

## Chapter 115. NOISE CONTROL

### § 115-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

#### **ACOUSTICAL TERMINOLOGY**

Used throughout this section, is that most recently approved as American Standard Acoustical Terminology by the American National Standards Institute (ANSI).

#### **AVERAGE BACKGROUND NOISE**

The average of at least five sound-level measurements, absent any noise as defined in § 115-2, measured in dBA at intervals of one minute or more by a Type 2 sound-level meter set at slow meter response. Said measurements shall be taken at the same location as measurements of allegedly excessive noise.

#### **dBA or dB(A)**

The A-weighted sound-pressure level in decibels as measured by a general-purpose (Type 2) sound-level meter complying with the provisions of ANSI Standard S1.4-1971. Specifications for Sound Level Meters, as most recently amended.

#### **TYPE 2 SOUND-LEVEL METER**

Any sound-level meter complying with said provisions. Any meter used to make measurements under the provisions of this chapter shall be properly calibrated to ensure that it meets ANSI Standard S1.4-1971 and shall be operated on the "A" weighting network.

### § 115-2. Excessive noise prohibited.

- A. Any noise from any source between the hours of 8:00 p.m. and 8:00 a.m. that continues steadily or intermittently for a period of 15 minutes or more at a level in excess of 20 dBA above average background noise for the time and place is hereby prohibited except agricultural activity or by permit as provided in § 115-3A. Said noise shall be measured by a Type 2 sound-level meter, set at fast meter response, at a distance of at least 50 feet from the source.
- B.

Any noise from any source measured at a level higher than 86 dBA by a Type 2 sound-level meter, set at fast meter response, at a distance of 50 feet from the source, is prohibited at any time except by permit as provided in § 115-3A or as excepted in § 115-4.

- C. The use of any device which makes a sound, whether audible or inaudible, with the intent to cause pain, suffering, or irritation to any other person, or that actually causes pain or suffering to any person, is prohibited at any time except when used by law enforcement personnel who are acting in an official capacity. This includes, but is not limited to, ultrasonic devices that are used to disperse gatherings of persons.  
[Added 5-14-2007 ATM, Art. 14]

### § 115-3. Applications for permits.

- A. Applications for permits for noise levels exceeding the limits specified in this section shall be made to the Selectmen and shall contain a statement as to why such relief is requested. A permit may be granted by the Selectmen for a period not to exceed six months and may contain conditions to minimize adverse effects on the neighborhood or the community at large.
- B. A permit so granted may be renewed only after a public hearing advertised in a newspaper of general circulation in Great Barrington at least 14 days before the date of the hearing, with written notice to abutters. Said permit may be renewed for an additional period of no more than six months, provided that the Selectmen make a finding that the renewal is necessary to provide additional time for the applicant to modify his activity or operation to comply with this section. No more than one renewal may be granted for any permit.

### § 115-4. Exceptions.

The provisions of this section shall not apply to warning devices, such as horns or sirens; to emergency equipment or vehicles, such as fire engines, ambulances, police and rescue vehicles and the like; to motor vehicles operated lawfully in accordance with the provisions of the Federal Noise Control Act of 1972 as amended; to snow plows or other municipal equipment while in operation; to the Great Barrington airport; to church bells; or to lawful activities of temporary duration, including but not limited to parades, firework displays, concerts, target shooting or hunting.