

Chapter 133 NOISE

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violations by person in charge of premises.

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[HISTORY: Adopted by the Town of Barnstable 11-5-1988, approved 3-10-1989 (Art. XXI of Ch. III of the General Ordinances as updated through 7-7-2003). Amendments noted where applicable.]

GENERAL REFERENCES

Noncriminal disposition — See Ch. 1, Art. I. Rental property — See Ch. 170. Peace and good order — See Ch. 147.

Noise at marinas — See Ch. 405.

§ 133-1. Responsibility for noise violations by person in charge of premises.

It shall be unlawful for any person or persons occupying or having charge of any building, dwelling, structure, premises, shelter, boat or conveyance or any part thereof in the Town, to cause or suffer to allow any unnecessary, loud, excessive or unusual noises in the operation of any radio, phonograph or other mechanical or electronic sound making device or instrument, or reproducing device or instrument, or in the playing of any band, orchestra, musician or group of musicians, or in the use of any device to amplify the aforesaid, or the making of loud outcries, exclamations or other loud or boisterous noises or loud and boisterous singing by any person or group of persons or in the use of any device to amplify the aforesaid noise, where the noise is plainly audible at a distance of 150 feet from the building, dwelling, structure, premises, shelter, boat or conveyance in which or from which it is produced. The fact that the noise is plainly audible at a distance of 150 feet from the building, dwelling, structure, premises, shelter, boat or conveyance from which it originates shall constitute prima facie evidence of a violation of this chapter.

§ 133-2. Responsibility for noise violations by persons present on premises.

It shall be unlawful for any person or persons being present in or about any building, dwelling, structure, premises, shelter, boat or conveyance or any part thereof, other than that section of any establishment licensed under Chapter 138 of the General Laws, who, shall cause or suffer or countenance any loud, unnecessary, excessive or unusual noises, including any loud, unnecessary, excessive or unusual noises in the operation of any radio, phonograph, or other mechanical or electronic sound making device, or instrument or reproducing device or instrument or in the playing of any band, orchestra, musician or group of musicians, or the making of loud outcries, exclamations or other loud or boisterous noises or loud and

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boisterous singing by any person or group of persons, or in the use of any device to amplify the aforesaid noise, where the aforesaid noise is plainly audible at a distance of 150 feet from the building, dwelling, structure, premises, shelter, boat or conveyance in which or from which it is produced. The fact that the noise is plainly audible at a distance of 150 feet from the building, dwelling, structure, premises, shelter boat or conveyance from which it originates shall constitute prima facie evidence of a violation of this chapter. Any person shall be deemed in violation of this chapter, who shall make, or aid, or cause, or suffer, or countenance, or assist in the making of the aforesaid and described improper noises, disturbance, breach of the peace, and the presence of any person or persons in or about the building, dwelling, structure, premises, shelter, boat or conveyance or any part thereof during a violation of this chapter shall constitute prima facie evidence that they are a countenance to such violation.

§ 133-3. Noise from motor vehicles.

It shall be unlawful for any person while in control of any motor vehicle in the Town of Barnstable to cause any unnecessary, loud, excessive, or unusual noise in the operation of the

motor vehicle. The fact that the noise is plainly audible at a distance of 150 feet from the motor vehicle from which it originates shall constitute prima facie evidence of a violation of this chapter.

§ 133-4. Notice of noise restrictions to be provided to renters.

The owner of any building, dwelling, structure, premises, shelter, boat or conveyance which is let, rented or leased shall provide any and all tenants, lessees and sublessees with a copy of this chapter.

§ 133-5. Violations and penalties.

Any person violating the provisions of this chapter shall be punished by a fine not to exceed \$200 for each offense.