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CITY OF CAMBRIDGE

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April 7, 1999

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

Re: Noise Ordinance applicability to noise from Churches;
Council Order #037 dated 3/29/99

Dear Mr. Healy:

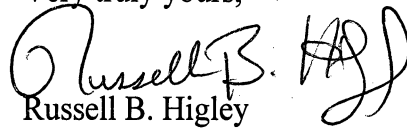
By the above-referenced Council Order (copy attached), the Councilors ask "whether the current city ordinance exempting churches from the Noise Ordinance covers noise other than church bells, such as amplified music...." This question appears to refer to recently enacted exemptions in the Noise Control Ordinance. In particular, section 8.16.060A(3), entitled "Measured noise disturbance" provides that "bell towers or clock towers with bells or chimes" shall be exempt from the decibel level caps in the ordinance; and section 8.16.080, entitled "Non-measured noise disturbances," states that "Bell towers and clock towers with bells or chimes shall be exempt from the operation of this section." Churches are not specifically mentioned in these sections.

There is no exemption in the ordinance specifically for churches. In fact, churches are mentioned in section 8.16.030(17) which defines "Noise sensitive zone" as an area designated "for the purpose of ensuring exceptional quiet." Such zones by definition include "schools, libraries open to the public, churches, hospitals and nursing homes."

The production of amplified music, even from a church, appears to be governed by section 8.16.080B which prohibits:

The using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, loudspeaker or public address systems, unless used by the City of Cambridge, 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 building, structure, vehicle or dwelling unit in which it is located.

Very truly yours,


Russell B. Higley



City of Cambridge

37.

IN CITY COUNCIL

March 29, 1999

COUNCILLOR BORN
COUNCILLOR DAVIS
MAYOR DUEHAY
VICE MAYOR GALLUCCIO
COUNCILLOR REEVES
COUNCILLOR RUSSELL
COUNCILLOR TRIANTAFILLOU

ORDERED: That the City Manager be and hereby is requested to report on whether the current city ordinance exempting churches from the Noise Ordinance covers noise other than church bells, such as amplified music, which is causing late night disturbance in the Pine Street neighborhood.

In City Council March 29, 1999.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

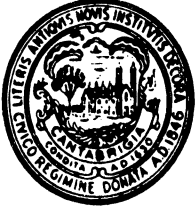
ATTEST:-

A handwritten signature in cursive script that reads "D. Margaret Drury". The signature is written in dark ink and is positioned to the right of the "ATTEST:-" text.

D. Margaret Drury
City Clerk

RECEIVED
CITY SOLICITOR'S
OFFICE

APR 2 11 13 AM '99



CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

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FAX. 349-4307



7.

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

April 12, 1999

To The Honorable, The City Council:

Please find attached a response to Awaiting Report Item No. 99-62, regarding a report on whether the current ordinance exempting churches from the Noise Ordinance covers noise other than church bells, received from City Solicitor Russell Higley.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec
Attachment

Consent Agenda #7

2635

Relative to AW Rpt. #99-62,
regarding a report on whether
the current ordinance exempting
churches from the Noise Ordinance
covers noise other than church
bells.

In City Council April 12, 1999

PLACED ON FILE