

CITY OF SOMERVILLE
ORDINANCE NO. 2023-
IN CITY COUNCIL: _____, 2023

Be it ordained by the City Council, in session assembled, that Chapter 9, Section 9-116 of the code of ordinances of the City of Somerville is amended as follows by deleting the ~~struckthrough~~ text and adding the underlined text.

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,
~~(10)(11) Whether the noise is related to construction operations on city capital projects for the advancement of the public good.~~

Sec. 9-116. – Noise disturbances.

Noise disturbances prohibited. The following acts are declared to be loud, disturbing and unnecessary noises in violation of this section, but said enumeration shall not be deemed to be exclusive.

- ~~(3)~~ (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 any 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.
 - (B) In addition to the limitations set forth in subparagraph (A) above, it shall be unlawful to operate or permit the operation of the following machinery or activities after 5:00 p.m. on weekdays, or any time on Saturdays, such that the sound therefrom creates a noise disturbance
 - (I) Drilling rigs;
 - (II) Pile driving or impact hammer rigs;
 - (III) Blasting or explosive equipment of any kind;
 - (IV) Heavy-duty crushing machinery, including rock crushing equipment;
 - (V) Jack hammers;
 - (VI) Concrete or masonry saws; or,

(VI) Sand or abrasive blasting.

Approved:

President

Approved:

Mayor