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**PUBLIC HEARING NOTICE  
TOWN OF JAMESTOWN**

Notice is hereby given that the Town Council of the Town of Jamestown will conduct a public hearing on August 17, 2020 at 6:30 p.m. on the following proposed amendment to the Code of Ordinances regarding Chapter 22 – Noise. Opportunity shall be given to all persons interested to be heard upon the matter at the public hearing. The following proposed ordinance amendment is under consideration and may be adopted and/or altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any alteration or amendment must be presented for comment in the course of the public hearing. The proposed amendment is available for review and/or purchase at the Town Clerk’s Office between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding Holidays and on the Town’s web site at [www.jamestownri.net](http://www.jamestownri.net).

**PURSUANT TO EXECUTIVE ORDER NO. 20-05 EXECUTED BY GOVERNOR GINA RAIMONDO ON MARCH 16, 2020, THIS MEETING WILL BE TELECONFERENCED VIA ZOOM:** The public is invited to observe and participate in the deliberations of this meeting by accessing the meeting link set forth herein. For those without access to video observation platforms, you may also call in to listen to the deliberations of this meeting by using the call in phone number provided herein. To participate during Public Hearing or Public Input you will press \*9 to raise your hand. Please join the Zoom Meeting as follows:

**JOIN VIA PHONE: 1-646-558-8656 or 1-301-715-8592 or 833 548 0276 US Toll-free.  
WHEN PROMPTED, ENTER MEETING ID: 970 3632 6664  
PRESS # AGAIN TO JOIN THE MEETING**

**JOIN VIA COMPUTER OR MOBILE APP:  
Meeting ID: <https://zoom.us/j/97036326664>**

**THIS MEETING WILL ALSO BE LIVE STREAMED: To view the meeting with no interaction:** <http://158.123.195.41/OTRMedia/Town2020/Others2020/StreamPrimJtown.htm>

**Section 1.** Be it hereby ordained by the Town Council of the Town of Jamestown that the Jamestown Code Of Ordinances, Chapter 22, Noise, as the same may have been heretofore amended, is hereby amended by changing the text of the Chapter, as follows:

NOTE: words set as ~~strikethrough~~ are to be deleted from the ordinance; words underlined are to be added to the ordinance.

See Exhibit A, attached hereto and incorporated herein by reference.

**Section 2.** The Town Clerk is hereby authorized to cause said changes to be made to Chapter 22 of the Town of Jamestown’s Code of Ordinances.

**Section 3.** This Ordinance shall take effect upon its passage.

47 **Exhibit A**

48 **Sec. 22-61. - Statement of public policy.**

49 The town council finds and declares that extreme and excessive noise affects the health, safety  
50 and welfare of its residents and citizens.

51 **Sec. 22-62. - Purpose, title and scope.**

52 (a) The purpose of this article is to establish objective standards to control extreme and  
53 excessive noise by setting maximum permissible sound levels for certain times and places in  
54 town.

55  
56 (b) This article may be cited as the "Noise Ordinance of the Town of Jamestown."  
57

58 (c) This article applies within the town limits as specified below.

59 **~~Sec. 22-63. - Measurement of sound.~~**

60 ~~Decibel measurement under this article shall be made with a sound level meter, which shall be an~~  
61 ~~instrument in good operating condition, meeting the requirements of a type I or type II meter, as~~  
62 ~~specified by American National Standards Institute (ANSI) standard 1.4-1971. For purposes of~~  
63 ~~this article, a sound level meter shall contain A-weighted scale and both fast and slow meter~~  
64 ~~response capability.~~

65 **Sec 22-63 Definitions**

66 Unless otherwise expressly stated or the context clearly indicates a different intention, the  
67 following terms shall have the meanings shown. Definitions of technical terms used shall be  
68 obtained from publications of acoustical terminology used by the American National Standards  
69 Institute (ANSI) or its successor body.

70  
71 **A-SCALE (dBA)** The sound level in decibels measured using the A-weighted network as  
72 specified in ANSI S1.4-1971 for sound level meters. The level is designated “dB(A)” or “dBA.”

73  
74 **CONSTRUCTION** Any and all activity necessary or incidental to the erection, assembly,  
75 alteration, installation, repair or equipping of buildings, roadways, infrastructure, or utilities,  
76 including drilling, blasting, mining, land clearing, grading, excavating and filling.

77  
78 **DECIBEL (dB)** A logarithmic and dimensionless unit of measure often used in describing the  
79 amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of  
80 the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per  
81 square meter).

82 **DEMOLITION** Any dismantling, intentional destruction or removal of structures, utilities, public  
83 or private right-of-way surfaces, impervious surfaces, or similar property.

84

85 **EMERGENCY WORK** Work made necessary to restore property to a safe condition following  
86 a public calamity, work to restore public utilities, or work required to protect persons or property  
87 from imminent exposure to danger.

88  
89 **EXTERIOR GENERATOR** Gas, propane or diesel-powered engine designed to generate  
90 electricity outside the confines of a building.

91  
92 **LOT** Any area, a tract or parcel of land owned by or under the lawful control of one distinct  
93 ownership. Abutting platted lots under the same ownership shall be considered a lot. The lot line  
94 or boundary is an imaginary line at ground level which separates a lot and its vertical extension  
95 owned by one person from that owned by another.

96  
97 **MOTORCYCLE** Any motor vehicle having a saddle or seat for the use of the rider and designed  
98 to travel on not more than three wheels in contact with the ground. The term shall include  
99 motorized bicycles and motor scooters.

100  
101 **MOTOR VEHICLE** Any motor-operated vehicle designed for use on the public highways.

102  
103 **NOISE DISTURBANCE** Any sound which:

- 104       A. Exceeds the dBA level for such sound set out in this chapter and;  
105       B. Annoys, disturbs or endangers the comfort, repose, peace or safety of a reasonable  
106       person of normal sensitivities.

107  
108 **OFF-ROAD RECREATIONAL VEHICLE** Any motor vehicle, including road vehicles but  
109 excepting watercraft, used off public roads for recreational purposes.

110  
111 **PERSON** Any individual, association, partnership or corporation, including any officer,  
112 department, bureau, agency or instrumentality of the United States, a state or any political  
113 subdivision of that state, including the Town.

114  
115 **PLAINLY AUDIBLE (SOUND)** Any sound for which the information content of that sound is  
116 unambiguously communicated to the listener, such as, but not limited to, understandable spoken  
117 speech, comprehension of whether a voice is raised or normal, or comprehensible musical rhythms.

118  
119 **PORTABLE COOLING/HEATING COMPRESSOR**  
120 The gas, propane or diesel compressor attached to a truck, trailer or temporary storage unit whose  
121 purpose is to heat or cool the space to which it is attached.

122  
123 **POWERED MODEL VEHICLE** Any self-propelled airborne, waterborne or land borne model  
124 plane, vessel or vehicle which is not designed to carry persons including, but not limited to, any  
125 model airplane, boat, car or rocket.

126  
127 **PUBLIC RIGHT-OF-WAY** Any street, avenue, highway, boulevard, alley, easement or public  
128 space which is owned by or controlled by a public government entity.

129

130 **PUBLIC SPACE** Any real property, including any structure thereon, which is owned or controlled  
131 by a governmental entity.

132  
133 **PURE TONE** Any sound which can be distinctly heard as a single pitch or set of single pitches.  
134

135 **REAL PROPERTY BOUNDARY** An imaginary line along the ground surface, and its vertical  
136 extension, which separates the real property owned by one person from that owned by another  
137 person, but not including intrabuilding real property divisions.

138  
139 **RECEIVING LAND USE** The use or occupancy of the property which receives the transmission  
140 of sound as defined in this section.

141  
142 **RESIDENTIAL** Any property on which is located a building or structure used wholly or partially  
143 for living or sleeping purposes.

144  
145 **SOUND** An oscillation in pressure, particle displacement, particle velocity or other physical  
146 parameter in a medium with internal forces that cause compression and rarefaction of that medium.  
147 The description of sound may include any characteristic of such sound, including duration,  
148 intensity and frequency.

149  
150 **SOUND LEVEL** The weighted sound pressure level obtained by the use of a sound level meter  
151 and frequency weighting network such as A, B or C, as specified in American National Standards  
152 Institute specifications for sound level meters (ANSI S1.4-1971, or the latest approved revision  
153 thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

154  
155 **SOUND LEVEL METER** An instrument which includes a microphone, amplifier, RMS  
156 detector, integrator or time average, output or display meter, and weighting networks used to  
157 measure sound pressure levels, which complies with American National Standards Institute  
158 Standard 1.4-1971.

159  
160 **ZONING DISTRICTS** Those districts established by and defined in Chapter 82, Zoning, of the  
161 Code of the Town of Jamestown.

162  
163 **Sec. 22-64. - Freedom of speech and expression unaffected.**

164 This article should not be interpreted, construed or applied in a manner that is inconsistent or  
165 violative of the First Amendment to the U.S. Constitution or article I, section 21 of the Rhode  
166 Island Constitution.

167 **Sec. 22-65. - Prohibited noises.**

168 No person shall make, continue or cause to be made or continued, except as permitted, any noise  
169 in excess of the decibel limits set forth in this article.

170

171 **Sec 22-66 Permitted activities and hours**

172 A. Fireworks displays. Fireworks displays licensed by the State of Rhode Island are permitted  
173 between the hours of 7:00 p.m. and 11:00 p.m.

174  
175 B. Loading and unloading. Any person shall be permitted to load, unload, open, close or handle  
176 crates, containers, garbage cans and dumpsters, building materials or similar objects outdoors  
177 between the hours of 5:00 a.m. and 9:00 p.m.

178  
179 C. Construction and manufacturing.

180  
181 (1) Drilling, blasting, mining, manufacturing or demolition work. The operation of any  
182 tools or equipment in drilling, blasting, mining, manufacturing or demolition work or in  
183 preventive maintenance work for public service utilities is permitted between the hours of  
184 7:00 a.m. and 5:00 p.m., except on Sundays or legal holidays. The terms of this section  
185 shall not apply to emergency work or repair work performed by or for governmental  
186 entities or public service utilities for public safety and welfare.

187  
188 (2) Building construction activities. The operation of building construction, alteration or  
189 repair activities is permitted between the hours of: 7:00 a.m. and 8:00 p.m. Monday,  
190 Tuesday, Wednesday, Thursday; 7:00 a.m. and 7:00 p.m. Friday; 8:00 a.m. and 6 p.m.  
191 Saturday.

192  
193 Sundays and legal holidays operation is permitted between the hours of 10:00 a.m. and  
194 6:00 p.m. only when directly performed by the property owner or tenant.

195  
196 D. Domestic power tools. The use of small, domestic power tools or equipment, such as a saw,  
197 drill, sander, grinder or similar device, used outdoors in residential areas is allowed but subject to  
198 the noise levels set out in Sec. 22-68.

199  
200 E. Lawn care and grounds maintenance equipment. The use of lawn care and grounds maintenance  
201 equipment, such as a lawnmower, leaf blower, lawn or garden tool, if used and maintained in  
202 accordance with the manufacturer's specifications, is permitted between the hours of 7:00 a.m. and  
203 8:00 p.m. Monday, Tuesday, Wednesday, Thursday; 7:00 a.m. and 7:00 p.m. Friday; 8:00 a.m.  
204 and 6 p.m. Saturday.

205  
206 Sundays and legal holidays operation is permitted between the hours of 10:00 a.m. and 6:00 p.m.  
207 only when directly performed by the property owner or tenant.

208  
209 F. Operation of snow-removal, street cleaning and public works equipment. The operation of  
210 snow-removal, street cleaning and public works equipment by the Department of Public Works is  
211 allowed at any time, provided that such equipment shall be maintained in good repair so as to  
212 minimize noise. Noise discharged from exhausts shall be adequately muffled so as to prevent loud  
213 and/or explosive sounds being emitted there from.

214  
215 G. Town-permitted activities:

216  
217 (1) Parades or processions for which a parade permit has been issued, provided the  
218 conditions of the permit are complied with.

219  
220 (2) Any athletic event or recreational activity which is conducted and sponsored or funded  
221 in part by any elementary or secondary school or the Town of Jamestown, on property  
222 owned and controlled by the Town of Jamestown.

223  
224 (3) Band concerts or music provided, sponsored or funded, in whole or in part, by the Town  
225 of Jamestown or by any entity qualifying for tax exempt status under Section 501(c)(3) of  
226 the Internal Revenue Code, or on property owned and controlled by the Town of  
227 Jamestown for which a valid permit has been obtained.

228  
229 H. Church or clock carillons, bells or chimes. The emission of sound from church or clock  
230 carillons, bells or chimes is permitted at any time.

231  
232 I. Emergency signaling devices. The testing of a stationary emergency signaling device shall occur  
233 at the same time of day each time the test is performed, but not before 8:00 a.m. or after 9:00 p.m.  
234 Any such testing shall use only the minimum cycle test time. In no case shall the test time exceed  
235 60 seconds. The emission of sound for the purpose of alerting persons to the existence of an  
236 emergency is permitted at any time.

237  
238 J. The operation of an external generator or portable cooling/heating compressor is permitted at  
239 any time during a power outage or a power reduction, or for testing or routine maintenance of the  
240 generator or compressor only between the hours of 10:00 a.m. and 6:00 p.m. Such testing or  
241 maintenance shall be restricted to no more 30 minutes during any seven day period.

242 K. The operation of an external generator or portable cooling/heating compressor is permitted at  
243 any time for use on or in conjunction with an active construction site, provided all other provisions  
244 of the Noise Ordinance are met with respect to hours of construction, and provided further that  
245 continuous operation of a generator or compressor at a construction site is permitted where said  
246 operation is integral to the nature of the construction project itself and industrial activities  
247 otherwise permitted in an industrial zone.

248 L. Aircraft. The movements of aircraft which are in all respects conducted in accordance with, or  
249 pursuant to, applicable federal laws or regulations are permitted.

250

251 ~~**Sec. 22-67. -- Maximum permissible sound levels.**~~

252 **22-67. Specific activities prohibited.**

253 The following acts and the causing thereof are declared to be in violation of this chapter:

254  
255 A. Radios, television sets, musical instruments and similar devices. No person shall operate, play  
256 or permit the operation or playing of any radio, television, phonograph, drum, musical instrument,

257 sound amplifier or similar device, or any combination of the same, which produces, reproduces or  
258 simulates amplified sound:

259  
260 (1) In such a manner as to create a noise disturbance across a real property boundary.

261  
262 (2) In such a manner as to create a noise disturbance at 50 feet from such device, when  
263 operated in or on a motor vehicle on a public right-of-way or space, or in a boat on public  
264 waters.

265  
266 (3) In such a manner as to create a noise disturbance to any person other than the operator  
267 of the device when operated by any person on either a common carrier, public beach, park,  
268 playground or other public recreational area.

269  
270 B. Animals and birds. No person shall own, possess or harbor any animal or animals, bird or birds  
271 which frequently or for continued duration howls, barks, meows, squeaks, or makes other sounds  
272 which create a noise disturbance across a real property boundary.

273  
274 C. Vehicle or motorboat repairs and testing. No person shall repair, rebuild, modify or test any  
275 motor vehicle, motorcycle or motorboat in such a manner as to cause a noise disturbance across a  
276 real property boundary.

277  
278 D. Motorboats, jet skis and similar devices. No person shall operate or permit the operation of any  
279 motorboat, jet ski or other similar device in any lake, river, stream or other waterway in such a  
280 manner so as to cause a noise disturbance and/or as to exceed a sound level of 50 dBA at 200 feet  
281 or the nearest shoreline, whichever is less.  
282 F. Motor vehicles.

283 (1) Motor vehicle maximum sound levels. No person shall operate or cause to be operated  
284 a public or private motor vehicle or motorcycle on a public right-of-way at any time in such  
285 a manner as to create a noise disturbance.

286  
287 (2) Adequate mufflers or sound-dissipative devices.

288  
289 (a) No person shall operate or cause to be operated any motor vehicle or motorcycle  
290 not equipped with a muffler or sound-dissipative device in good working order and  
291 in constant operation.

292  
293 (b) No person shall remove or render inoperative or cause to be removed or  
294 rendered inoperative, other than for purposes of maintenance, repair or  
295 replacement, any muffler or sound-dissipative device on a motor vehicle or  
296 motorcycle.

297  
298 (3) Motor vehicle horns and signaling devices. The following acts and the causing thereof  
299 are declared to be in violation of this chapter:

300

301 (a) The sounding of any horn or other auditory signaling device on or in any motor  
302 vehicle on any public right-of-way or public space, except as a warning of danger  
303 or as provided in the Vehicle Code.

304  
305 (b) The sounding of any horn or other auditory signaling device so as to create or  
306 cause a noise disturbance.

307 **Sec 22-68 Penalties Sec 22-68 Sound Levels by receiving land use**

308 A. Maximum permissible sound levels by receiving land use. With the exception of sound  
309 levels elsewhere specifically authorized or allowed in this chapter, no person shall operate  
310 or cause to be operated, make, continue or cause to be made or continued any noise or  
311 source of sound as to create a sound level which exceeds the limits set forth for the  
312 receiving land use category in Table 1 when measured at or within the property boundary  
313 of the receiving land use.

314 Maximum permitted sound levels are as follows:

315 Table 1

<u>Zoning Category</u>	<u>Time</u>	<u>Decibel Limit</u>
<u>OS-I, OS-II, RR-200, RR-80, R-40, R-20, R-8</u>	<u>8:00 a.m. to 10:00 p.m.</u>	<u>70</u>
<u>OS-I, OS-II, RR-200, RR-80, R-40, R-20, R-8</u>	<u>10:00 p.m. to 8:00 a.m.</u>	<u>60</u>
<u>CL, CD, CW, DC, P</u>	<u>All</u>	<u>75</u>

316  
317

318 B. Correction for character of sound. For any source of sound which emits a pure tone, the  
319 maximum sound level limits set forth in Subsection A Table 1 shall be reduced by five dBA.

320

321 C. Measurement of sound.

322

323 (1) Decibel measurements shall be made with a sound level meter, which shall be an  
324 instrument in good operating condition meeting the requirements of a Type I or Type II  
325 meter, as specified by ANSI Standard 1.4-1971. For purposes of this chapter, a sound level  
326 meter shall contain an A-weighted scale and both fast and slow meter response capability.

327

328 (2) If the measurements are made with other instruments, the procedure shall be carried out  
329 in such a manner that the overall accuracy is at least that called for in ANSI Standard 1.4-  
330 1971 for Type II instruments.

331



332 (3) When the location or distance prescribed in this chapter for measurement of sound is  
333 impractical or would provide misleading or inaccurate results, measurements may be taken  
334 at other locations or distances using appropriate correction factors specified in this chapter.  
335

336 **Sec. 22-69. -- Construction activities.**

337 ~~No person shall operate or permit the operation of any tools, vehicles or equipment involved or~~  
338 ~~related to any construction or demolition work during the following hours: Monday through~~  
339 ~~Friday between 8:00 p.m. to 7:00 a.m. the following day; Saturday from 6:00 p.m. to 7:00 a.m.~~  
340 ~~the following day; and Sunday from 7:00 a.m. to 7:00 a.m. the following day. Such activities are~~  
341 ~~also prohibited from 7:00 a.m. to 7:00 a.m. the following day on all federal and state holidays.~~

342 **Sec. 22-69. Sound variances.**

343 A. The Town Council shall have the authority, consistent with this section, to grant sound  
344 variances from this chapter after public hearing.  
345

346 B. Any person seeking a sound variance under this section shall file an application with Town  
347 Council. The application shall contain information which demonstrates that bringing the source of  
348 sound or activity for which the sound variance is sought into compliance with this chapter would  
349 constitute an unreasonable hardship on the applicant, on the community or on other persons.  
350

351 C. All applications shall be subject to a fee of \$50 per day if granted and, whether granted or  
352 denied, an amount sufficient to cover the cost of advertising and notification to all residents and  
353 property owners within 100 feet of the noise source. Advertisement shall be made at least once,  
354 seven days prior to the public hearing, in a newspaper of general circulation in the Town.  
355 Notification shall be by regular mail at least seven days prior to the public hearing.  
356

357 D. In determining whether to grant or deny an application or revoke a variance previously granted,  
358 Council shall balance hardship to the applicant, the community and other persons if the sound  
359 variance is not allowed against the adverse impact on the health, safety and welfare of persons  
360 affected, the adverse impact on property affected, and any other adverse impact, if the sound  
361 variance is allowed. Applicants for sound variances and persons contesting sound variances may  
362 be required to submit any information that Council may reasonably require. In granting or denying  
363 an application or in revoking a sound variance previously granted, Council shall place on public  
364 file a copy of the decision and the reasons for granting, denying or revoking the sound variance.  
365

366 E. Sound variances shall be granted by notice to the applicant containing all necessary conditions,  
367 including a time limit on the permitted activity. The sound variance shall not become effective  
368 until all conditions are agreed to by the applicant. Noncompliance with any condition of the sound  
369 variance shall terminate it and subject the person holding it to those provisions of this chapter  
370 regulating the source of sound or activity for which the sound variance was granted.  
371

372 F. Determination of modification of a granted variance shall be made in accordance with the rules  
373 and procedures set forth in the section for original applications.

374 **Sec. 22-70. -- Definitions.**

375 The following words, terms and phrases, when used in this chapter, shall have the meanings  
376 ascribed to them in this section, except where the context clearly indicates a different meaning:

377 *Construction* means any and all outside activity necessary or incidental to the erection,  
378 assembling, altering, installing, repair or equipping of buildings, roadways, infrastructure, or  
379 utilities including drilling, blasting, mining, land clearing, grading, excavating and filling.

380 *Demolition* means any dismantling, intentional destruction or removal of structures,  
381 infrastructure, utilities, public or private right of way surfaces, or similar property.

382 **Sec. 22-70- Enforcement.**

383 This article shall be implemented, administered and enforced by the town police department.

384 **Sec. 22-71. -- Exemptions.**

385 The provisions of this article shall not apply to:

386 (1)

387 The operation of snow removal equipment at any time provided that such equipment shall  
388 be maintained in good repair so as to minimize noise. Noise discharged from exhausts  
389 shall be adequately muffled so as to prevent loud and/or explosive sounds.

390 (2)

391 Lawn care and grounds maintenance equipment in normal daytime use if used and  
392 maintained in accordance with the manufacturer's specifications.

393 (3)

394 Public emergency activities required to ensure the health, safety and welfare of the citizenry.

395 (4)

396 The normal day to day agricultural activities associated with the raising of livestock and  
397 crops.

398 (5)

399 Ordinary or routine maintenance and/or repair performed by the owner or resident of a  
400 property.

401

402 **Sec.22-71- Landlords and Property Owner Liability and Responsibility**

403

404 The owner of any property shall be concurrently subject to all fines and penalties as prescribed in  
405 Sec. 22-72, regardless of the offending individual(s).

406

407 **Sec. 22-72-- Fines and Penalties.**

408 (a) Any person found to be in violation of this article shall be punished as follows:

409 (1) The first offense shall be punished by the issuance of a written warning to immediately  
410 cease and desist the violation.

411 (2) The second offense within any twelve month period, shall be punished by a fine  
412 of ~~\$25.00.~~ \$250.00.

413  
414 (3) The third offense and each subsequent offense within twelve month period, shall be  
415 punished by a fine of ~~\$100.00.~~ \$500.00.

416  
417 (b) Any such person charged with a violation of this article shall pay said fine as prescribed  
418 within 5-days or shall be summonsed to appear before the District Court.  
419

420 **~~Sec. 22-72. -- Enforcement.~~**

421 ~~This article shall be implemented, administered and enforced by the town police department.~~

422 **~~Sec. 22-73. -- Penalties.~~**

423 ~~Any person found to be in violation of this article shall be punished as follows:~~

424 (1)  
425 ~~The first offense shall be punished by the issuance of a written warning to cease and desist~~  
426 ~~the violation.~~

427 (2)  
428 ~~The second offense shall be punished by a fine of \$250.00 and a notice to cease and desist~~  
429 ~~the violation.~~

430 (3)  
431 ~~The third offense and each subsequent offense shall be punished by a fine of \$500.00 and a~~  
432 ~~notice to cease and desist the violation.~~

433 **~~Sec. 22-74. -- Sunset clause.~~**

434 ~~The provisions of this article shall expire on December 14, 2010, unless the town council takes~~  
435 ~~affirmative action to extend this article.~~

436