

## **Chapter 8.16 NOISE CONTROL**

### **8.16.010 Short title.**

This chapter may be cited as the "Noise Control Ordinance" of the City of Cambridge. (Ord. 1121 (part), 1991)

### **8.16.020 Declaration of findings and policy--Scope.**

A. Declaration of Findings and Policy. Whereas excessive sound and vibration are a serious hazard to the public health and welfare, safety, and the quality of life; and whereas the people have a right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health or welfare or safety or degrade the quality of life; now, therefore, it is the policy of the City to prevent excessive sound and vibration which may jeopardize the health and welfare or safety of its citizens or degrade the quality of life.

B. Scope. This chapter shall apply to the control of all sound and vibration originating within the limits of the City, unless otherwise exempted by law.

(Ord. 1121 (part), 1991)

### **8.16.030 Definitions.**

1. "Authorized enforcement personnel" means the City Police Commissioner, the Commissioner of the Inspectional Services Department, the Chairperson of the License Commission and their designees.

2. "Commercial area" means any area defined as an office or business district by the City zoning ordinance, Article 3.000.

3. "Construction" means any site preparation, assembly, erection, substantial repair, alteration, or similar action, but excluding demolition, for or of public or private rights-of-way, structures, utilities or similar property.

4. "Daytime" means the period between the hours of seven a.m. and six p.m. daily except Sunday and holidays according to the time system locally in effect.

5. "dB" means the abbreviation for decibel.

6. "dB(A)" means the A-weighted sound level in decibels, as measured by a general purpose sound level meter complying with the provisions of Specifications for Sound Level Meters (S1. 4 1971), American National Standards Institute (ANSI), properly calibrated, and operated on the "A" weighting network.

7. "Demolition" means any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces, or similar property.

8. "Emergency" means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

9. "Emergency work" means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

10. "Hz" means the abbreviation for Hertz, which means cycles per second.

11. "Impact device" means a construction device in which or by which a hammer, meaning a moving mass of hard solid material, is mechanically by means of a working fluid or compressed air caused to repetitively impact upon and transmit kinetic energy to a tool. The tool may be included as a part of the device, as in the case of a moil on a

paving breaker or the drill steel of a jackhammer, or it may be a mass to which the impact device is temporarily connected as in the case of a pile and pile driver. Examples of impact devices are pile drivers, paving breakers and power impact hammers, impact wrenches, riveters and stud drivers.

12. "Industrial area" means any area defined as an industrial district by the City zoning ordinance, Article 3.000.

13. "L10 level" means the A-weighted sound level exceeded ten percent of the time.

14. "Motor vehicles" means any vehicle so defined in G.L., c. 90, § 1.

15. "Motorcycle" means any vehicle so defined in G.L., c. 90, § 1.

16. "Noise disturbance" means any sound which (a) causes temporary or permanent hearing loss in persons exposed; or (b) is injurious to the public health; (c) causes a nuisance which is prohibited by law; or (d) is defined as a noise disturbance pursuant to the provisions of this chapter.

17. "Noise sensitive zone" means any area designated by the enforcement authority pursuant to subsection B of Section 8.16.040 of this chapter for the purpose of ensuring exceptional quiet. Noise sensitive zones shall include, but not be limited to, areas where noise sensitive activity occurs, such as the operation of schools, libraries open to the public, churches, hospitals and nursing homes.

18. "Person" means any individual, association, partnership, or corporation, and includes any officer, employee, department, agency or instrumentality of a state or any political subdivision of a state.

19. "Public right-of-way" means any street, avenue, boulevard, highway, sidewalk or alley or similar place which is owned or controlled by a governmental entity.

20. "Public space" means any real property or structures thereon which are owned or controlled by a governmental entity.

21. "Real property boundary" means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

22. "Residential area" means any area defined as a residence district by the City zoning ordinance, Article 3.000.

23. "Sound pressure level" is numerically equal to twenty times the logarithm (to the base ten) of the sound pressure to the reference sound pressure (the reference sound pressure shall equal twenty micropascals). Unless otherwise stated, the level is understood to be that of a root mean-square pressure.

24. "Weekday" means any day Monday through Friday which is not a legal holiday. (Ord. 1121 (part), 1991)

#### **8.16.040 Enforcement.**

A. Enforcement Officials. The Police Commissioner, the Commissioner of the Inspectional Services Department and the Chairperson of the License Commission shall be the authorized enforcement personnel charged with the enforcement of these provisions.

B. The License Commission may designate any appropriate area as a noise sensitive zone as that term is defined in Section 8.16.030(17) of this chapter.

C. Violations. Authorized enforcement personnel may: order and specify reasonable remedial actions to be taken by a violator of this chapter to achieve compliance; or issue

citations, pursuant to G.L., c. 40, § 21D, for violations of these provisions assessing fines of three hundred dollars for each day such violation is committed or permitted to continue. Additionally, any person found in violation of any of the provisions of this chapter may be prosecuted for a misdemeanor and upon conviction thereof shall be fined three hundred dollars.

D. Injunction. As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision of this chapter and which causes a noise disturbance may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

E. Suspension or Revocation of License or Permit. As an additional remedy for violation of any provision of this chapter, any enforcement official under subsection A of this section may summarily suspend, and after a hearing may revoke, any license or permit, including a building or demolition permit.  
(Ord. 1121 (part), 1991)

#### **8.16.050 General prohibition of noise disturbances.**

No person or persons owning, leasing or controlling the operation of any source or sources of noise shall wilfully, negligently, or through failure to provide necessary equipment or facilities or to take necessary precautions, permit the establishment or continuation of a condition of noise disturbance.

(Ord. 1121 (part), 1991)

#### **8.16.060 Measured noise disturbance.**

A. This section shall apply to the use or occupancy of any lot or structure thereon and to the noise produced thereby, but shall not apply to the following:

1. To the intermittent or occasional use, during the daytime, of light homeowner's residential outdoor equipment or commercial service equipment provided said equipment and its use complies with other provisions of this chapter;
2. To construction activities and the associated use of construction devices nor to the noise produced thereby, provided such activities, and such equipment and its use, comply with provisions of this chapter.
3. To bell towers or clock towers with bells or chimes.

(Ord. 1206, Added, 07/27/1998)

B. Noise in Residential Areas or Affecting Residential Property. No person shall create or cause to be emitted from or by any source subject to the provisions of this chapter, any noise which causes or results in a noise level, measured at any lot line of any lot located in any residential area or in residential use elsewhere in conformance with the zoning ordinance, in excess of any level of subsection E of this section, residential district noise standard, provided, that if said lot is located in any industrial area, the noise level measured at the lot line shall not exceed any level of subsection E of this section, residential-industrial noise standard. Noise emitted from construction sites shall be excepted from this regulation.

C. Noise in Commercial Areas. No person shall create or cause to be emitted from or by any source subject to the provisions of this chapter, any noise which causes or results in a noise level, measured at any lot line of any lot in any commercial area other than a lot in residential use in conformance with the zoning ordinance, in excess of any

level of subsection E of this section, business district noise standard. Noise emitted from construction sites shall be excepted from this regulation.

D. Noise in Industrial Areas. No person shall create or cause to be emitted from or by any source subject to this chapter, any noise which causes or results in a noise level, measured at any lot line of any lot in recreational or business use in any industrial area in conformance with the zoning ordinance, in excess of any level of subsection E of this section, industrial district noise standard. Noise emitted from construction sites shall be excepted from this regulation.

E. Area Noise Standards. Noise standards referred to in this chapter for the several zoning districts of the City, as defined in and established pursuant to the City zoning ordinance are established by Table 8.16.060E following this section.

(Ord. 1121 (part), 1991)

TABLE 8.16.060E

TABLE OF ZONING DISTRICT NOISE STANDARDS  
Maximum Allowable Octave Band Sound Pressure Levels

TABLE INSET:

Octave Band Center Frequency Measurement (Hz)	Residential Area		Residential in Industrial		Commerc ial Area	Industr y Area
	Daytim e	Other Times	Daytim e	Other Time s	Anytime	Anytim e
31.5	76	68	79	72	79	83
63	75	67	78	71	78	82
125	69	61	73	65	73	77
250	62	52	68	57	68	73
500	56	46	62	51	62	67
1,000	50	40	56	45	56	61
2,000	45	33	51	39	51	57
4,000	40	28	47	34	47	53

8,000	38	26	44	32	44	50
Single Number Equivalent (dB(A))	60	50	65	55	65	70

(Ord. 1206, Added, 07/27/1998)

**8.16.070 Restrictions on noise emitted from construction sites.**

A. 1. Except as provided for in subsections C and D of this section, it is unlawful for any person to operate any construction device or devices on any construction site if the operation of such device or devices emits noise, measured at the lot line of the affected property, in excess of the values shown below:

TABLE INSET:

Lot Use of Affected Property	L 10 Level	Maximum Noise Level
Residential	75 dB(A)	86 dB(A)
Business or Office	80 dB(A)	--
Industrial	85 dB(A)	--

2. The same level shall apply to a public way as applies to an industrial use. Measurements should not be taken closer than fifty feet or approximately fifteen meters from the nearest active construction device on the construction site. The maximum noise level shall be measured on the sound level meter at slow response.

B. The L10 level shall be determined in the following manner:

1. Every ten seconds, on the mark, the A-weighted noise level on the sound level meter with slow response is recorded until one hundred observations have been made. If, during any of these observations, a measurement is substantially affected by any source outside the construction site (such as aircraft overflight), measurements made during these periods will not be considered. However, the observation period shall be extended until one hundred valid measurements are obtained. The L10 level will be that level that is equal to the tenth highest level recorded.

2. If, in the estimation of the person taking the measurements, outside noise sources contribute significantly to the noise level, the above procedure shall be repeated (with the same outside noise source contributions) when construction is inactive, in order to determine the existing background L10 level. The L10 level during construction must exceed the background L10 level by 5 dB(A) to be considered a violation of subsection A of this section.

C. 1. Except as provided for in subsection D of this section, it shall be unlawful to operate a construction device at any street excavation, grading or repair, utility street work installation or repair, which produces a noise level exceeding 86 dB(A) at a distance of fifty feet or approximately fifteen meters from the device.

2. The provisions of subsection A of this section shall not apply to any construction site covered by subdivision C(1). The provisions of this subsection will not be applicable to any construction device used in emergency service work that is necessary to return utility service to an area provided that within twenty-four hours such device is brought into compliance with this section or is not reused within the City until it does comply.

D. The provisions of subsections A and C of this section shall not be applicable to impact devices.

(Ord. 1121 (part), 1991)

### **8.16.080 Non-measured noise disturbances.**

Noise Disturbances Prohibited. The following acts are declared to be loud, disturbing and unnecessary noises in violation of this chapter, but said enumeration shall not be deemed to be exclusive. Non-commercial public speaking and public assembly activities conducted on any public space or public right-of-way shall be exempt from the operation of this section. Bell towers and clock towers with bells or chimes shall be exempt from the operation of this section. (Ord. 1206, Added, 07/27/1998)

A. Horns, Signalling Devices, Etc. The sounding of any horn or signalling device on any automobile, motorcycle, street car or other vehicle on any street or public place of the City, except as a danger warning; the creation by means of any such signalling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signalling device except the one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signalling device when traffic is for any reason held up.

B. Radios, Phonographs, Etc. The using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, loudspeaker or public address systems, unless used by the City of Cambridge, or other machine or device for the producing or reproducing of sound in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure, vehicle or dwelling unit in which it is located.

C. Street Sales. Offering for sale or selling anything by shouting or outcry within any residential or commercial area of the City except between the hours of eight a.m. and five p.m. if all necessary permits are obtained.

D. Animals, Birds. Etc. Owning, possessing or harboring any animal or bird which frequently or for continued duration, howls, barks, meows, squawks or makes other sounds which are plainly audible within a noise sensitive zone, or plainly audible at a distance of fifty feet from the lot line of the lot on which it is located.

E. Loading and Unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects between the hours of nine p.m. and seven a.m. the following day on weekdays, or between the hours of nine p.m. and nine a.m. the following day when the following day is a Saturday, Sunday or holiday in such a manner as to be plainly audible at a distance of fifty feet

from the lot line of the lot on which such activity is located, or to be plainly audible within a noise sensitive zone.

F. Construction. Operating or permitting the operation of any tools or equipment used in construction, drilling, or demolition work:

1. Between the hours of six p.m. and seven a.m. the following day on weekdays, or between the hours of six p.m. and nine a.m. the following day when the following day is a Saturday, Sunday or holiday, such that the sound therefrom is plainly audible at a distance of fifty feet from the lot line of the lot on which said activity is located, or within a noise sensitive zone, except for emergency work of public service utilities or by special variance issued pursuant to subsection B of Section 8.16.090;

2. This section shall not apply to the use of domestic power tools subject to subsection L of Section 8.16.080.

G. Vehicle or Motorboat Repairs and Testing. Repairing, rebuilding, modifying, or testing any motor vehicle, motorcycle, or motorboat in such a manner as to be plainly audible at a distance of fifty feet from the lot line of the lot on which said activity is located, or within a noise sensitive zone.

H. Places of Public Entertainment. Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device which produces, reproduces, or amplifies sound in any place of public entertainment in such a manner as to be plainly audible at a distance of fifty feet from the source or to be plainly audible within a noise sensitive zone.

I. Vibration. Operating or permitting the operation of any device that creates vibration which is above the vibration perception threshold of an individual at or beyond the property boundary of the source if on private property or at fifty feet from the source if on a public space or public right-of-way. For the purposes of this section, "vibration perception threshold" means the minimum ground- or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.

J. Emergency Signalling Devices.

1. The intentional sounding or permitting the sounding outdoors of any fire, burglar or civil defense alarm, siren, whistle or similar stationary emergency signalling device, except for emergency purposes or for testing, as provided in subdivision (2) following.

2. a. Testing of a stationary emergency signalling device shall occur at the same time of day each time such a test is performed, but not before eight a.m. or after ten p.m. Any such testing shall use only the minimum cycle test time. In no case shall such test time exceed ten minutes.

b. Testing of the complete emergency signalling system, including the functioning of the signalling device and the personnel response to the signalling device, shall not occur more than once in each calendar month. Such testing shall not occur before eight a.m. or after ten p.m. The time limit specified in paragraph (a) above shall not apply to such complete system testing.

3. a. Sounding or permitting the sounding of any exterior burglar (or fire) alarm or any motor vehicle burglar alarm unless such alarm is automatically terminated within ten minutes of activation and does not sound again at all within the hour.

b. In addition to the enforcement provisions of 8.16.040, violators of section (a) above shall be subject to a fine of \$100.00 for each violation. Each ten (10) minute interval of

sounding, or part thereof, after the initial ten (10) minutes sounding shall constitute a separate violation.

c. Fines for the sounding of burglar or fire alarms in violation of this ordinance may be assessed against the owner or occupant of the building in which the alarm is located.

d. Any motor vehicle, located on either public or private property, whose alarm has been sounding in excess of ten (10) minutes in an hour, is hereby deemed to be a public nuisance subject to immediate abatement. To effect abatement, policy must first observe personally that the sounding has lasted in excess of ten (10) minutes, and then make reasonable efforts to contact the owner of such vehicle to either have the owner shut-off the alarm or to authorize police to arrange for the shut-off of the alarm. If such efforts are unsuccessful, police are hereby authorized to abate the nuisance by arranging for tow company employees to shut off the alarm and/or to tow the motor vehicle to a storage area or other place of safety. In addition to any fines for violating this Chapter, the registered owner of the motor vehicle shall be responsible for all reasonable expenses, costs and charges incurred by the deactivation of the alarm, and by the removal and storage of such vehicle.

K. Noise Sensitive Zones.

1. Creating or causing the creation of any sound within any noise sensitive zone as defined by this chapter, so as to disrupt the activities normally conducted within the zone, provided that conspicuous signs are displayed indicating the presence of the zone; or

2. Creating or causing the creation of any sound within any noise sensitive zone, as defined by this chapter, containing a hospital, nursing home, or similar activity, so as to interfere with the functions of such activity or disturb or annoy the patients in the activity, provided that conspicuous signs are displayed indicating the presence of the zone.

L. Domestic Power Tools. Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, snow blower, or similar device used outdoors in residential areas between the hours of ten p.m. and seven a.m. so as to be plainly audible at a distance of fifty feet from the lot line of the lot on which said activity is located, or in a noise sensitive zone.

M. Electronic Bug Killing Devices. The use of an electric bug killing device between the hours of eleven p.m. and eight a.m. if a written objection to such use by an abutter has been received by the City Clerk within one year.

(Ord. 1121 (part), 1991)

(Ord. No. 1167, Amended, 09/11/95; Ord. No. 1167, Amended, 09/11/95)

(1206, Added, 07/27/1998; 1200, Amended, 04/27/1998, additions to 8.16.080 (J) (3))

### **8.16.081 Leaf Blowers**

Statement of purpose. The City Council hereby finds that the reduction of noise and emissions of particulate matter resulting from the use of leaf blowers is a public purpose that protects the public health, welfare and environment of the City of Cambridge and its citizens. The City Council recognizes that a total ban on the use of such equipment would have a severe adverse impact on the ability of the City to effectively remove leaves, dust, dirt, grass clippings, cuttings and trimmings from trees, shrubs and other types of litter and debris from streets, sidewalks, cemeteries and large recreational facilities and other open spaces and to clean and maintain such facilities without



relaxing restrictions on the use of such equipment for maintenance operations of such facilities.

(Ord. 1311, Added, 12/10/2007)

8.16.081.1 Use Regulations. The use of leaf blowers shall be regulated as follows:

1. *Definitions.*

a. *Definition of leaf blower.* Leaf blowers are defined as portable, handheld or back pack style power equipment that is powered by fuel or electricity and used in any landscape maintenance, construction, property repair, or property maintenance for the purpose of blowing, moving, removing, dispersing or redistributing leaves, dust, dirt, grass clippings, cuttings and trimmings from trees and shrubs or any other type of litter or debris.

b. *Definition of commercial leaf blower operator.* Any entity or organization that employs two (2) or more employees that receives income, remuneration or compensation of any kind, whether as a fee, a charge, a salary, wages or otherwise, for operating a leaf blower, except that municipal operators and municipal contractors are excluded from this definition.

(Ord. 1311, Added, 12/10/2007)

8.16.081.2 Limitations on Use.

a. The use of leaf blowers is prohibited except between March 15 and June 15 and between September 15 and December 31 in any year. The provisions of this subsection 8.16.081.2.2(a) do not apply to the use of leaf blowers in accordance with the provisions of this Leaf Blower Ordinance and regulations promulgated hereunder by municipal operators and municipal contractors performing leaf blower operations in Mayor Thomas W. Danehy Park, Fresh Pond Reservation, Thomas P. O'Neil, Jr. Municipal Golf Course at Fresh Pond, Cambridge Municipal Cemetery, Old Burial Ground or performing emergency operations and clean-up associated with storms, hurricanes and the like or by operators performing leaf blower operations on one or more adjoining parcels of land in common ownership that together comprise a total of two (2) acres or more, so long as the owners of such land comply with the provisions of subsection 8.16.081.2.2(c).

b. The use of leaf blowers is further prohibited on Sundays and legal holidays except Columbus Day and Veterans' Day and prohibited on other days except between the hours of 8:00 a.m. and 5:00 p.m. Mondays through Fridays and 9:00 a.m. and 5:00 p.m. Saturdays, Columbus Day and Veterans' Day. Commercial leaf blower operators may operate leaf blowers between the hours of 12:00 noon and 5:00 p.m. only on Columbus Day and between the hours of 1:00 p.m. and 5:00 p.m. only on Veterans' Day, consistent with the provisions of G.L. c. 136, §13 as it may be amended. The provisions of this subsection 8.16.081.2.2(b) do not apply to the use of leaf blowers in accordance with the provisions of this Leaf Blower Ordinance and regulations promulgated hereunder by municipal operators and municipal contractors performing leaf blower operations in Mayor Thomas W. Danehy Park, Fresh Pond Reservation, Thomas P. O'Neil, Jr. Municipal Golf Course at Fresh Pond, Cambridge Municipal Cemetery, Old Burial Ground or performing emergency operations and clean-up associated with storms, hurricanes and the like or by operators performing leaf blower operations on one or more adjoining parcels of land in common ownership that together comprise a

total of two (2) acres or more, so long as the owners of such land comply with the provisions of subsection 8.16.081.2.2(c).

c. Commercial leaf blower operators and owners of one or more adjoining parcels of land in common ownership that together comprise a total of two (2) acres or more seeking to operate leaf blowers on such land shall not be permitted to operate leaf blowers, but may be exempted from the prohibition of this subsection 8.16.081.2.2(c) if they submit an operations plan to the City Manager or his or her designee for review and approval. At a minimum, the operations plan shall: address the owner's or operator's efforts to mitigate the impacts of noise and emissions upon citizens and the occupants and owners of nearby property, include an inventory of all leaf blowing equipment owned and to be used by the owner or operator in its operations program, which shall comply with the noise and emission restrictions set forth in this Leaf Blower Ordinance and regulations promulgated hereunder, and include the owner's or operator's plan for educating users of its equipment on the proper use of equipment as well as the need to mitigate impacts upon others. The operations plan shall be reviewed by the City Manager or his or her designee, who shall ensure that it complies with the applicable provisions of this Leaf Blower Ordinance and regulations promulgated hereunder, and shall impose any conditions that may be required in order for the owner or operator to comply with the provisions of this Leaf Blower Ordinance and regulations promulgated hereunder. No operations plan submitted by owners of one or more adjoining parcels of land in common ownership that together comprise a total of two (2) acres or more seeking to operate leaf blowers on such land shall be approved by the City Manager unless there has been a showing of significant hardship.

d. Leaf blower operations shall not cause leaves, dirt, dust, debris, grass clippings, cuttings or trimmings from trees or shrubs or any other type of litter or debris to be blown or deposited on any adjacent or other parcel of land, lot, or public right-of-way/property other than the parcel, land, or lot upon which the leaf blower is being operated. Leaves, dirt, dust, debris, grass clippings, cuttings or trimmings from trees or shrubs or any other type of litter or debris shall not be blown, swept or raked onto or into an adjacent street or gutter, except by municipal employees or municipal contractors or leaf blower operators placing leaves, dust, dirt, grass clippings, cuttings and trimmings from trees and shrubs on a municipal street or sidewalk for collection and pick-up, during municipal street and sidewalk sweeping and cleaning operations. In no event shall leaves, dirt, dust, debris, grass clippings, cuttings or trimmings from trees or shrubs or any other type of litter or debris be blown, swept or raked onto or into catch basins or onto vehicles, persons or pets. Deposits of leaves, dirt, dust, debris, grass clippings, cuttings or trimmings from trees or shrubs or any other type of litter or debris shall be removed and disposed of in a sanitary manner which will prevent dispersment by wind, vandalism or similar means.

e. All leaf blowers shall satisfy the emissions standards of the United States Environmental Protection Agency and noise level standards as follows: the sound emitted from any leaf blower shall be rated by the manufacturer to be no greater than 65 decibels.

f. On parcels of 10,000 square feet or less, only one leaf blower at a time may be used, and on parcels larger than 10,000 square feet, only one leaf blower may be used within each 10,000 square foot area.

(Ord. 1311, Added, 12/10/2007)

#### 8.16.081.3 Fees.

A fee for the City to recover all costs connected with emission or sound testing and enforcement may be charged in an amount set by the License Commission and approved by the City Manager.

(Ord. 1311, Added, 12/10/2007)

#### 8.16.081.4 Regulations

The License Commission and the Commissioner of Public Works shall have the authority to promulgate regulations to implement the provisions of this Leaf Blower Ordinance.

(Ord. 1311, Added, 12/10/2007)

#### 8.16.081.6 Severability.

The provisions of this Chapter are severable. If any section, provision or portion of this Chapter is determined to be invalid by a court of competent jurisdiction, the remaining provisions of this Chapter shall continue to be valid.

(Ord. 1311, Added, 12/10/2007)

#### 8.16.081.7 Effective Date.

The provisions of this Leaf Blower Ordinance shall be effective commencing on March 1, 2008 except as to City of Cambridge contracts now in effect, as to which the provisions of this Leaf Blower Ordinance shall be effective commencing on September 15, 2008.

(Ord. 1311, Added, 12/10/2007)

### **8.16.090 Exceptions and variances.**

A. Emergency Exception. The provisions of this chapter shall not apply to (a) the emission of sound for the purpose of alerting persons to the existence of an emergency, or (b) the emission of sound in the performance of emergency work.

B. Special Variances.

1. The License Commission shall have the authority, consistent with this section, to grant special variances which may be requested pursuant to any section of this chapter.

2. Any person seeking a special variance pursuant to this section shall file an application with the License Commission. The application shall contain information which demonstrates that bringing the source of sound or activity for which the special variance is sought into compliance with this chapter would constitute an unreasonable hardship on the applicant, on the community, or on other persons. Notice of an application for a special variance shall be published according to procedure. Any individual who claims to be adversely affected by allowance of the special variance may file a statement with the License Commission containing any information to support his claim. If the License Commission finds that a sufficient controversy exists regarding an application, a public hearing may be held.

3. In determining whether to grant or deny the application, the License Commission shall balance the hardship to the applicant and the community, of not granting the special variance, against the adverse impact on the health, safety, and welfare of persons affected, the adverse impact on property affected, and any other adverse impacts of granting the special variance. The License Commission shall also consider whether the noise disturbance occurs in or across a buffer zone. Buffer zones shall be

the imaginary line along the ground surface, its vertical extension, and the area at fifty feet on either side of the line, which separates a residential area from a commercial area or an industrial area. Applicants for special variances and other persons contesting special variances may be required to submit any information the License Commission may reasonably require. In granting or denying an application, the License Commission shall place on public file a copy of the decision and the reasons for denying the special variance.

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

5. Application for extension of time limits specified in special variances or for modification of other substantial conditions shall be treated like applications for initial special variances under subdivision (2).

6. The License Commission may issue guidelines defining the procedures to be followed in applying for a special variance and the criteria to be considered in deciding whether to grant a special variance.

#### C. Variances for Time to Comply.

1. Within sixty days following the effective date of the ordinance codified in this chapter, the owner of any commercial or industrial source of sound may apply to the License Commission for a variance in time to comply with Section 8.16.080I, vibration, or Section 8.16.060, measured noise disturbance.

2. Any person seeking a variance in time to comply shall file an application with the License Commission. The application shall contain information which demonstrates that bringing the source of sound or activity for which the variance is sought into compliance with this chapter prior to the date requested in the application would constitute an unreasonable hardship on the applicant, on the community, or on other persons. Notice of an application for a variance in time to comply shall be published according to procedure. Any individual who claims to be adversely affected by allowance of the variance in time to comply may file a statement with the License Commission containing any information to support his claim. If the License Commission finds that a sufficient controversy exists regarding an application, a public hearing may be held.

3. In determining whether to grant or deny the application, the License Commission shall balance the hardship to the applicant and the community, of not granting the variance in time to comply against the adverse impact on health, safety, and welfare of persons affected, the adverse impact on property affected, and any other adverse impacts of granting the variance. The License Commission shall also consider whether the noise disturbance occurs in or across a buffer zone. Buffer zones shall be the imaginary line along the ground surface, its vertical extension and the area at fifty feet on either side of the line which separates a residential area from a commercial area or an industrial area. Applicants for variances in time to comply and persons contesting variances may be required to submit any information the License Commission may reasonably require. In granting or denying an application, the License Commission shall

place on public file a copy of the decision and the reasons for denying or granting the variance in time to comply.

4. Variances in time to comply shall be granted to the applicant containing all necessary conditions, including a schedule for achieving compliance. The variance in time to comply shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of the variance shall terminate the variance and subject the person holding it to those provisions of this chapter for which the variance was granted.

5. Application for extension of time limits specified in variances in time to comply or for modification of other substantial conditions shall be treated like applications for initial variances under subsection B of Section 8.16.090, except that the License Commission must find that the need for the extension or modification clearly outweighs any adverse impacts of granting the extension or modifications.

6. The License Commission may issue guidelines defining the procedures to be followed in applying for a variance in time to comply and the criteria to be considered in deciding whether to grant a variance.

D. Reconsideration. Any person aggrieved by a decision or action of the authorized enforcement officials may, within ten business days of said decision or action, request reconsideration of same by the official.

(Ord. 1121 (part), 1991)

#### **8.16.100 Miscellaneous.**

A. Severability. It is the intention of the City Council that each separate provision of this chapter shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provision of this chapter be declared to be invalid, all other provisions thereof shall remain valid and enforceable.

B. All ordinances or parts of ordinances inconsistent herewith are repealed.

C. This chapter shall take effect thirty days after its adoption.

(Ord. 1121 (part), 1991)