

Chapter 120

NOISE

§ 120-1. Persons occupying or having charge of premises.

§ 120-2. Persons present at location where noise originates.

[HISTORY: Adopted by the Annual Town Meeting of the Town of Plymouth 4-11-1988 by Art. 20. Amendments noted where applicable.]

GENERAL REFERENCES

Alarm systems -- See Ch. 14.
Animals -- See Ch. 23.
Disorderly conduct -- See Ch. 51.
Hawkers, peddlers and transient vendors -- See Ch. 85.
Parades and special events -- See Ch. 127.
Vehicles and traffic -- See Ch. 185.

§ 120-1. Persons occupying or having charge of premises. [Amended 6-28-1993 STM by Art. 6; Amended 4-10-2001 by ATM Article 31]

- A. It shall be unlawful for any person or persons occupying or having charge of any building, structure, vehicle or premises or any part thereof in the town to cause or suffer or allow any unnecessary, loud, excessive or unusual noises in the operation of any radio, phonograph or other mechanical sound-making device or instrument, or reproducing device or instrument, or in the playing of any band, orchestra, musician or group of musicians, or in the use of any device to amplify the aforesaid, or the making of loud outcries, exclamations or other loud or boisterous noise or loud and boisterous singing by any person or group of persons, or in the use of any device to amplify the aforesaid noise, where the noise is plainly audible at a distance of 150 feet from the building, structure, vehicle or premises in which or from which it is produced.
- B. The fact that the noise is plainly audible at a distance of 150 feet from the building, structure, vehicle or premises from which it originates shall constitute prima facie evidence of a violation of this section.
- C. Any person violating this section shall be punished by a fine of \$50 for each offense.

§ 120-2. Persons present at location where noise originates. [Amended 4-3-1993 STM by Art. 15]

- A. It shall be unlawful for any person or persons being present in or about any building, dwelling, premises, shelter, boat or conveyance, or any part thereof, to

cause or suffer or countenance any loud, unnecessary, excessive or unusual noises in the operation of any radio, phonograph or other mechanical sound-making device or instrument, or reproducing device or instrument, or in the playing of any band, orchestra, musician or group of musicians or the making of loud outcries, exclamations or other loud or boisterous noise or loud and boisterous singing by any person or group of persons, or in the use of any device to amplify the aforesaid noise, where the aforesaid noise is plainly audible at a distance of 150 feet from the building, dwelling, premises, shelter, boat or conveyance in which or from which it is produced.

- B. The fact that the noise is plainly audible at a distance of 150 feet from the premises from which it originates shall constitute prima facie evidence of a violation of this section.
- C. Any person shall be deemed in violation of this section who shall make, or aid or cause or suffer or countenance or assist in the making of, the aforesaid and described improper noises, disturbance or breach of the peace, and the presence of any person or persons in or about the building, dwelling, premises, shelter, boat or conveyance or any part thereof during a violation of this section shall constitute prima facie evidence that he or she is a countenancer to such violation.
- C. Any person violating this section shall be punished by a fine of \$50 for each offense.

§ 120-3. Commercial Construction etc. [Amended 4-7-1999 ATM by Art. 33]

No commercial construction, demolition, repair, paving or alteration of buildings or streets or excavation shall be conducted between the hours of 7:00 p.m. and 7:00 a.m., except with the approval of the Board of Selectmen. Anyone who violates this by-law shall be subject to a fine of \$300, each day to constitute a separate occurrence. This by-law may be enforced through non-criminal disposition by any Police Officer of the Town of Plymouth.

This bylaw shall not apply to emergency activities of Town, County, State or Federal agencies or to emergency activities conducted by public or private utilities.