

§ 225-37 Noise.

❖ **This Ordinance is for the regulation of new or expanded commercial uses and is not used for “Disturbing the Peace” complaints.**

A. The maximum permissible sound pressure level of any continuous regular or frequent source of sound produced by any activity shall be limited by the time period and use district listed below. Sound levels shall be measured at least four feet above ground at the property boundary. [Amended 5-24-2007 STM, Art. 15; 11-13-2008 STM, Art. 8; 5-20-2009 STM, Art. 15]

❖ **To be regulated by the Topsham Zoning Noise Ordinance, sound must be continuous or frequent as a function of the primary use of the property. EX: A residential use where loud music is played nightly is not regulated; music is accessory to the residential use but not necessary for its operation, regulation would come under any applicable disturbing the peace laws. As a commercial use, a night club/restaurant playing loud music would be regulated by the ordinance because it is a function of their operation.**

○ **“Continuous” means marked by uninterrupted extension in space, time, or sequence.**

○ **“Frequent” means acting or returning regularly or often; the bus made frequent stops.**

❖ **The ordinance states sound levels shall be measured at the properties boundary. Properties and the properties boundaries include in the scope of this ordinance are those within the jurisdictional limit of the Town of Topsham and are not applicable to a lots property boundary that abuts, transects or is within another jurisdiction.**

Sound Pressure Level Limits

[Measured in dB(A) scale]

	7 a.m. to 10 p.m.	10 p.m. to 7 a.m.
R-1, R-2, R-3 and R-4 Zones	55	45
LV, MV, VC, BP2 and MUC-1 Zones	55	45
BP Zone	60, except 55 for any property line that abuts a residential district	50, except 45 for any property line that abuts a residential district

Sound Pressure Level Limits

[Measured in dB(A) scale]

7 a.m. to 10 p.m.

10 p.m. to 7 a.m.

CC 196 and LI Zones	60, except 55 for any property line that abuts a residential district	50, except 45 for any property line that abuts a residential district
CC, RCU, MUL and MUC Zones	60	50
I Zones	65	60

B. The levels specified may be exceeded by 10 dBA for a single fifteen-minute period per day. Noise shall be measured by a meter set on the A-weighted response scale, slow response. The meter shall meet the American National Standards Institute (ANSI S1. 4-1961) American Standard Specification for General Purpose Sound Level Meters.

C. No person shall engage in construction activities on a site abutting any residential use between the hours of 10:00 p.m. and 7:00 a.m. which exceed those limits established for residential districts. Otherwise, the following activities shall be exempt from these regulations:

❖ **“Construction activities” as used in this section does not include normal operational activities.**

(1) Sounds emanating from construction and maintenance activities conducted between 7 a.m. and 10 p.m.

❖ **“Maintenance activities” as used in this section includes normal operational activities. Example: Mowing lawns, clearing snow, etc.**

❖ **“Construction activities” as used in this section does not include normal operational activities.**

(2) Sounds emanating from safety signals, warning devices, emergency pressure relief valves and other emergency activities.

❖ **Activities described in this section are any activity deemed necessary by any local, State and/or Federal agency/department including any organization contracted by them.**

(3) Sounds emanating from traffic on public transportation facilities

❖ **Sounds from vehicles entering/exiting public transportation facilities**

to/from private property are exempt