

City of Cambridge

30.



IN CITY COUNCIL

October 3, 1994

- COUNCILLOR BORN
- COUNCILLOR DUEHAY
- COUNCILLOR MYERS
- COUNCILLOR TOOMEY
- COUNCILLOR TRIANTAFILLOU

WHEREAS: Car alarms and house alarms, while designed to serve the useful purpose of preventing theft and vandalism, are often set off by accident, by someone leaning on a parked car, or by wind rattling windows; and

WHEREAS: Often when these alarms are unintentionally triggered they continue to sound for a long time, often for hours, and often in the middle of the night; and

WHEREAS: Ordinarily in these instances the police, when called, and the disturbed neighbors are powerless to disarm the offending alarms and many people lose a great deal of sleep or work time while the shrill noise rings unabated in their ears; now therefore be it

ORDERED: That the City Manager be and hereby is requested to report to the City Council what City policy is on repeated false triggering of house alarms and car alarms, specifically what kinds of fines are or can be levied, what kind of licensing is required for the installation of house alarms, if any automatic or remote shut-off devices can be required on new house systems or on new cars registered in Cambridge, and if tickets can be given to cars whose alarms do not automatically shut off in a short period; and be it further

ORDERED: That the City Manager be and hereby is requested to check with five surrounding communities (for instance, Newton, Brookline, Quincy, Boston, and Lexington) to compare Cambridge's policy with theirs.

In City Council October 3, 1994.

Adopted by the affirmative vote of nine members.
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:- *D. Margaret Drury*
D. Margaret Drury,
City Clerk



CITY OF CAMBRIDGE

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November 7, 1994

Robert W. Healy
City Manager
City Hall
Cambridge, MA 02139

Re: Policy on House and Car Alarms;
Council Order #30 dated 10/3/94

Dear Mr. Healy:

The City Council requested a report on City policy concerning the false triggering of house and car alarms, including the fines provided for, whether licensing is required, whether automatic shut-off devices can be required, and what mechanisms exist to enforce City ordinances. I understand that the License Commission has already responded to the other part of the Council Order which requested information on what surrounding communities do on these issues.

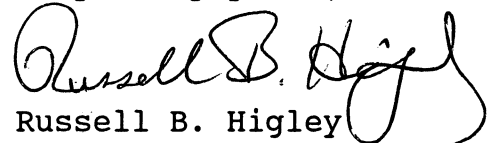
Existing City ordinances address these issues. Amendments to the ordinances could be considered, of course, if the Council desires a different approach. A copy of Chapter 8.32 of the Code of Ordinances, entitled Security Alarm Systems, is attached. This ordinance provides for fines for false alarms, an enforcement mechanism through the Police Department, and requires automatic shut-off devices that will deactivate every alarm system within ten

minutes. The Chief of Police is given rule-making authority to implement the ordinance at §8.32.020. This Chapter appears to deal with house and building alarms.

The Noise Ordinance, at §8.16.080(J)(3), provides that "...the sounding of any exterior burglar (or fire) alarm or any motor vehicle burglar alarm [is an illegal non-measured noise disturbance] unless such alarm is automatically terminated within ten minutes of activation." The enforcement provisions of the Noise Ordinance authorize various means of enforcement, including issuing citations of up to \$300 for each violation. See §8.16.040(C).

Please advise me if further assistance is desired.

Very truly yours,


Russell B. Higley

Chapter 8.32

SECURITY ALARM SYSTEMS

Sections:

- 8.32.010 Intent—Applicability.
- 8.32.020 Chief of Police—Authority to establish administrative rules.
- 8.32.030 Connection with Police Department—Approval required—Fee.
- 8.32.040 Alarm user's responsibilities.
- 8.32.050 False alarms—Assessment schedule.
- 8.32.060 Appeal procedures.
- 8.32.070 Violation—Penalty.

8.32.010 Intent—Applicability.

This chapter is intended to regulate the activities and responsibilities of those persons who purchase, lease or rent alarm systems, devices or services. It is further intended to encourage the improvement in reliability of these alarm systems, devices or services and to insure that police department personnel will not be unduly diverted from responding to actual criminal activity as a result of responding to false alarms. The provisions of this chapter shall not apply to alarm systems owned and/or operated by agencies within the City government. (Ord. 962 (part), 1981: prior code § 15-15)

8.32.020 Chief of Police—Authority to establish administrative rules.

The Chief of Police may promulgate such rules as may be necessary for the implementation of this chapter. (Ord. 962 (part), 1981: prior code § 15-16)

8.32.030 Connection with Police Department—Approval required—Fee.

A. Alarm systems shall be connected to the communications console in the Police Depart-

ment by obtaining prior written approval from the Chief which shall be granted upon receipt of a fifty-dollar fee for the benefit of direct communication to the police console number which shall be a separate number from the emergency 911 line.

B. In accordance with the normal bidding practices in effect in the City, the Purchasing Agent shall have the authority to request bids from alarm companies to furnish, at no cost to the City, a communications console and the necessary telephone lines which are compatible to the receipt of alarm signals from alarm systems whose lines are connected to the police department. Each bid shall set forth the annual fee each alarm user will be required to pay the alarm company for services rendered with respect to the communications console. Services shall be set forth in the form of a written contract between the alarm company and the alarm user.

C. Any alarm user may contract with any alarm company of his choice for the sale, installation and or servicing of the alarm system to be installed on his premises. (Ord. 962 (part), 1981: prior code § 15-17)

8.32.040 Alarm user's responsibilities.

A. Every alarm user shall submit to the Chief of Police the name and telephone number of at least two other persons who can be reached at any time, day or night, and who are authorized to respond to an emergency signal transmitted by an alarm system, and who can open the premises in which the alarm system is located.

B. All alarm users must notify the police department, in advance of any testing of equipment. Failure to notify the Police Department in advance of a testing of equipment shall constitute a false alarm and be subject to the assessment schedule contained in this chapter.

C. All alarm systems which use an audible bell or horn shall be equipped with an automatic shut off device which will deactivate the alarm system within ten minutes. All alarm users with an audible bell or horn must comply with this

section within ninety days of the effective date of the ordinance codified in this chapter. (Ord. 962 (part), 1981: prior code § 15-18)

8.32.050 False alarms—Assessment schedule.

Any alarm system which has two or more false alarms within a calendar year shall be subject to assessment as provided in this chapter:

A. After the Police Department has recorded two separate false alarms from an alarm user within a calendar year, the police chief shall notify the alarm user, in writing and by certified mail, of such facts, and require the user to submit within ten working days of receipt of such notice a report describing the users efforts to discover and eliminate the cause or causes of the false alarms. This notice, by certified mail from the Chief of Police or his designee, shall contain the dates and times of each alleged false alarm.

B. In the event that the Chief of Police or his designee determine that a report submitted in accordance with subsection A of this section is unsatisfactory, or that the alarm user has failed to show by the report that he has taken or will take reasonable steps to eliminate or reduce false alarms, then the police chief or his designee shall order that the use of the alarm system be discontinued for a period of thirty days.

C. 1. Any user of an alarm system which transmits a third false alarm signal shall be assessed a fine of:

- a. Twenty dollars for the third false alarm in a calendar year;
- b. Fifty dollars for the fourth false alarm in a calendar year;
- c. One hundred dollars each for all subsequent false alarms.

2. All fines assessed under this chapter shall be made payable to the City Treasurer for deposit in the general fund.

D. If the alarm user submits a report as required by subsection A of this section, the Chief of Police or his designee shall determine if the action taken or to be taken will substantially

reduce the likelihood of false alarms. If it is determined that the action taken or to be taken will substantially reduce the likelihood of false alarms, then the Chief of Police shall notify the alarm user, in writing, that no assessment will be made at that time. If no assessment is made at that time, the alarm user will be subject to assessment procedures on the next false alarm signal transmitted.

E. Upon failure of the user of an alarm system to pay two consecutive fines assessed under this chapter, within sixty days of the assessment, the Police Chief shall order that the user discontinue the use of the alarm system for not more than six months.

F. Proof that a false alarm was caused by an act of God or by the actions of the telephone company shall constitute affirmative defense to assessment of the particular false alarm.

G. The provisions of this section concerning false alarms pertains to all alarm users except municipal, county and state agencies. (Ord. 962 (part), 1981: prior code § 15-19)

8.32.060 Appeal procedures.

A. Any alarm user who is aggrieved by a decision of the Chief of Police pursuant to Section 8.32.050 of this chapter may within five working days of notice of the Chief's decision, appeal his case, in writing, to the Chief for further consideration.

B. All decisions made by the Chief of Police after the appeals procedure, are final.

C. The only grounds for appealing a decision of the Chief are:

1. Proof of a false alarm assessment under subsection C of Section 8.32.050 of this chapter; and
2. Written verification from the alarm user and the alarm company, that all necessary steps have been taken to upgrade, improve and insure the accuracy of the alarm system. (Ord. 962 (part), 1981: prior code § 15-20)

8.32.070 Violation—Penalty.

The following acts and omissions shall constitute violation of this chapter punishable by fine up to fifty dollars:

A. Failure to obey an order of the Police Chief to discontinue use of an alarm system, after exhaustion of the right of appeal;

B. Failure to disconnect an automatic dialing device from any Police Department telephone lines within ninety days of the effective date of the ordinance codified in this chapter;

C. Interconnection of an automatic dialing device to any police department telephone lines after the effective date of the ordinance codified in this chapter;

D. Failure to pay two or more consecutive fines assessed under subsection C of Section 8.32.050 of this chapter within sixty days from the date of assessment;

E. Failure to comply with the requirements set forth in subsections A, B and C of Section 8.32.040 of this chapter. (Ord. 962 (part), 1981: prior code § 15-21)

Chapter 8.36

PRIVATE FIRE ALARM SYSTEMS

Sections:

- 8.36.010** Connection to municipal system—Fee.
- 8.36.020** Owner's responsibility.
- 8.36.030** Testing and maintenance.
- 8.36.040** Private fire alarm companies—Connection to municipal system—Fee.
- 8.36.050** Administrative rulemaking authority.
- 8.36.060** Exemptions from chapter provisions.

8.36.010 Connection to municipal system—Fee.

Private fire alarm systems may be connected to the City fire alarm system by obtaining prior written approval from the City Electrician. Detailed plans of the interior fire alarm system must be submitted to the City Electrician and the Bureau of Fire Prevention, and must be approved by them. The fee for direct connection to the municipal system shall be three hundred dollars per installation and three hundred dollars per year (or part thereof) thereafter, payable on August 1st of each year. (Ord. 1000 (part), 1983; prior code § 9-34(a))

8.36.020 Owner's responsibility.

A. All wires and other material necessary for connection to the property shall be supplied by the owner to the City Electrician for connection to the nearest utility pole or manhole, as designated by the City Electrician. The owner is responsible for making the connection from that point to his building.

B. The owner shall maintain all wires and other equipment on his property. If faults develop in any part of the interior system, the City Electrician, after notifying the owner, may disconnect any or all of the interior system from

the municipal system, until necessary repairs are made. Wiring from the utility pole or manhole to the building shall be maintained by the owner. (Ord. 1092 (part), 1989; Ord. 1000 (part), 1983; prior code § 9-34(b))

8.36.030 Testing and maintenance.

A. If any person requests that his private fire alarm system be disconnected for the purpose of testing or maintenance of the alarm system, the charge will be as follows:

1. Between eight a.m. and four p.m., Monday through Friday, no charge;

2. Between four p.m. and midnight, Monday through Friday, one and one-half times the salary for a four-hour period of the employee performing the work;

3. Between midnight and eight a.m., Monday through Friday, twice the salary for a four-hour period of the employee performing the work;

4. Any time Saturday or Sunday, twice the salary for a four-hour period of the employee performing the work.

B. All requests for disconnecting the alarm system for the purpose of testing or maintenance must be made at least twenty-four hours in advance. Failure to do so will result in a charge of twenty-five dollars, except that up to two disconnections within a five-day period, required by emergency repairs, shall be exempt from such charge. (Ord. 1000 (part), 1983; prior code § 9-34(c))

8.36.040 Private fire alarm companies—Connection to municipal system—Fee.

Private fire alarm companies which are connected to the municipal system by leased telephone lines shall be charged twenty-five dollars per year per assigned box alarm number. The alarm company will be solely responsible for maintenance of these lines and all related equipment, including equipment which is located in the City fire alarm headquarters. (Ord. 1000 (part), 1983; prior code § 9-34(d))

8.36.050

8.36.050 Administrative rulemaking authority.

The City Electrician may promulgate such rules as may be necessary for implementation of this section. (Ord. 1000 (part), 1983: prior code § 9-34(e))

8.36.060 Exemptions from chapter provisions.

All churches within the City shall be exempt from the requirements of this chapter. (Ord. 1000 (part), 1983: prior code § 9-34(f))



CAMBRIDGE LICENSE COMMISSION CITY OF CAMBRIDGE

831 MASSACHUSETTS AVE., 1ST FLOOR, CAMBRIDGE, MASSACHUSETTS 02139 • TEL. 349-6140

ALEX RODRIGUEZ
Commission Chairman

KEVIN FITZGERALD
Chief-of-Fire Department
Commission Member

HENRY BREEN
Police Representative
Commission Member

RICHARD V. SCALI
Commission Executive Officer

Date: November 8, 1994

To: Robert W. Healy, City Manager

Fr: Richard V. Scali, Executive Officer *RVS*

Re: Council Order #30, dated 10/3/94 Policy on House and Car Alarms

Pursuant to the above Council order, I offer you the following information as well as a study done by Chief Investigator Boyer, on 5 surrounding communities.

Over the past few years, the License Commission has investigated complaints of businesses whose alarms have sounded, on a consistent basis, disturbing the neighborhood. These matters have usually been resolved by our investigator working with the business owner and residents to, either find a better location for the alarm, away from residents or to lower the sensitivity on the alarm so that it did not go off as frequently. This does take a great effort and time for our investigators as they have to witness the alarm and noise which disturbs the residents. It may take several visits but is considered in the noise ordinance, as a non-measured noise disturbance, Chapter 8.16.080, Section J (c) unless terminated within 10 minutes. This includes car alarms as well.

In this category, of house or business alarms, I would suggest amending the noise ordinance to model a section much like the Lexington burglar alarm provision, if not already covered by another ordinance. See Study attached.

Car alarms are more difficult to resolve as ownership must be run by the plate number as the alarm is sounding to determine ownership. These car alarm complaints rarely come into this office as they are not of a consistent nature. The noise ordinance does provide for this as a non-measured noise disturbance, 8.16.080, section A, J (c).

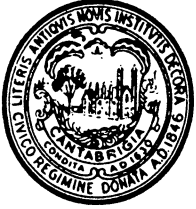
Upon a complaint, investigation and finding, this commission does have the power to hold a hearing and fine up to \$300.00 a day per violation. The problem is that unless a police officer runs the plate of a vehicle upon the complaint, it may be difficult to find the car and determine ownership at a later point in time.

In this category of car alarms, the noise ordinance may be looked at to be modeled after Boston's ordinance 16-26.2, (see Study attached), and the power to issue tickets be given to the police department, if not already covered by another ordinance or law.

I also understand that there is another ordinance Chapter 8.32 which outlines violations on alarms under which the License Commission does not operate.

If you or the City Council wish further information or more formal amendments drafted, please let me know.

cc: Russell Higley, City Solicitor; Andrea Boyer, Chief Investigator; Mary Ellen Vera, City Manager's Office



CAMBRIDGE LICENSE COMMISSION CITY OF CAMBRIDGE

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ALEX RODRIGUEZ
Commission Chairman

KEVIN FITZGERALD
Chief-of-Fire Department
Commission Member

HENRY BREEN
Police Representative
Commission Member

RICHARD V. SCALI
Commission Executive Officer

October 28, 1994

To: Richard V. Scali, Executive Officer/Acting Commissioner
From: Andrea M. Boyer, Chief Licensing Investigator 

Re: City Council request of car and house alarm comparisons in the cities of Newton, Brookline, Quincy, Boston, and Lexington

The Noise Ordinance in the following cities pertaining to car and house alarms are as follows: (Please be advised that all information from each city is attached to this report)

NEWTON

Contact: Edward G. English, City Clerk/Clerk of the Board
Phone: (617) 552-7003

The city of Newton representative informed me that car and house alarms could possibly be in violation of the "Noise Sources Causing Noise Pollution" section of their Noise Ordinance. The Newton Noise Ordinance states the following:

(1) No person shall willfully, negligently, or through failure to provide necessary equipment or facilities or to take necessary precautions permit the establishment or continuation of a condition of noise pollution caused by a noise source (other than a dog or bird) owned, leased, kept, or controlled by such person, or caused by any activity of such person.

(2) When the offending noise source is located in public spaces, noise measurements shall be made at, and noise pollution determinations made in relation to, any location a passerby might reasonably occupy. When the offending noise source is located on private property, noise measurements shall be made at, and noise pollution determinations made in relation to, the boundary line of the property within which the offending source is located, or as close thereto as feasible.

The city of Newton penalties if there is an acknowledged noise violation is as follows:

(j) Penalties. Violation of any of the provisions of this ordinance shall constitute a misdemeanor and any person, upon conviction of such violation, shall be fined an amount not to exceed one hundred dollars (\$100.00). Each day that such violation continues shall be considered to be separate offense.

BROOKLINE

Contact: John Bolder
Phone: (617) 730-2088

The representative from the city of Brookline informed me that there are no provisions in the Brookline Noise Ordinance that pertains to car and house alarms. Reviewing of the Brookline ordinance shows that "Noise Pollution" issues are listed and labeled clearly an example would be noise pertaining to animals. "Additional Noise Sources" may be considered a possibility when considering car and house alarm issues, but the Brookline representative could not confirm this information. The listing in the Brookline noise ordinance is as follows:

4.7 Additional Noise Sources

No person shall emit noise so as to cause a condition of NOISE POLLUTION or NOISE INJURY.

The city of Brookline penalties if a violation is determined is as follows:

Section 8 Penalties

(a) Any person who violates any provision of this By-law if convicted, shall be guilty of a misdemeanor and shall be fined an amount not to exceed \$50.00 (fifty dollars), or the offending source shall be confiscated by the appropriate agency until the fine is paid, or for 60 (sixty) days, whichever is sooner and, if unclaimed, may be sold at auction by the Police Department. Removal and storage costs of the offending source shall be in addition to the fine.

(b) Each day that the offense continues shall be considered to be a separate violation.

BOSTON

Contact: Jeanne Argenta
Phone: (617) 635-3435

The representative from Boston informed me that there are no

provisions pertaining to house alarms. The representative informed of the following pertaining to "Automobile Safety Devices":

16-26.2 Unreasonable Noise-Making Automobile Safety Devices. The use, maintenance, installation or keeping of any device whose purpose it is to protect an owner's vehicle from damage and/or theft through mechanical creation of a noise of sufficient magnitude to be plainly audible at a distance of two hundred (200') feet from such device which does not automatically terminate any such noise within five (5) minutes shall be unlawful. Penalty for violation of this section shall be a fine of fifty (\$50.00) dollars. This section shall be deemed a part of the Environment Protection Ordinances, so called, and shall be enforced pursuant to the provisions of Chapter 40, Section D of the General Laws. (Ord. 1984 c.4)

QUINCY

Contact: Ann Lind
Phone: (617) 376-1342

The representative of the City of Quincy informed me that there are no provisions in the Quincy Noise Ordinance pertaining to car and house alarms. The representative stated that the issue could be considered disturbance of the peace or an issue that is determined by the chief of police. The Quincy disturbance of the peace and penalty are as follows:

9.08.060 Disturbing the peace-Loitering-Profane language-Penalties.

No person shall accost or annoy persons, or disturb the peace, or loiter or address another person with profane or obscene language in any public park, public reservation or city-owned land in the city.

The penalty for violation of this section shall be not more than one hundred dollars. (Ord. 1190-233:prior code Ch. 13, 56)

LEXINGTON

Contact: Officer Leslie
Phone: (617) 862-1212

The representative of Lexington informed me that there are no car alarm violation provisions in city of Lexington. The burglar alarm provision is as follows:

2. Any homeowner, renter, lessee, or other resident, and any renter, lessee, or owner of business of other establishment, or building, other than a municipal building, having a burglar or hold-up alarm which produces an audible signal shall have said alarm programmed to emit a signal not to exceed ten (10) minutes.

Said alarm shall be programmed to sound or cycle not more than twice during any single activation.

Penalties in the city of Lexington when a violation occurs is as follows:

4. Effective September 1, 1991, a home owner, renter, lessee, or any renter, lessee, or owner of a business or other establishment or building other than a municipal building or premises may be assessed a service charge for false alarms responded to by the Police Department. Said service charge may be assessed for third and subsequent alarms in any calendar year in the amount of \$50 (fifty dollars) for each false alarm response.

If more information is needed for comparisons of the city of Cambridge Noise Ordinance and of the ordinances mentioned in this report please advise.

BROOKLINE

2.2 Scope

This By-law shall apply to the control of all sound originating within the limits of the Town of Brookline.

2.2.1 Provisions in this By-law shall not apply to the emission of sound for the purpose of alerting persons to the existence of an EMERGENCY or to the emission of sound in the performance of EMERGENCY WORK or in training exercises related to EMERGENCY activities.

2.2.2 Noncommercial public speaking and public assembly activities as guaranteed by state and federal constitutions shall be exempt from the operation of this By-law.

Section 3. Duties and Responsibilities of Other Departments

3.1 Departmental Actions

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 By-law.

3.2 Departmental Compliance with Other Laws

All town departments and agencies shall comply with Federal and State laws and regulations and the provisions and intent of this By-law respecting the control and abatement of noise to the same extent that any person is subject to such laws and regulations.

Section 4. Prohibition and Measurement of Noise Emissions

4.1 Use Restrictions

4.1.1 The following devices shall be prohibited from use during the hours of 9 (nine) P.M. to 8 (eight) A.M. every day of the year:

(a) All electric motor and internal combustion engined devices employed in yard and garden maintenance and repair. Snow blowers and snow removal equipment are exempt from this section.

4.1.2 The following devices shall be prohibited from use during the hours of 7 (seven) P.M. to 7 (seven) A.M. every day of the year:

(a) All devices employed in CONSTRUCTION or DEMOLITION.

4.2. Vehicular Sources: Maximum Noise Levels Measurements shall be made at a distance of 50 (fifty) feet from the closest point of pass-by of a source of 50 (fifty) feet from a stationary vehicle.

MAXIMUM NOISE LEVEL dB

Vehicle Class	Stationary Speed Limit 35 mph or less	Speed Limit 35-45 mph
All vehicles over 10,000 lbs. GVWR or GCWR	86	90
All motorcycles	82	82
Automobiles and light trucks	75	75

4.3 Construction and Maintenance Equipment:

Maximum Noise Levels

Noise measurements shall be made at 50 (fifty) feet from the source. The following NOISE LEVELS shall not be exceeded:

Construction Item	Maximum Noise Level dB	Maintenance Item	Maximum Noise Level dB
Backhoe, bulldozer, concrete mixer, dumptruck, loader, paver, pneumatic tools, roller, scraper	90	Chipper (running at full speed but not chipping), leaf vacuum	90
Air compressor	85	Chainsaw, solid waste compactor, tractor (full-size)	85
Generator	80	Home tractor, leaf blower, snow blower	80
Electric drills, power tools, sanders, saws, etc.	75	Lawn mower, trimmer	75

4.4 Fixed Plant Equipment

No person owning, leasing or controlling the operation of any source of noise of the type listed below shall willfully, negligently or through failure to provide necessary equipment or facilities or to take necessary precautions, permit the establishment or continuation of a condition of NOISE POLLUTION.

The following sources, and any other similar noise producing device not specified here, shall be considered as sources of NOISE POLLUTION:

Air conditioners, pumps, fans, furnaces, compressors, engines and similar fixed plant equipment.

Noise measurements shall be made at the boundary of the property in which the offending source is located or at the boundary line of the complainant.

4.5 Electronic Devices and Musical Instruments

No person owning, leasing or controlling the operation of any ELECTRONIC DEVICE shall willfully or negligently permit the establishment or condition of NOISE INJURY or NOISE POLLUTION.

In public spaces, the existence of NOISE INJURY or NOISE POLLUTION is to be judged to occur at any location a passerby might reasonably occupy. When the offending noise source is located on private property, NOISE INJURY or NOISE POLLUTION judgments shall be made at the property line within which the offending source is located.

Any and all decibel levels of sound caused by playing non-electronic musical instruments between 9 A.M. and 9 P.M. shall be exempt.

4.6 Animals

No person owning, keeping or controlling any animal shall willfully, negligently or through failure to provide necessary equipment or facilities or to take necessary precautions, permit the existence of NOISE POLLUTION or NOISE INJURY.

4.7 Additional Noise Sources

No person shall emit noise so as to cause a condition of NOISE POLLUTION or NOISE INJURY.

4.8 Alternative Measurement Procedures

If it is not possible to make a good NOISE LEVEL measurement at the distance specified in 4.2 and 4.3, measurement may be made at an alternate distance and the level at the specified distance subsequently calculated. Calculations shall be made in accordance with established engineering procedures.

4.9 Tonal Sound Corrections

When a TONAL SOUND is emitted by a noise source, the limit on MAXIMUM NOISE LEVELS shall be 5 dB lower than specified.

4.10 Maximum Noise Level Exclusions

The following devices shall be exempt from maximum noise limitations (for time limits see Section 4.1.2):

- jack hammers
- pavement breakers
- pile drivers
- rock drills

providing that effective noise barriers are used to shield nearby areas from excessive noise.

However, noise shields shall not be required for devices located on public or private rights of way.

Section 5. Permits for Exemptions from this By-law

5.1 The Board of Selectmen, or designee, may give a special permit for any activity, otherwise forbidden by the provisions of this By-law. A person seeking such a permit should make a written application to the Board of Selectmen, or designee, on the appropriate form which shall be available at the office of the Selectmen.

5.2 The Board of Selectmen, or designee, may issue guidelines defining the procedures to be followed in applying for a special permit. The following criteria shall be considered:

- (a) cost of compliance will not cause the applicant excessive financial hardship;
- (b) additional noise will not have an excessive impact on neighboring citizens.

5.3 The Board of Selectmen, or designee, may issue guidelines defining procedures to be followed in applying for an extension of time to comply with the provisions of these regulations and the criteria to be considered in deciding whether to grant a permit. The guidelines shall include reasonable deadlines for compliance.

5.4 In some instances, when it can be demonstrated that bringing a source of noise into compliance with the provisions of this By-law would create undue hardship on a person or the community, a special permit may be granted for an exemption from this By-law. A person seeking a special permit shall make written application within 5 (five) days of receiving notification from the Town that (s)he is in violation of the provisions of this By-law. If the Board of Selectmen find that sufficient controversy exists regarding the application, a public hearing may be held.

5.5 If the Board of Selectmen, or designee, orders abatement of a noise source not complying with this By-law, a person who feels (s)he cannot meet the stated time schedule for compliance may file an application for an extension of time. A written application shall be filed within 5 (five) days of receipt of notification of violation and shall propose a new compliance schedule. A person who claims that the allowance of a extension of time would have adverse effects may file a statement with the Board of Selectmen, or designee, to support this claim. If the Board of Selectmen, or designee, find that sufficient controversy exists regarding the application, a public hearing may be held.

Section 6. Hearings

(a) Resolution of controversy shall be based upon the information supplied by both sides in support of their individual claims and shall be in accordance with the procedures defined in the appropriate guidelines issued by the Board of Selectmen, or designee.

Section 7. Appeals

Appeals from a decision of the Board of Selectmen, or designee, shall be to the Superior Court. Judicial review shall be limited to whether the decision was supported by substantial evidence.

Section 8. Penalties

- (a) Any person who violates any provision of this By-law if convicted, shall be guilty of a misdemeanor and shall be fined an amount not to exceed \$50.00 (fifty dollars), or the offending source shall be confiscated by the appropriate agency until the fine is paid, or for 60 (sixty) days, whichever is sooner, and, if unclaimed, may be sold at auction by the Police Department. Removal and storage costs of the offending source shall be in addition to the fine.
- (b) Each day that the offense continues shall be considered to be a separate violation.

Section 9. Definitions

- 9.1 Construction and Demolition: Any site preparation, assembly, erection, substantial repair, alteration, destruction or similar action for public or private rights-of-way, structures, utilities, or similar property.
- 9.2 Electronic Devices: Any radio, tape recorder or player, television, phonograph, public address system, loud speaker, amplified musical instrument and any other similar device. Exemption: two-way communication radios.
- 9.3 Emergency: Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.
- 9.4 Emergency Work: Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an EMERGENCY.
- 9.5 Gross Vehicle Weight Rating (GVWR): The value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating, (GCWR), which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle, shall be used.
- 9.6 Motorcycle: Any unenclosed motor vehicle having two or three wheels in contact with the ground, including, but not limited to, motor scooters and minibikes.
- 9.7 Motor Vehicle: Any vehicle which is propelled or drawn on land by a motor, such as, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, go-carts, snowmobiles, dune buggies, or racing vehicles, but not including MOTORCYCLES.
- 9.8 Noise Injury: Any sound that:
 - (a) endangers the safety of, or could cause injury to the health of humans; or
 - (b) endangers or injures personal or real property.
- 9.9 Noise Level: All measurements shall be made with a Type I or II sound level meter as specified under ANSI standards.
- 9.10 Noise Pollution: If a noise source increases NOISE LEVELS 10 dB or more above the background NOISE LEVEL, it shall be judged that a condition of NOISE POLLUTION exists. However, if the noise source is judged by ear to have a tonal sound, an increase of 5 dB above background NOISE LEVEL is sufficient to cause NOISE POLLUTION.
- 9.11 TONAL SOUND: Any sound that is judged by a listener to have the characteristics of a pure tone, whine, hum or buzz.

Section 10. Severability

If any provisions of this article or the application of such provision to any person or circumstance shall be held invalid, the validity of the remainder of this article and the applicability of such provision to other persons or circumstances shall not be affected thereby.

(Adopted, November 12, 1980. Approved, February 18, 1981. Effective, February 24, 1981.)

NEWTON

OFFENSES AND MISCELLANEOUS PROVISIONS

§ 20-13

Measurements shall be made at a distance of fifty (50) feet from the closest point of pass-by of a source or fifty (50) feet from a stationary vehicle.

(2) Construction and maintenance equipment.

Maximum Noise Level dB(A) Permitted

Construction Item

Backhoe, bulldozer, concrete mixer, dumptruck, loader, paver, pneumatic tools, roller, scraper.....	90
Air compressor.....	85
Generator.....	90

Electric drills, sanders, saws (except chainsaws) or other power tools of all types, whether hand held or otherwise.....	75
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Maintenance Item

Chipper (running at full speed but not chipping), leaf vacuum.....	90
Home tractor, leaf blower.....	80
Lawn mower or trimmer.....	75

Noise measurements shall be made at a distance of fifty (50) feet from the source.

(3) Maximum Noise Level Exclusions. The following devices shall be exempt from the maximum noise limitations set forth in section (f)(2) above: jack hammers, pavement breakers; pile drivers, rock drills, provided that effective noise barriers are used to shield nearby areas from a condition of noise pollution. The time limitations contained in section (e)(2) shall still apply.

(4) Tonal Sound Corrections. When a tonal sound is emitted by a noise source specified in sections (f)(1) and (f)(2) herein, the limit on maximum noise levels shall be five (5) dB(A) lower than as specified in sections (f)(1) and (f)(2).

(5) Alternative Measurement Procedures. If it is not possible to make a good noise level measurement at the distance specified in sections (f)(1) and (f)(2), measurement may be made at an alternate distance and the noise level subsequently calculated for the specified distance. Calculations shall be made in accordance with established engineering procedures.

(6) All noise-level measurements made pursuant to section (f) shall be made with a Type I or II A-weighted sound level meter as specified under the American National Standards Institute (ANSI) standards.

(g) Noise Sources Causing Noise Pollution.

(1) No person shall willfully, negligently, or through failure to provide necessary equipment or facilities or to take necessary precautions permit the establishment or continuation of a condition of noise pollution caused by a noise source (other than a dog or bird) owned, leased, kept, or controlled by such person, or caused by any activity of such person.

(2) When the offending noise source is located in public spaces, noise measurements shall be made at, and noise pollution determinations made in relation to, any location a passerby might reasonably occupy. When the offending noise source is located on private property, noise measurements shall be made at, and noise pollution determinations made in relation to, the boundary line of the property within which the offending source is located, or as close thereto as feasible.

(3) All noise level measurements made pursuant to section (g) shall be made with a Type I or II A-weighted sound level meter as specified under the American National Standards Institute (ANSI) standards.

§ 20-13

NEWTON CODE

(h) Permits for Exemptions from this Ordinance and for Extensions of Time to Comply with this Ordinance.

*T. 199
AMENDED* (1) The mayor or his designee may grant a permit for any activity otherwise forbidden by the provisions of this ordinance upon a determination by the mayor or his designee that compliance in the conduct of such activity would cause undue hardship on the person or persons conducting such activity or on the community, taking into account the extent of noise pollution caused by not requiring such compliance. The mayor or his designee shall establish appropriate procedures for the processing of requests for such permits, including such hearings as the mayor or his designee deems appropriate. Copies of all such permits shall be filed with the clerk of the board of aldermen promptly after issuance.

(2) The mayor or his designee may extend to a specified date the time for compliance with this ordinance in the case of any particular activity with respect to which a determination is made that such extension is necessary to provide a reasonable opportunity for such activity to be brought into compliance. No such extension shall be granted which has the effect of exempting such activity from compliance with this ordinance. The mayor or his designee shall establish appropriate procedures for the processing of requests for such extensions of time, including such hearings as the mayor or his designee deems appropriate.

(i) **Judicial Review.** Any person aggrieved by the grant or denial of a permit pursuant to section (h)(1) or an extension of time pursuant to section (h)(2) may seek relief therefrom by a civil action in any court of competent jurisdiction as provided by the laws of the Commonwealth of Massachusetts.

(j) **Penalties.** Violation of any of the provisions of this ordinance shall constitute a misdemeanor and any person, upon conviction of

such violation, shall be fined an amount not to exceed one hundred dollars (\$100.00). Each day that such violation continues shall be considered to be a separate offense.

(k) **Severability.** If any provision(s) of this ordinance or the application of such provision(s) to any person or circumstances shall be held invalid, the validity of the remainder of this ordinance and the applicability of such provision to other persons or circumstances shall not be affected thereby. (Ord. No. R-331, 6-20-83)

Cross reference—Sounding warning devices on motor vehicles, § 19-72

Cross reference—Noise by hawkers and peddlers, § 17-26

Sec. 20-14. Weapons—Discharging firearms.

No person shall, except in the performance of some legal duty, discharge any firearm upon or across any street or public grounds within the city, except by permission of the board of aldermen, nor upon any private property without the consent of the owner or tenant thereof. (Rev. Ords. 1973, § 14-14)

State law reference—Offenses involving weapons generally, G.L. c. 269, § 10 et seq.

Sec. 20-15. Same—Toy pistols, slingshots, etc.

No person shall have in his possession a toy pistol, crotch rubber sling or other device for throwing missiles of any kind with the intent to use the same to the injury of persons or property or to the annoyance or discomfort of any person upon any street. (Rev. Ords. 1973, § 14-15)

Cross reference—Shooting arrows or air guns in streets, § 26-20.

* Sec. 20-16. Smoking prohibited in retail food

*stores.
AMEND T. 199 → SUPERSEDED BY T. 199*

(a) No person, whether such person is an owner, proprietor, manager, employee, patron, visitor or customer, shall be permitted to smoke in any supermarket, grocery store or any other retail food store which is designed and arranged to openly display and sell food products for consumption or use off the premises by the general public, or in any restaurant having fifty (50) or more seats; such conduct of smoking in any form in the aforementioned places being declared a public nuisance and dangerous or hazardous to the public health. Smoking shall be de-

Andrea Boyer 349-6132

BOSTON

16-26.2 Unreasonable Noise-Making Automobile Safety Devices.

The use, maintenance, installation or keeping of any device whose purpose it is to protect an owner's vehicle from damage and/or theft through the mechanical creation of a noise of sufficient magnitude to be plainly audible at a distance of two hundred (200) feet from such device which does not automatically terminate any such noise within five (5) minutes shall be unlawful. Penalty for violation of this section shall be a fine of fifty (\$50.00) dollars. This section shall be deemed a part of the Environment Protection Ordinances, so called, and shall be enforced pursuant to the provisions of Chapter 40, Section 21D of the General Laws.
(Ord. 1984 c. 4)

16-26

CITY OF BOSTON CODE — ORDINANCES

16-28

16-26.3 Unreasonable Noise From Automobile Safety Devices.

The use of any device whose purpose it is to protect an owner's vehicle from damage and/or theft through the mechanical creation of a noise of sufficient magnitude to be plainly audible at a distance of two hundred (200) feet from such device which does not automatically terminate any such noise within five (5) minutes shall be declared an unlawful use of a noise making instrument. The penalty for violation of this ordinance shall be fifty (\$50.00) dollars and shall be in compliance with the provisions of Chapter 40, Section 21D of the General Laws. This section shall be deemed a part of the Environment Protection Ordinances, so called.
(Ord. 1984 c. 5)

BURGLAR AND FIRE ALARMS

~~LEXINGTON~~

Pursuant to Section 28 of Article XXV of the General By-Laws of the Town of Lexington, the following Rules and Regulations for Burglar and Fire Alarms are hereby adopted, effective September 15, 1980, as amended on November 14, 1988, on August 5, 1991, and on December 16, 1991:

- Any homeowner, renter, lessee, or other resident, and renter lessee, or owner of a business or other establishment or building other than a municipal building, having a burglar or hold-up alarm or a medical alarm or a fire alarm other than a box alarm connected with the lines into or under the control of the Police Department or the Fire Department, shall arrange to have said alarm monitored at a privately owned monitoring station of choice. A special line or lines may be designated by the Department Head or a designee for alarm companies to notify Police and Fire Departments of alarm activations.

This regulation will not affect or prevent installation and maintenance of the Municipal Fire Alarm Box System.

- Any homeowner, renter, lessee, or other resident, and any renter, lessee, or owner of business or other establishment, or building, other than a municipal building, having a burglar or hold-up alarm which produces an audible signal shall have said alarm programmed to emit a signal not to exceed ten (10) minutes. Said alarm shall be programmed to sound or cycle not more than twice during any single activation.
- The Department Head may suspend response to any alarm monitored by an alarm monitoring station, or to any alarm which sounds an audible signal, where the Department Head or a designee shall determine that an undue number of false alarms have occurred. The Department Head or a designee may suspend response to any alarm activation when it has been determined by the Department Head or designee that the specifications as outlined in these rules and regulations have not been followed.
- Effective September 1, 1991, a home owner, renter, lessee, or any renter, lessee, or owner of a business or other establishment or building other than a municipal building or premises may be assessed a service charge for false alarms responded to by the Police Department. Said service charge may be assessed for third and subsequent alarms in any calendar year in the amount of \$50 (fifty dollars) for each false alarm response.
- Any homeowner, renter, lessee, or any renter, lessee, or owner of a business or other establishment or building other than a municipal building or premises, having a burglar or hold-up alarm which emits an audible signal shall register such alarm in accordance with rule 6 of this section.
Any business or individual who monitors a privately owned alarm system with the intent of notifying the Police Department of any alarm activation, shall register annually, on or before December 15th, such alarm in accordance with rule 6 of this section.
- The information required for the registration of any alarm shall include: the address of the protected property, and name and address of the person or business responsible for any alarm activation.

Adopted by the Board of Selectmen on September 15, 1980
Amended - November 14, 1988
Amended - August 5, 1991
Amended - December 16, 1991

08.050



B. No person, with purpose to annoy or alarm, or recklessly create a risk thereof, cause public inconvenience in any street, public place or public building in the city shall:

1. Engage in fighting or threatening or in violent or tumultuous behavior; or
2. Make an unreasonably noisy or offensively coarse utterance, gesture or display, or address abusive language to any person present; or
3. Create a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor.

C. Violation of this section shall be punishable by a fine of not more than two hundred dollars.

(Ord. 1978-454: prior code Ch. 13, § 40)

9.08.060 Disturbing the peace—Loitering—Profane language—Penalties.

No person shall accost or annoy persons, or disturb the peace, or loiter or address another person with profane or obscene language in any public park, public reservation or city-owned land in the city.

The penalty for violation of this section shall be not more than one hundred dollars. (Ord. 1990-233: prior code Ch. 13, § 56)

9.08.070 Peeping—Prohibited.

No person, except an officer of the law in the performance of his duties, shall enter upon the premises of another or upon any public property with intention of peeping into the windows of a house or other building, or of spying in any manner upon any person therein. (Prior code Ch. 13, § 42)

9.08.080 Noise—Radios and mechanical musical instruments—Penalties.

A. It shall be unlawful for any person to maintain and operate in the city any radio device or mechanical musical instrument, the sound wherefrom is cast directly upon a public street or place, where such device is maintained and operated for advertising purposes or for the purpose of attracting attention of the passing public, or where such device is so placed and operated that the sound coming therefrom can be heard to the annoyance or inconvenience of travellers upon any street or public place in the city. The use of radio for broadcasting: (1) athletic contests, (2) church services, (3) public addresses and (4) election returns shall not be affected by the provisions of this section, excepting that reasonable care shall be used in operating such devices. During the week preceding Christmas each year, radio broadcasting devices used for broadcasting Christmas music from any building shall not be affected by the provisions of this section; provided, that a written permit is granted by the board of license commissioners of the city. The use of radio broadcasting devices or mechanical musical instruments contrary to the provisions of this section shall require the written approval of a majority of the members of the board of license commissioners.

B. Each separate violation of this section shall constitute a separate offense and the fine for each separate offense shall be in the amount of one hundred dollars.

(Ord. 1981-194: prior code Ch. 13, § 43)

9.08.090 Noise—Operation of plant or machinery—Restrictions—Permit.

No person operating a plant or machinery, the operation of which is excessively noisy and disturbing to the reasonable peace and quiet of the proximate neighborhood, shall operate the same or cause the same to be operated in the city before the hour of seven a.m. or after the hour of six p.m. of any day without a permit therefor first having been obtained from the chief of police.



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139

TEL 349-4300

FAX 349-4307

EXECUTIVE DEPARTMENT

ROBERT W. HEALY

City Manager

RICHARD C. ROSSI

Deputy City Manager

December 12, 1994

To The Honorable, The City Council:

Please find attached a response to Awaiting Report Item No. 26, regarding the policy on house and car alarms, received from City Solicitor Russell B. Higley, as well as Richard Scali, Executive Officer of the License Commission.

Very truly yours,

Robert W. Healy
City Manager

RWH/mev
attachment

Consent Agenda # 6

5-575

Response to Awaiting Report Item Number
Twenty-Six regarding the policy on house
and carealarms.

In City Council,

December 12, 1994

*Referred to the
Law Dept to draft
Amendments to
Municipal Code.*

*12/20/94 - copy sent to
Law Dept @*