

CHAPTER 22. NUISANCE / NOISE

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Article 22.1 Purpose

Noise - The purpose of this Ordinance is to protect, preserve and promote the health, safety, welfare and quality of life of the citizens of Rangeley through the reduction, control and prevention of excessive noise. In addition to 29-A M.R.S.A. §§ 1912, 2079, 2079-A, as may be amended from time to time (regarding motor vehicles); 12 M.R.S.A. § 13070, as may be amended from time to time (regarding airmobiles the following shall apply:

Article 22.2 Definitions:

Unreasonable Noise shall mean any excessive or unusually loud sound that either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensibilities within the Town. Elements to be considered in determining whether noise is excessive in a given situation include, but are not limited to, the following: intensity of the noise, whether the noise is usual or unusual, whether the origin of the noise is natural or unnatural, the intensity of the ambient noise, the proximity of the noise to sleeping facilities, the zoning district within which the noise emanates, the time of the day or night the noise occurs, the duration of the noise, whether the noise is continuous or intermittent, and whether alternate methods are available to achieve the objectives of the sound producing activity.

Person shall mean any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency or political, administrative or legal entity of any kind.

Plainly Audible shall mean any sound that can be detected by a person using his or her unaided hearing faculties. For example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the enforcement officer need not determine the title of a song, specific words, or the artist performing the song. The detection of the rhythmic base component of the music is sufficient to constitute a plainly audible sound.

Article 22.3 Prohibitions:

General Prohibitions. No person or persons shall make, cause to be made, assist in making or continue any excessive, unnecessary or unreasonable noise or disturbance, or any noise or disturbance that disturbs, destroys, or endangers the comfort, health, peace, or safety of others within the immediate vicinity of the noise or disturbance, especially between the hours of 10:00 PM and 7:00 AM.

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Specific Prohibitions. The commission of one or more of the following acts shall be deemed a violation of this Ordinance and shall be considered a noise disturbance and public nuisance, provided that the instrument, device, vehicle or other noise source is plainly audible from (a) the property line of the premises from which the noise emanates if the noise is from a fixed location; or (b) a distance of fifty feet (50') from the building, structure, location or vehicle from which the noise emanates, whichever distance is greater:

1. **Horns and Signaling Devices.** The repeated sounding of any horn or signal on any automobile, motorcycle or other vehicle except as a danger warning; the creation, by means of any other signaling device, of any unreasonable loud or harsh sound; and the sounding of any such device for unnecessary and/or unreasonable periods of time.

2. **Mobile, Portable or Outdoor Electronic Sound-producing Devices.** The playing or use of a mobile, portable or outdoor electronic sound-producing device in such a manner or with such volume at any time and place as to disturb, destroy or endanger the comfort, repose or peace of persons.

3. **Radios, Musical Instruments and Phonographs.** The playing, using or operating of any radio, musical instrument, or other machine or device for the production or reproduction of sound in such a manner as to disturb the peace, quiet, comfort or repose of any other persons in the vicinity with a volume louder than is necessary for the reasonably convenient hearing for the person or persons or voluntary listeners thereto who are in the immediate vicinity, vehicle or chamber in which such machine or device is operated between the hours of 10:00 PM and 7:00 AM or at any time so as to annoy or disturb the quiet, comfort or repose of any persons located within or upon the premises of any office, dwelling, hotel or other type of residence or business.

4. **Vocal disturbances.** Yelling, shouting, singing, hooting and whistling between the hours of 10:00 PM and 7:00 AM or at any time which makes an unreasonable noise which annoys or disturbs the quiet, comfort or repose of any persons located within or upon the premises of any office, dwelling, hotel or other type of residence or business.

5. **Vehicular Noise.** Vehicles used, operated, or revved in such a manner as to create loud and unnecessary noise that is audible above background sounds and that disturbs the peace and quiet of others.

6. **Exhaust.** The discharge into the open air of the exhaust of any steam engine, internal combustion engine, motorboat, or motor vehicle, except through a muffler or other device that will effectively prevent loud or explosive noises therefrom.

7. **Parties and Other Social Events.** It shall be unlawful for any person in charge of a party or other social event to allow that party or event to produce unreasonable noise. A person shall be deemed to be in charge of a party or social event when that event occurs on private property and the person is present at the event and

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resides on the premises involved or is a person who lives in or on the premises involved and who has authorized the use of the premises for such event.

Animal Noise Prohibitions. Except as provided in subparagraphs 1 and 2 below, no owner shall permit or allow any animal to bark, howl or make other sound common to its species if such sounds recur in steady, rapid succession for 20 (twenty) minutes or more or to recur intermittently for one hour or more.

1. Shall not apply if any animal is provoked by trespassing people or animals on private property on which the animal is situated or by other legitimate cause for provocation.
2. Shall not apply to farm animals kept on property the principal use of which is the production of farm products, or to commercial kennels.

Article 22.4 Exemptions:

The following shall be considered exempt from this Ordinance:

1. Any person who has obtained a Special Sound Permit from the Town.
2. All signaling devices, safety signals and warning devices required by state, federal, or local law; all signaling devices, safety signals and warning devices installed pursuant to manufacturer's specifications; or any other device used to alert persons to any emergency or used during the conduct of emergency work including, but not limited to, police, fire and medical/rescue vehicle sirens.
3. Any vehicle owned by and operated by federal, state or local government or a utility in the performance of its duties.
4. Any government or utility emergency repair.
5. Noise associated with a bona fide response to an emergency situation that poses a threat to the public health, safety or welfare.
6. Musical, recreational and athletic events conducted by and on the site of a school or municipal facility.
7. Equipment for maintenance of lawns and grounds during the hours of 7:00 A.M. to 10:00 P.M. (including, but not limited to, lawn mowers, hedge trimmers, weed trimmers, chain saws and leaf-blowers).
8. Noise associated with routine snow removal activities where customary practices and equipment are used and where the snow removal equipment is operated within the manufacturer's specifications and in proper operating condition.

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9. Any activity or conduct, the regulation of which has been preempted by federal or state law.

10. Logging and commercial trucking companies.

11. Any business that holds a valid liquor license issued by the State of Maine may have musical entertainment during normal business hours.

Article 22.5 Quiet-Hours construction permits

The Code Enforcement Officer may issue or renew a quiet-hours construction permit only upon finding that:

1. The public health and safety will not be impaired by said construction between the hours of 10:00 p.m. and 7:00 a.m.
2. All quiet-hours construction permits shall meet the following provisions:
 - a. The permit shall expire when the urgent necessity ceases to exist, regardless of the term of the permit.
 - b. The length of any one permit may not exceed three days.
 - c. Permits may be renewed in additional three-day increments.
3. The Board of Selectmen may set permit fees from time to time. No permit shall be issued except upon payment of the applicable fee, if any.

Article 22.6 Special Sound Permits

Any person may apply to the Town Manager for a Special Sound Permit to authorize the production or generation of noise that would otherwise be in violation of this Ordinance prior to engaging in such activity. Any request for such a permit must be made at least forty-eight (48) hours before the time the intended noise-producing activity will commence. The Town Manager or his designee has the authority to grant or deny a Special Sound Permit, but the decision shall be made subject to the following standards:

1. The activity producing the noise must be an event that occurs infrequently on the premises for which the Special Sound Permit is requested.
2. The applicant may not receive more than two (2) Special Sound Permits for any particular premises in any twenty-eight (28) day period.
3. Reasonable conditions may be imposed on the Special Sound Permit.

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Article 22.7 Appeal of Denial of Special Sound Permit

An applicant may appeal the denial of a Special Sound Permit to the Board of Selectmen. Such an appeal must be filed within ten (10) days of the denial of the permit. The Board of Selectmen shall conduct an administrative hearing on the appeal. In the event such an appeal is not satisfactorily resolved before the Board of Selectmen, the applicant may appeal the Board of Selectmen's decision to Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

Article 22.8 Violations and Penalties

A violation of this Ordinance shall be a civil violation.

Any municipal officer or their designee or any sworn law enforcement officer of the Rangeley Police Department or their designee may issue a civil violation complaint, in the same manner as would be the case with a parking violation, to the individual responsible for any such device emitting sound in violation of this Ordinance, including the driver of a motor vehicle, or the registered owner of the vehicle, the owner of record of a residence, the proprietor of a business or the person who is in physical control of the device responsible for the unreasonable or excessive noise. Actions shall be prosecuted in Maine District Court located in Farmington in accordance with Rule 80H of the Maine Rules of Civil Procedure.

For any first violation of this Ordinance, there shall be imposed a civil fine or penalty in such amount as specified in the Rangeley Fee Schedule, as established by order of the Board of Selectmen and as amended by the Board of Selectmen from time to time. Each subsequent violation within a two (2) year period from the date of the first violation shall carry with it a civil fine or penalty of double the prior penalty. A violation-free period of two (2) years shall return the penalty to the minimum.

In addition to civil penalties for any violation hereof, the District Court shall require the violator to pay the Town's reasonable attorney's fees and costs incurred in connection with prosecution of the enforcement action.

A person charged with a violation of this Ordinance may admit the violation and avoid the necessity of further legal action by payment of a waiver fee to the Town in the amount of the minimum fine for the violation; provided, however, that the violation(s) alleged in the civil violation complaint shall be deemed admitted for the purpose of assessing any future penalties under this section. Upon receipt of such payment to the Town, the Town shall cause the complaint to be dismissed. Failure to pay the waiver fee within seven (7) days from the date of issuance of the complaint shall result in further enforcement action, including, without limitation, liability for the full amount of the fine for the violation and any other appropriate relief.