shall upon conviction be punished by a fine of not more than FIVE HUNDRED (\$500.00) DOLLARS, or by imprisonment for a period not exceeding ten (10) days, or both, for any one offense, pursuant to Section 1-10 of the Code of Ordinances of the City of Providence.

SECTION 17. VIOLATIONS: PUBLIC NUISANCE; INJUNCTIONS. The operation or maintenance of any device, instrument, vehicle, or machinery in violation of any provision of this Ordinance, which operation or maintenance causes discomfort or annoyance to reasonable persons of normal sensitivity or endangers the comfort, repose, health, or peace of residents in the area, shall be deemed, and is declared to be, a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

SECTION 18. SEVERABILITY. If any provision of this chapter, or the application thereof to any person or circumstances, is held unconstitutional or otherwise held invalid by a court of competent jurisdiction, the remainder of this chapter, and the application of such provision to other persons or circumstances, shall not be affected thereby. The invalidity of any section or sections or part of any section or sections of this chapter shall not affect the validity of the remainder of this chapter.

SECTION 19. This Ordinance shall take effect upon its passage.

IN CITY COUNCIL

AUG 6 1987

First Reading Read and Passed
Referred to Committee on
ORDINANCES

Rose M. Mendonca CLERK

IN CITY
COUNCIL

FINAL READING
READ AND PASSED

, as amended

Richard W. Canton
PRESIDENT

Rose M. Mendonca
CLERK

JAN 26 1988
John H. Pauls

THE COMMITTEE ON
ORDINANCES

Approves Passage of
The Within Ordinance, *as amended*

Rose M. Menlove
Clerk Chairman

date

THE COMMITTEE ON
ORDINANCES

Approves Passage of
The Within Ordinance, *the Second Time*
as amended

Rose M. Menlove
Clerk Chairman

January 12, 1988