

Sec. 9-114. - Noise control standard.

The standard which may be considered in determining whether a violation of the provisions of this section exists may include, but not be limited to, the following:

- (1) The level of noise;
- (2) The time of day or night of noise;
- (3) Duration of noise;
- (4) Whether the noise is recurrent, intermittent, or constant;
- (5) Whether the nature of the noise is usual or unusual;
- (6) Whether the origin of the noise is natural or unnatural;
- (7) The level and intensity of the background noise, if any;
- (8) The proximity of noise to residential sleeping facilities;
- (9) The density of the inhabitation of the area within which the noise emanates; ~~and~~
- (10) The nature of the zoning area within which the noise emanates; and
- (11) For the advancement of public good, whether the noise is related to construction operations on City Capital Projects.

Sec. 9-116 Noise disturbances.

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(3) Construction. Unless otherwise authorized by the enforcing authority, based on consideration of the factors contained in section 9-114 of this chapter, the public convenience and consultation with the ward councilor, it shall be unlawful to:

(a) Operate or permit the operation of the following machinery or activities before 7:00 a.m. and after 5:00 p.m. on weekdays, or anytime on Saturdays, Sundays, Massachusetts Legal Holidays (as published by the Secretary of the Commonwealth) and the day after Thanksgiving, such that the sound therefrom creates a noise disturbance.

(1) Drilling rigs

(2) Pile driving or impact hammer rigs

(3) Blasting or explosive equipment of any kind.

(4) Heavy-duty crushing machinery, including rock crushing equipment

(5) Jack hammers

(6) Concrete or masonry saws

(7) Sand or abrasive blasting

(b) Not including any machinery or activity identified in subsection A of this section 9-116(3)(a), operate or permit the operation of any other tools, ~~pile drivers~~, hammers or

equipment used in construction, drilling, demolition, or similar work, or otherwise conduct any related activity before 7:00 a.m. and after 7:00 p.m. on weekdays, or before 9:00 a.m. and after 7:00 p.m. on Saturdays, and the day after Thanksgiving and Christmas (unless such day falls on a Sunday), or anytime on Sundays and Massachusetts Legal Holidays (as published by the Secretary of the Commonwealth), such that the sound therefrom creates a noise disturbance.