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**CITY OF CAMBRIDGE**

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October 9, 1998

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

Re: Noise from car stereos;  
Council Order #060 dated 6/1/98

Dear Mr. Healy:

In Council Order #060 of 6/1/98 (copy attached), the Council requested an amendment to the Cambridge City Code to address "ultra loud car stereos." The Order referred to a new program in Boston called "Turn Down the Music."

According to Boston City Councillor Maureen Feeney's assistant, "Turn Down the Music" consists of amendments to the existing City of Boston noise control ordinance, a new hot-line phone number at the Boston Police Department, and a public awareness campaign. The ordinance allows residents to call a number at the police department to report an offensively loud car stereo. The police send warning letters to the car owner for the first offense reported, and take more serious action upon subsequent reports. Amendments to the Boston ordinance specifically authorize police to enforce the ordinance based on citizen complaints and lengthen the period from one to three years for counting first, second, third and fourth offenses. Fines go up after each successive offense, up to a maximum of \$200. See attached press release and pertinent sections of the Boston ordinance received from Councillor Feeney's office. It appears that Boston defines illegally excessive amplified noise from a motor vehicle as that exceeding a certain decibel level or "noise plainly audible at a distance of one hundred (100') feet from its source by a person of normal hearing." See attached Boston Code §16-26.1(b) and (c) and §16-26.7. I am informed that this program is in effect only in Boston Police District 11 at present.

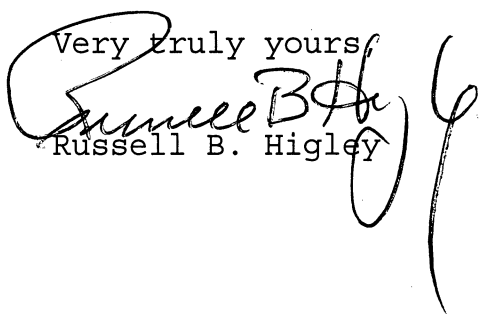
In Cambridge, existing provisions of the Noise Ordinance apply

to loud car stereos. Cambridge City Code §8.16.080(B) provides that the following is an illegal non-measured noise disturbance:

The using, operating, or permitted to be played, used or operated any radio receiving set, ...phonograph, ... or other machine or device for the producing or reproducing of sound in such a manner as to be plainly audible at a distance of fifty (50) feet from the ... vehicle... in which it is located.

Existing enforcement provisions of the Noise Ordinance (§8.16.040) provide that Police and License Commission personnel may issue non-criminal tickets with fines of \$300 and may initiate misdemeanor criminal complaints in court seeking fines of \$300. Warning letters are not required.

Very truly yours,

  
Russell B. Higley



6/4/98 - TO: AJ6  
CC: DAD  
NE6

CITY OF CAMBRIDGE  
CAMBRIDGE, MASSACHUSETTS 02139

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EXECUTIVE DEPARTMENT  
ROBERT W. HEALY  
City Manager

RICHARD C. ROSSI  
Deputy City Manager

To Russell B. Higley, City Solicitor

Date June 03, 1998

From Robert W. Healy, City Manager

Subject Council Order #060, dated 6/1/98 RE: AMENDMENT TO THE CODE TO ADDRESS ULTRA LOUD CAR STEREOs AND INFORMATION ON ADOPTING A PROGRAM SUCH AS BOSTON'S TURN DOWN THE MUSIC.

Please review the attached Council Order and report back to this office with your findings.  
NOTE: WHEN RESPONDING TO COUNCIL ORDERS, PLEASE REFERENCE ORDER NUMBER AND DATE OF ORDER.

PRIORITY RESPONSE  
PLEASE RESPOND

BY 6/17/98



# City of Cambridge

*D. Drury*

60.

IN CITY COUNCIL

June 1, 1998

COUNCILLOR DAVIS  
COUNCILLOR BORN  
MAYOR DUEHAY  
VICE MAYOR GALLUCCIO  
COUNCILLOR RUSSELL  
COUNCILLOR TOOMEY

ORDERED: That the City Manager be and hereby is requested to instruct the City Solicitor to prepare an appropriate amendment to the Municipal Code to address ultra loud car stereos; and be it further

ORDERED: That the City Manager be and hereby is request to report back to the City Council about adopting a program such as Boston's Turn Down The Music to protect neighborhood residents. (attachment)

In City Council June 1, 1998.

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

## BOSTON NOTES

### A plan to control car stereo noise

**D**ORCHESTER - It used to be boom boxes that compelled city residents to reach for their earplugs and aspirin bottles. Now, thanks to increasingly sophisticated equipment, the latest noise assault emanates from car stereos.

Among young people, car stereo blasting is "the rage," according to Boston Police Officer Jack McCarthy, a community service officer for District 11. "There's been a dramatic increase in it. It's getting out of control." District 11 encompasses parts of Dorchester.

In an attempt to lower the decibel level, and the aggravation, District 11 and the office of City Councilor Maureen Feeney have developed a plan called Turn Down the Music. Repeat car noise offenders will face the possibility of steep fines, car seizure, and loss of their driver's license.

Victims of loud car stereo noise are asked to call the community service office of District 11 and provide the registration number of the offending motor vehicle, the location of the disturbance, and the time it occurred. The office will send warning letters to the offending car owners for the first two reported incidents. If a third warning is issued, a court complaint will be filed.

Subsequent offenses will be treated increasingly harshly.

"We're trying to get an early start before the really warm weather hits," McCarthy said.

The community service office can

be notified of complaints at 343-4524, 24 hours a day, seven days a week. An answering machine will record complaints when the office is not staffed. Callers seeking more immediate relief can also call 911, said McCarthy.

# T D M<sup>2</sup>

CITY COUNCILOR MAUREEN FEENEY AND THE POLICE OFFICERS OF DISTRICT 11 ANNOUNCE THE HIT TUNE OF 1998. T.D.M. (TURN DOWN the MUSIC) WILL BE THE DORCHESTER MELODY OF THE YEAR.

IN ADDITION TO "OPERATION DOG TAG" AND "THE PARTY LINE", A NEW PROGRAM TO ENHANCE THE QUALITY OF LIFE IN DORCHESTER IS ABOUT TO COME ON LINE. THE LOUD BOOMING STEREOs IN MOTOR VEHICLES MAY SOON BE A PART OF HISTORY IN THE AREA. RESIDENTS WILL BE TAUGHT HOW TO WORK TOWARD STOPPING THIS ANNOYING PROBLEM.

THE OFFICERS OF DISTRICT 11 WILL BE GIVEN NEW INFORMATION ON THE WAYS TO HANDLE THIS NAGGING DISRUPTION. CITY ORDINANCES AND THE REGISTRY OF MOTOR VEHICLES WILL BE UTILIZED EXTENSIVELY TO PRODUCE A QUIETER YEAR FOR ALL TO ENJOY.

COMPLETE INFORMATION WILL BE AVAILABLE TO ALL WITHIN THE NEXT TWO WEEKS. FURTHER INFORMATION WILL BE SUPPLIED BY THE COMMUNITY SERVICE OFFICE OF DISTRICT 11, COUNCILOR FEENEY'S OFFICE, AND OUR LOCAL NEWSPAPERS.

Oct 1 / 1971

16-25

## PROHIBITIONS, PENALTIES AND PERMITS

16-26

**16-25 OBSCENE AND PORNOGRAPHIC MATERIAL.****16-25.1 Fine for Selling.**

Whoever sells, or distributes, or imports, or loans, or possesses with the intent to sell, or exhibits, prints, or publishes for the purpose of selling or distributing a book, pamphlet, ballad, printed paper, phonographic record, print, picture, figure, image, or description which depicts or describes:

- a. Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, or
- b. Patently offensive representations or descriptions of masturbation, excretory functions, lewd exhibition of the genitals, shall be subject to a fine of fifty (\$50.00) dollars for each day on which such violation occurs or during which such violation continues.

[This ordinance was passed in 1973, under the guidelines established in *Miller v. California*, 441 U.S. 925, 37 L. Ed 2d 419, (June 21, 1973).]  
(CBC 1975 Ord. T14 § 353)

**16-26 UNREASONABLE NOISE.****16-26.1 General Prohibition and Definitions.**

No person shall make or cause to be made any unreasonable or excessive noise in the City, by whatever means or from whatever means or from whatever source.

As used herein, the following terms shall have the following meanings:

a. *dBa* shall mean A-weighted sound level in decibels, as measured by a general purpose sound level meter complying with the provisions of the American National Standards Institute, "Specifications for Sound Level Meters (ANSI S1.4 1971)", properly calibrated, and operated on the "A" weighting network.

b. *Loud amplification device or similar equipment* shall mean a radio, television, phonograph, stereo, record player, tape player, cassette player, compact disc player, loud speaker, or sound amplifier which is operated in such a manner that it creates unreasonable or excessive noise.

c. *Unreasonable or excessive noise* shall mean

1. Noise measured in excess of 50 dBa between the hours of 11:00 p.m. and 7:00 a.m., or in excess of 70 dBa at all other hours; or

2. In the absence of an applicable noise level standard or regulation of the Air Pollution Control Commission, any noise plainly audible at a distance of three hundred (300') feet or, in the case of loud amplification devices or similar



equipment, noise plainly audible at a distance of one hundred (100') feet from its source by a person of normal hearing.

(Ord. T14 § 354; Ord. 1991 c. 4 § 1)

#### **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; [354a])

#### **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 § 1 [354b])

#### **16-26.4 Regulation of Construction Hours.\***

No erection, demolition, alteration, or repair of any building and excavation in regard thereto, except between the hours of 7:00 a.m. and 6:00 p.m., on weekdays or except in the interest of public safety or welfare, upon the issuance of and pursuant to a permit from the Commissioner, Inspectional Services Department, which permit may be renewed for one or more periods of not exceeding one week each.

(Ord. 1984 c. 10 § 1 [354c]; Ord. 1991 c. 5 § 38)

#### **16-26.5 Noise Levels at Residential Lot Lines.**

It shall be unlawful for any person except in emergencies by Public Utility Companies to operate any construction device(s), including but not limited to impact devices, on any construction site if the operation of such device(s) emits

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\* Editor's Note: The Building Department and the Housing Inspection Department were abolished and all powers and duties transferred to the Inspectional Services Department by Ch. 19 of the Ordinances of 1981 (Section 9-9 of this Code).

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## PROHIBITIONS, PENALTIES AND PERMITS

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noise, measured at the lot line of a residential lot in excess of 50 dBa between the hours of 6:00 p.m. and 7:00 a.m.

(Ord. 1995 c. 3 § 1 [354d])

**16-26.6 Disturbing the Peace.**

It shall be unlawful for any person or persons in a residential area within the City of Boston to disturb the peace by causing or allowing to be made any unreasonable or excessive noise, including but not limited to such noise resulting from the operation of any radio, phonograph or sound related producing device or instrument, or from the playing of any band or orchestra, or from the use of any device to amplify the aforesaid noise, or from the making of excessive outcries, exclamations, or loud singing or any other excessive noise by a person or group of persons, or from the use of any device to amplify such noise provided, however, that any performance, concert, establishment, band, group or person who has received and maintains a valid license or permit from any department, board or commission of the City of Boston authorized to issue such license or permit shall be exempt from the provisions of this section. Unreasonable or excessive noise shall be defined as noise measured in excess of 50dBa between the hours of 11:00 p.m and 7:00 a.m. or in excess of 70dBa at all other hours when measured not closer than the lot line of a residential lot or from the nearest affected dwelling unit. The term dBa shall mean the A-weighted sound level in decibels, as measured by a general purpose sound level meter complying with the provisions of the American National Standards Institute, "Specifications for Sound Level Meters (ANSI S1.4 1971)", properly calibrated, and operated on the "A" weighting network.

Any person aggrieved by such disturbance of the peace may complain to the police about such unreasonable or excessive noise. The police, in response to each complaint, shall verify by use of the sound level meter described herein that the noise complained of does exceed the limit described herein and if so, may thereupon arrest and/or make application in the appropriate court for issuance of a criminal complaint for violation of M.G.L. c. 272, S. 53, which sets forth the penalties for disturbing the peace.

(Ord. 1986 c. 19 §§ 1, 2 [354e]; Ord. 1991 c. 4 § 2)

**16-26.7 Prohibition Against Loud Amplification Devices in Motor Vehicles**

It shall be unlawful for any person in any area of the City to operate a loud amplification device or similar equipment, as defined in subsection 16-26.1, in or on a motor vehicle which is either moving or standing in a public way.

(Ord. 1991 c. 4 § 3)

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## CITY OF BOSTON CODE — ORDINANCES

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**16-26.8 Prohibition Against Loud Amplification Devices in Public Ways or Places.**

It shall be unlawful for any person in any area of the City to operate a loud amplification device or similar equipment, as defined in subsection 16-26.1, in a public way or in any other public place.  
(Ord. 1991 c. 4 § 3)

**16-26.9 Prohibition Against Loud Amplification Devices in or on Residential Premises.**

It shall be unlawful for any person in any area of the City to operate a loud amplification device or similar equipment, as defined in subsection 16-26.1, in a dwelling house or on the land or other premises of such dwelling house. (Ord. 1991 c. 4 § 3)

**16-26.10 Enforcement.**

Any person aggrieved by such operation of a loud amplification device or similar equipment in violation of subsections 16-26.7, 16-26.8, or 16-26.9 may complain to the police, who shall enforce this section.

Notwithstanding the provisions of subsection 16-26.6, the police are also hereby authorized to enforce said subsections without any such complaint; nor shall the police be required to verify the decibel level by use of a sound level meter.  
(Ord. 1991 c. 4 § 3)

**16-26.11 Penalties.**

Any person who violates subsections 16-26.7, 16-26.8, or 16-26.9 shall, for the first offense, be given an oral or written warning. The police officer who gives the warning shall make a record of having served the warning, such record to include the following information to the extent that it is available to him: name and address of person warned; name and address of landlord, if applicable; date; time; motor vehicle registration number, if applicable; and location of where the warning was given. If the person warned refuses to give the above-noted information to the police officer, said person shall be punished by a fine of fifty (\$50.00) dollars. The police officer shall give such person a notice of the violation and fine, and the violation and fine shall be disposed of pursuant to G.L. c. 40, sec. 21D.

Any person who subsequently violates this section after having received a warning shall be punished by a fine of fifty (\$50.00) dollars for the second offense; one hundred (\$100.00) dollars for the third offense; and two hundred (\$200.00) dollars for the fourth and subsequent offenses committed within a thirty-six (36)-month period. All fines hereunder shall be recovered by the non-criminal disposition procedures stated in G.L. c. 40, sec. 21D, which procedures are

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## PROHIBITIONS, PENALTIES AND PERMITS

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incorporated herein by reference; provided, however, that if a violator fails to follow the procedures and requirements of said sec. 21D, the fine or fines shall be recovered by indictment or on complaint pursuant to G.L. c. 40 sec. 21 (Ord. 1991 c. 4, § 3)

**16-26.12 Arrest and Seizure of Property.**

Notwithstanding the provisions of any other ordinance of the City of Boston, if a person is arrested by a Boston police officer under the authority of the Massachusetts General Laws, including without limitation the provisions of G.L. c. 272, sec. 54 for disturbing the peace under G.L. c. 272, sec. 53, or any applicable Massachusetts General Law, the arresting officer may, pursuant to said General Laws, seize any loud amplification device or similar equipment, as defined in subsection 16-26.1, as evidence. In the event of such seizure for evidence by a Boston police officer incident to such arrest, such amplification device or similar equipment shall be inventoried and held by the Boston Police Department or its agents, and shall be returned to its owner according to the terms of this section, unless a court of competent jurisdiction orders otherwise.

The arresting officer, in addition to any other reports or procedures required of him, shall give the person claiming to be the owner of said loud amplification device or similar equipment a receipt indicating where, when, and for what reason said device or equipment was seized, and for what purpose it is being held. Copies of said receipt shall be filed in the Boston Police Department and shall be made available to the court. No receipt shall be redeemed and no such device or equipment shall be returned to any person unless and until all judicial proceedings that may be held regarding the criminal allegations shall have been finally completed; provided, however, that if a motor vehicle shall be seized incident to an arrest, such motor vehicle may be returned to its registered owner if said loud amplification device or equipment has been duly removed therefrom with the written permission of the registered owner of said motor vehicle. In such cases, the Police Department shall provide said owner with a receipt for the removed device or equipment as herein provided. (Ord. 1991 c. 4 § 3)

**16-26.13 Exemptions.**

The following are exempted from the provisions of Section 16-26 and shall not be considered unreasonable or excessive noise for purposes of this section:

- a. Noise from law enforcement motor vehicles.
- b. Noise from emergency vehicles which is emitted during an actual emergency.

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CITY OF CAMBRIDGE  
CAMBRIDGE, MASSACHUSETTS 02139

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EXECUTIVE DEPARTMENT  
ROBERT W. HEALY  
City Manager

RICHARD C. ROSSI  
Deputy City Manager

October 19, 1998

To The Honorable, The City Council:

Please find attached a response to Awaiting Report Item 4, regarding an amendment to the code to address ultra loud car stereos and information on adopting a program such as Boston's "turn down the music", received from City Solicitor Russell B. Higley.

Very truly yours,

Robert W. Healy  
City Manager

RWH/mec  
Attachment

6495

Consent Agenda #10

Relative to AW Repoet #4  
regarding an amendment to the code  
to address ultra loud car stereos  
and information on adopting a  
program such as Boston's "turn down  
the music"

October 19, 1998

In City Council October 19, 1998

**PLACED ON FILE**