

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF EAST GREENWICH, CHAPTER 152 THEREOF, ENTITLED “NOISE”, ARTICLE I “GENERAL PROVISIONS”, SECTION 152-2 “DEFINITIONS”, SECTION 152-3 “SOUND LEVEL MEASUREMENT CRITERIA” AND SECTION 152-4 “MAXIMUM PERMITTED NOISE LEVEL”; ARTICLE II “AMPLIFIED SOUND”, SECTION 152-9 “FILING AND APPROVAL OR DISAPPROVAL OF PERMIT” AND SECTION 152-10 “PERMIT FEES”.

The Town Council of the Town of East Greenwich hereby ordains:

Section 1. Chapter 152, Article I, titled “General Provisions” and Article II, titled “Amplified Sound” of the Ordinances of the Town of East Greenwich are hereby amended to read as follows:

Chapter 152 – Noise

Article I – General Provisions

§ 152-2. Definitions.

For the purposes of this chapter, certain terms shall have the meanings ascribed to them in this section, unless the context clearly indicates otherwise:

AMBIENT NOISE

The all-encompassing noise associated with a given environment, exclusive of a particular noise being tested, being usually a composite of sounds from many sources, near and far, exclusive of intruding noises from isolated identifiable sources.

DECIBEL (db)

A unit of measure often used in describing the amplitude of sound which denotes the ratio between two quantities which are proportional to power; the number of decibels corresponding to the ratio of two amounts of power is 10 times the logarithm to the base 10 of this ratio.

EMERGENCY WORK

Work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from an imminent exposure to danger, or work by private or public utilities when restoring utility service.

MOTOR VEHICLES

Includes, but is not limited to, minibikes and go-carts.

MAXIMUM PERMITTED SOUND LEVEL

The maximum permitted sound level, as used in this chapter, is the maximum sound level that may be lawfully made pursuant to this chapter and any sound exceeding this sound level is punishable pursuant to § 152-5.

SOUND-AMPLIFYING EQUIPMENT

Any machine or device for the amplification of the human voice, music or any other sound. Sound-amplifying equipment shall not include standard automobile radios when used and heard only by the occupants of the vehicle in which the automobile radio is installed. Sound-amplifying equipment as used in this chapter shall not include warning devices on any vehicle used only for traffic safety purposes.

SOUND LEVEL (also NOISE LEVEL), IN DECIBELS (db)

The sound measured with the "A" ~~or "C"~~ weighting, as set forth herein and slow response (one second averaging) by a sound-level meter, except as set forth in § 152-9(D) for licensing of amplified sound equipment by an Entertainment License Holder.

SOUND-LEVEL METER

An instrument, including a microphone, amplifier, RMS detector, integrator or time averager, output or display meter, and weighting networks, used to measure sound pressure levels, which complies with ANSI Standard 1.4-1971, as the same may be revised.

SOUND TRUCK

Any motor vehicle or any other vehicle regardless of motive power, whether in motion or stationary, having mounted thereon or attached thereto any sound-amplifying equipment.

TOWN

The Town of East Greenwich, Rhode Island.

§ 152-3. Sound level measurement criteria.

[Amended 5-12-2014 by Ord. No. 835]

Any sound level measurement made pursuant to the provisions of this chapter shall be measured with a sound-level meter using the "A" weighting. ~~For amplified musical material, sound level measurements shall also be measured using the "C" weighting with a one (1) minute Leq. (~~ equivalent continuous sound level), except as set forth in § 152-9(D) for licensing of amplified sound equipment by an Entertainment License Holder.

§ 152-4. Maximum permitted noise level.

[Amended 5-12-2014 by Ord. No. 835]

A. The noise levels listed in this section shall be the maximum permitted sound levels used for the purposes of this chapter, unless another maximum permitted sound level is provided for in this chapter:

Zoning District	Time	Sound Level (dbA)
R-6, R-10, R-20, R-30	10:00 p.m. to 7:00 a.m.	55
R-6, R-10, R-20, R-30	7:00 a.m. to 10:00 p.m.	60
F, F-1, F-2	10:00 p.m. to 7:00 a.m.	55
F, F-1, F-2	7:00 a.m. to 10:00 p.m.	60
CD, CL, CH	10:00 p.m. to 7:00 a.m.	65
CD, CL, CH	7:00 a.m. to 10:00 p.m.	70
W	10:00 p.m. to 7:00 a.m.	65
W	7:00 a.m. to 10:00 p.m.	70
M	Any time	75

B. Irrespective of zoning district, these maximum permitted sound levels and times shall apply to property located east of the railroad tracks, north of Rocky Hollow Road, and bounded by the East Greenwich Cove and the East Greenwich Town line (hereinafter referred to as the “Waterfront Area”). As provided in § 152-5, sound in excess of these stated limits shall constitute a violation of this chapter. Sound-amplifying equipment may only be operated out of doors in the Waterfront Area during the dates and hours stated below. The maximum permitted sound limits are as follows:

(1) From Friday of Memorial Day weekend to the end of Labor Day weekend:

Day	Time	Sound Level (dbA)	Sound Level (dbC)
Monday, Tuesday, Wednesday	6:00 p.m. to 10:00 p.m.	60 65	65
Thursday	8:00 p.m. to 12:00 midnight	60 65	65
Friday	5:30 p.m. to 12:30 a.m.	60 65	65
Saturday	2:00 p.m. to 12:30 a.m.	60 65	65
Sunday*	2:00 p.m. to 10:00 p.m.	60 65	65
Monday holidays	2:00 p.m. to 10:00 p.m.	60 65	65

* Except on holiday weekends: 12:00 midnight

(2) Then, from the Labor Day weekend to the last weekend of September:
[Amended 4-24-2017 by Ord. No. 867]

		Sound Level (dbA)	Sound Level (dbC)
Thursday	7:00 p.m. to 12:00 midnight	60 65	65
Friday	7:00 p.m. to 12:00 midnight	60 65	65
Saturday	7:00 p.m. to 12:00 midnight	60 65	65
Sunday	4:00 p.m. to 8:00 p.m.	60 65	65

Article II. Amplified Sound

§ 152-9. Filing and approval or disapproval of permit.

A. Application for Non-entertainment License Holder. Every person not holding an entertainment license, and seeking to use sound-amplifying equipment shall file a permit application with the Police Department. A permit issued hereunder shall be valid for a maximum period of one week; application shall be made at least 24 hours prior to issuance. The application shall contain the following information:

- (1) The name, address and telephone number of the person to whom the permit is to be issued;
- (2) The license and motor number if a sound truck is to be used;
- (3) A general description of the sound-amplifying equipment which is to be used; and
- (4) Whether the sound-amplifying equipment will be used for commercial or noncommercial purposes.

B. Approval of Non-entertainment License Holder permit applications. The Police Chief shall return to the applicant an approved certified copy of the permit statement unless he or she finds that:

- (1) The conditions of the motor vehicle movement are such that, in the opinion of the Chief of Police, the use of the equipment would constitute a detriment to traffic safety;
- (2) The conditions of pedestrian movement are such that use of the equipment would constitute a detriment to traffic safety; or
- (3) The permit statement would violate one or more of the provisions set forth elsewhere in this chapter.

C. Disapproval of Non-entertainment License Holder permit. In the event the permit application is disapproved, the Chief of Police shall endorse thereupon his or her reasons for disapproval and return it forthwith to the applicant.

D. Application for Entertainment License Holder. Every person holding an entertainment license, and seeking to use sound-amplifying equipment shall file a permit application with the Town Clerk, with such application to be developed by the Town Manager and Town Clerk.

The Applicant shall affirmatively demonstrate, by sound testing conducted by a qualified expert who either is (1) a full member of the Acoustical Society of America or the Institute of Noise Control Engineering; or (2) Board certified by the Institute of Acoustical Engineering, that amplified music shall not exceed the maximum permitted sound level at the property line and also shall not exceed 70 dbC at the property line. Sound testing shall be completed at the Applicant's expense utilizing the same or substantially similar sound-amplifying equipment with documented volume/gain level on the equipment that will be used during the Applicant's business hours to test (1) amplified pink noise; and (2) amplified recorded music representative of the music that will be customarily played through the sound-amplifying equipment. A permit for use of sound-amplifying equipment by an entertainment license holder shall be valid only for the same or substantially similar sound-amplifying equipment that was tested by the aforementioned qualified expert at the time of the application for a period of up to one year and shall entitle the Police

Department to enter the premises of the permit holder to test sound levels and inspect the sound-amplifying equipment to ensure that it is the same or substantially similar sound-amplifying equipment used in the sound testing conducted at the time of application. A permit for use by an entertainment license holder shall be valid for a period of up to one year.

E. Approval or Disapproval of Entertainment License Holder Applications. The Town Council shall hold a public hearing on all such applications, and may approve, approve with conditions, or disapprove of such amplification permit, consistent with the purposes of this chapter,

§ 152-10. Permit fees.

Prior to the issuance of the permit statement, the applicant shall pay the Town a fee in the amount of ~~\$200~~^{\$100} for a permit by an entertainment license holder, or \$10 for a permit for a non-entertainment holder if the loudspeaker or sound-amplifying equipment is to be used for commercial purposes. No fee shall be required for the operation of sound-amplifying equipment for noncommercial purposes by a non-entertainment license holder.

Section 2: This ~~ordinance~~amendment shall become effective as to all sections except § 152-9(D) upon adoption; and as to only § 152-9(D) as follows:

For Entertainment License Holders subject to § 152-4(B) on November 30, 2023,

For all Entertainment License Holders on Main Street or in any structure located within two hundred feet of Main Street on November 30, 2024, and

For all Entertainment License Holders in the Town on November 30, 2025.