

## Chapter 130

### NOISE

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**[HISTORY: Adopted by the Town Meeting of the Town of Southborough 5-4-2022 ATM by Art. 26. Amendments noted where applicable.]**

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#### § 130-1. Scope.

The citizens of Southborough have a right to and should be ensured an environment free from excessive noise. This bylaw is enacted to minimize excessive noise which may jeopardize the health and welfare of its citizens or degrade their quality of life.

#### § 130-2. Definitions.

**CONTRACTED WORK** — Businesses or other entities that are retained to do work on property and which generates noise, including but not limited to: renovation, landscaping, property maintenance, construction, demolition, deliveries.

**DEMOLITION PERMIT** — A permit for the removal of any structure or part thereof on any lot.

**DISTINCTLY AUDIBLE** — Any sound that can be understood by a person using his or her unaided hearing faculties. For example, if music is playing, the words or instrumentation is discernable; or if a conversation is occurring, the words and context of a conversation can be understood.

**ENFORCEMENT OFFICIAL** — A duly designated police officer shall be an "Enforcement Official."

**HOLIDAYS** — New Year's Day (January 1); Memorial Day (last Monday in May); Independence Day (July 4); Labor Day (first Monday in September); Thanksgiving Day (fourth Thursday in November); and Christmas Day (December 25).

**HOMEOWNERS** — Work performed by an owner or occupant of a residential property which generates noise, including but not limited to: renovation, construction, landscaping, property maintenance.

**NEW CONSTRUCTION PERMIT** — A permit for new residential or commercial construction on any lot, whether or not Planning Board approval is required, excluding both renovations and additions.

#### § 130-3. Standards.

- A. Exterior noise standards. Unless further defined by standards within this bylaw, it shall be unlawful for any person at any location within the area of the Town to create any loud noise, or to allow the creation of any loud noise, on property owned, leased, occupied, or otherwise controlled by such person, which causes an unreasonable disturbance beyond the property line that disturbs the peace.

- B. Homeowner work noise standards. Noise associated with Homeowner work is allowed between 7:00 a.m. and 8:00 p.m. on weekdays, 8:00 a.m. and 9:00 p.m. on Saturdays, Sundays, and Holidays.
- C. Contracted work noise standards.
  - (1) Noise associated with Contracted Work is allowed between 7:00 a.m. and 7:00 p.m. on weekdays and 8:00 a.m. and 6:00 p.m. Saturdays. Contracted Work shall not be allowed on Sundays or Holidays.
  - (2) Any work that generates an unreasonable noise disturbance beyond the property line with a New Construction Permit or Demolition Permit is only allowed between 7:00 a.m. and 6:00 p.m. on weekdays and 8:00 a.m. and 2:00 p.m. Saturdays. This activity shall not be allowed on Sundays or Holidays.

#### **§ 130-4. Prohibited activities.**

The following activities are prohibited if they generate an unreasonable disturbance:

- A. Yelling, shouting, whistling, singing, playing music or the making of any loud noises so as to annoy or disturb the reasonable quiet, comfort or repose of identified persons is prohibited between the hours of 11:00 p.m. and 7:00 a.m.
- B. Noise from truck idling. No person shall operate an engine of any standing motor vehicle with a weight in excess of 10,000 pounds GVW (gross vehicle weight) for a period in excess of 10 minutes when such vehicle is parked on a residential property or on a street or way abutting a residential property, except where such vehicle is standing within a completely enclosed structure. This section shall not apply to delivery or pickup vehicles that require the operation of the engine to unload or load their cargo or equipment.
- C. Motor vehicles operating within the Town of Southborough in violation of MGL c. 90, § 16 which addresses harsh, objectionable, or unreasonable noises.
- D. Noise that is audible beyond the property line while loading or unloading trucks between the hours of 9:00 p.m. and 7:00 a.m. unless otherwise permitted.
- E. No trash collection or dumpster collection shall take place in any area designated as, or directly abutting a residential zone between the hours of 9:00 p.m. and 7:00 a.m.
- F. Any establishment granted a license for entertainment that is amplified by microphone, amplifier, or the like will be subject to this Bylaw. The entertainment should not be distinctly audible beyond the property boundaries of the establishment.
- G. No establishment granted a liquor license shall permit noise to be distinctly audible beyond the premises between the hours of 9:00 p.m. and 7:00 a.m.
- H. Unreasonably loud and disruptive noise emitted by a domesticated animal for a duration of more than 20 minutes intermittently, defined as an average of two vocalizations or more per minute in that period. A domesticated animal includes any animal that a person owns, controls, or otherwise cares for.

#### **§ 130-5. Exemptions.**

Noise limits in this regulation shall not apply to noise emitted by or related to any of the following:

- A. The emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work or in training exercises related to emergency activities, specifically including, but not limited to any vehicle, device, or equipment in the performance of emergency work.
- B. Emergency activities including but not limited to: storm cleanup, power outages, snow removal, and use of generators, provided that, to the extent practical or feasible, such equipment be operated with a working muffler and/or a sound reduction device while in use.
- C. Non-commercial speech as guaranteed by, and subject to the limitations of, State and Federal constitutions.
- D. Any bell or chime from any school or church, and any device used in conjunction with places of religious worship.
- E. Parades, public gatherings, or events for which appropriate permits or licenses have been issued or which are constitutionally protected.
- F. Necessary work on bridges, streets, or highways, or any public utility installation by or on behalf of the Town, or any public utility or any agency of the Commonwealth of Massachusetts.
- G. Farming equipment or farming activity as defined by MGL c. 128, § 1A.
- H. Any activity to the extent the regulation thereof has been preempted by State or Federal laws or regulations.

#### **§ 130-6. Violations and penalties.**

Any person or business who violates any provision of this bylaw, if found responsible, may be fined as follows: a warning for the first offense; \$50 for the second offense within 180 days of first offense; \$100 for the third offense within 180 days of second offense; \$300 for each succeeding offense within 180 days of the preceding offense; provided that an Enforcement Official shall have the option to issue a warning instead of a fine for violations if, in the Enforcement Official's reasonable judgment and sole discretion, a warning is appropriate under the circumstances. Each day of violation of any provision of this chapter, whether such violation is continuous or intermittent, shall be construed as a separate and succeeding offense. Fines may be administered by the Enforcement Official in accordance with MGL c. 40, § 21D.

#### **§ 130-7. Enforcement; temporary exceptions.**

- A. The Police Department shall be charged with the enforcement of the provisions of this bylaw.
- B. All Town departments and agencies shall, to the fullest extent consistent with other laws, carry out their programs in such a manner as to further the policy of this bylaw.
- C. All Town departments and agencies shall comply with Federal, State, and local laws and regulations and the provisions and intent of this bylaw respecting the control and abatement of noise to the same extent that any person is subject to such laws and regulations.
- D. Temporary exceptions (no more than three days) to this bylaw may be granted by the Select Board. The Select Board shall establish appropriate procedures for processing applications, including such hearing(s) as the Select Board deems appropriate. The Select Board may require notification of the activity to all abutters within 300 feet of the exception location.

**§ 130-8. Severability.**

If any provision or portion of a provision of this chapter is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the chapter shall not be invalidated.