

## Town of Southborough Noise Pollution Guidance

According to the Town of Southborough's noise bylaw (article 26), the Board of Health and Police have authority to investigate noise pollution complaints and enforce its law. The noise standards are as follows:

### SECTION 1: POLICY

#### Exterior Noise Standards

Unless further defined by standards within the bylaw, it shall be unlawful for any person at any location within the area of the Town to create any loud noise, or to allow the creation of any loud noise, on property owned, leased, occupied or otherwise controlled by such person, which causes an unreasonable disturbance beyond the property line that disturbs the peace.

#### Homeowner Work Noise Standards

Noise associated with Homeowner work is allowed between 7:00 AM and 8:00 PM on weekdays, 8:00 AM and 9:00 PM on Saturdays, Sundays and Holidays.

#### Contracted Work Noise Standards

Noise associated with Contracted Work is allowed between 7:00 AM and 7:00 PM on weekdays and 8:00 AM and 6:00 PM Saturdays. Contracted Work shall not be allowed on Sundays or Holidays.

Any work that generates an unreasonable noise disturbance beyond the property line with a New Construction Permit or Demolition Permit is only allowed between 7:00 AM and 6:00 PM on weekdays and 8:00 AM and 2:00 PM Saturdays. This activity shall not be allowed on Sundays or Holidays.

### SECTION 2: PROCEDURES FOR RESIDENTS

1. Good Neighbor Policy. When citizens have complaints about any sound, whether it is covered by a specific law or not, all agencies that regulate noise in Southborough advise people to attempt to discuss the issue directly with the person or entity producing the sound in order to try and achieve a solution.
2. Allow Time for Resolution. Give the person or entity an appropriate time frame to do something about it. If the situation hasn't changed after that time, it may then be necessary to contact the appropriate authority that regulates or limits the particular noise source.
3. Contact the Town of Southborough. Noise complaints may be filed in two manners:
  1. Nuisance Complaint Form Online - Please fill out pertinent information related to the noise complaint online by visiting <https://www.southboroughtown.com/health-department/webforms/nuisance-form>
  2. Phone call - Please see list of phone numbers below to call, categorized by the appropriate noise type.

Noise	Authority	Contact Information
Industrial Stationary Commercial/Business	Board of Health	1. Online: <a href="https://www.southboroughown.com/health-department/webforms/nuisance-form">https://www.southboroughown.com/health-department/webforms/nuisance-form</a> or call 508-481-3013
Contracted Work	Police	508-485-2121
Residential Property	Police	508-485-2121
Residential Property (Multi-Unit)	Police	508-485-2121
Public Property	Police	508-485-2121

### SECTION 3: VIOLATIONS AND PENALTIES.

1. Any person or business who violates any provision of town bylaw (Article 26), if found responsible, may be fined as follows:
  - a. A warning for first offense.
  - b. \$50 for the second offense within 180 days of first offense.
  - c. \$100 for the third offense within 180 days of the preceding offense.

### SECTION 4: NOISE COMPLAINT PROCEDURES FOR BOARD OF HEALTH OFFICIALS

1. Commence investigation. Upon receipt of noise pollution complaint pertaining to stationary industrial or commercial noise, a Board of Health official will commence investigation. As the Town of Southborough's noise bylaw encompasses unreasonable disturbance beyond the property line that disturbs the peace, all complaints will be investigated. Investigation may include obtaining information from both the Complainant and Responsible Party (and is not limited to):
  - Location of noise complaint
  - Date(s) and time(s) of noise complaint
  - Media of noise (audio and/or video)
  - Sound measurement.<sup>1</sup> If needed for investigation and based on their discretion, the Board of Health may elect to conduct their own sound measurement. Additionally, the Board of Health may request the potential Responsible Party to obtain a sound study by an independent sound expert.
    - Sound level meters
      - The American National Standards Institute (ANSI) Standard S1.4-1983, "Specifications for Sound Level Meters" sets performance and accuracy tolerances according to three levels of precision: Types 0, 1, and 2. Type 0 is used in laboratories, Type 1 is used for precision measurements in the field, and Type 2 is used for general-purpose measurements. Sound level measurements from smart phone applications are not reliable and shall not be considered or reviewed for any purposes.

- Settings
  - Sound level meter response settings must be set in accordance with the particular noise that is measured. The sound level meter shall be set to slow response for continuous noise sources and fast response for noise with rapid onset and decline.
  - For most noise sources, compliance is assessed on the A-weighted relative sound pressure level.
- Calibration
  - To ensure measurement accuracy, all instruments must be calibrated according to the manufacturer's instructions. In addition, field calibration shall be performed prior to and after each use and whenever temperature and/or relative humidity changes significantly.
- Measurements with a sound meter
  - The inspector or department investigating the sound determines the appropriate period of time over which to take the measurement. If a group of sources on one property is contributing to the noise issue and are all under the control of the property owner, the group shall be treated as a single source and for compliance purposes the noise level shall be measured with all sources operating unless the owner can provide visual and/or written documentation that proves the sources are incapable of operating either simultaneously or as correctly calculated using standard methods.
- Measurements of Audibility (without a Sound Level Meter)
  - Take note of any plainly audible sounds.
- Measurement location.<sup>1</sup>
  - General
    - Measurements shall always be performed at a location safe for the inspector. If ladders must be used to access an appropriate measurement location, guidelines for safe ladder use must be employed. Telescoping boom poles and microphone extensions may be used to assess areas that would otherwise be hazardous for an inspector to access.
    - If a safe location for assessing sound is not available, the responding department has the discretion to investigate the sound in an alternative way, including but not limited to: estimation using standard modeling or calculation techniques, based on analogous standards studies, or calculations using local measurements at nearby locations or review of third-party reports; the responding department also has the discretion to decline to investigate certain noise complaints if it is not possible to investigate safely, and/or if there is sufficient evidence that a public health hazard is not present.
  - Outdoor noise measurement location
    - Sound waves may bounce or be attenuated by walls, soundproofing, windows, vegetation, or other surfaces. Any outdoor measurements to evaluate compliance on residential, commercial, or industrial property shall take place not less than four feet above the ground, at least four and one-half feet distant from walls or similar large reflecting surfaces, and protected from the effects of wind and other extraneous sounds by the use of appropriate windscreens.

- The threshold distance is defined as the linear distance from a sound source within which sound must be evaluated for compliance purposes. For stationary noise sources the threshold distance is defined as the property plane at a point that intercepts the line of sight from the source to an existing human receptor.
  - Outdoor measurements taken beyond the threshold distance for a particular standard may be used for compliance purposes if the sound is measured within the line of sight of the source and the measured sound level is greater than that allowed by the law; however, measurements beyond the threshold distance for a particular standard that are lower than what is allowable may not be used to demonstrate compliance.
1. Time of day of measurement.<sup>1</sup>
    - Response and investigation
      - It is not required that noise investigations and sound measurements be conducted at the exact time of a noise complaint. In addition, except when approved by management at the enforcing department, the evaluation of noise sources relative to standards and limits shall be conducted during regular working hours, which differ among enforcing Departments.
    - Third party acoustical reports
      - Sound level measurements may be performed and submitted by experienced acoustical consultants for inclusion in a property or enforcement file. Measurements made by a third party may not be used for enforcement purposes.
  2. Determine validity of noise pollution.<sup>1</sup> Based on the discretion of the Board of Health official, determine validity of the noise complaint. A Department's decision whether a noise source is a violation or not is up to the enforcing Department. Each enforcing agency has its own appeal process.
  3. Enforcement.<sup>1</sup> Enforcement is detailed by the noise bylaws. The enforcing agency has discretion to provide adequate time for property or business owners to hire consultants, find funding, install and/or implement a noise mitigation measure. Each enforcing agency has discretion to determine which noise cases will be investigated; a noise complaint may be referred to another city, state, or federal agency as appropriate. If a responsible party fails to comply with a Board of Health's decision that a violation exists, enforcement will proceed in accordance with the Board of Health's bylaw and may result in violations and penalties as detailed in the noise bylaws.
  4. Appeals.<sup>1</sup>
    - If a complainant does not agree with the Board of Health's decision to investigate a noise complaint or determination of regarding an investigated complaint, the complainant has the option of hiring a third-party vendor. The enforcing Department will have the option to review the third-party report and may reverse their decision or not.
    - If a Responsible Party does not agree with a Department's determination regarding an investigated noise violation, the Responsible Party has the option of hiring a third-party vendor. The enforcing Department will have the option to review the third-party report and may reverse their decision or not.
  5. Repeat Complaints.<sup>1</sup> Once a complaint is closed, new complaints from the same individual about the same location will not be investigated unless the complainant is able to provide evidence which would justify opening a new and substantially different complaint. In order to prevent abuse of the noise ordinance, unfair business practices, and/or harassment, if a second complaint is filed and it is

established that a violation does not exist, subsequent complaints will not be investigated unless it is deemed necessary by the responding Department (either the Board of Health or Police).

**Drafted by:** BOARD OF HEALTH


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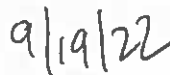
  
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Heather Alker, MD, MPH  
Town of Southborough Public Health Director

  
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Date

  
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Board Chair – Chelsea Malinowski

  
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Date

  
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Board Vice Chair – Saldar Medina

  
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Date

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Board Clerk – Nancy Sacco

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Date

**Reference**

1 - 2014. *San Francisco Police Code Article 29: Regulation of Noise Guidelines for Noise Control Ordinance Monitoring and Enforcement*. [ebook] San Francisco: City of San Francisco, pp.7 - 23. Available at: <https://www.sfdph.org/dph/files/EHSdocs/ehsNoise/GuidelinesNoiseEnforcement.pdf> [Accessed 20 July 2022].