

## **Chapter 23 - Noise**

### **§ 1 - Findings and Purpose**

The Ellsworth City Council finds that controlling excessive noise as provided herein is necessary to promote the health, welfare, and safety of the citizens of the City of Ellsworth. It is the purpose of this Chapter to prevent any person from making, continuing, or causing noise that unreasonably interferes with the comfort, health, or safety of others within the City of Ellsworth.

### **§ 2 - Prohibition**

- A. It shall be unlawful for any person in a public place to intentionally or recklessly cause annoyance to others by intentionally making loud and unreasonable noises after having been ordered by a law enforcement officer to cease the noise or similar such noises within the last six months.
- B. It shall be unlawful for any person in a private place to make loud and unreasonable noise after having been ordered by a law enforcement officer to cease the noise or similar such noise within the last six months that can be heard by another person who is in a public place or in another private place.
- C. For the purposes of this section, the term “noise” shall include, but is not limited to:
  - i. sound created by radios or other electronic or mechanical devices capable of amplifying or projecting ambient noise, including such devices operated within motor vehicles;
  - ii. sound created in connection with loading and unloading commercial vehicles between the hours of 10:00 p.m. and 6:00 a.m.;
  - iii. sound created from construction activities between the hours of 10:00 p.m. and 6:00 a.m.;
  - iv. sound created from timber harvesting activities between the hours of 10:00 p.m. and 6:00 a.m.; and
  - v. sound created by recreational vehicles, including all-terrain vehicles, snowmobiles, motorbikes, watercraft, and other such vehicles between the hours of 10:00 p.m. and 6:00 a.m.

### **§ 3 - Exceptions**

The following are exempt from the provisions of § 2:

- A. Federal, state, and local governmental activities, whether conducted by the governmental agency or by a private contractor acting on the government agency’s behalf, including, but not limited to, activities of police, fire, rescue, and public works;
- B. Activities of utility agencies, including, but not limited to, vehicles and activities for the provision of water, electricity, telephone service, and sewer service; and
- C. Public assemblies, parades, performances or athletic events held between the hours of 8:00 a.m. and 10:00 p.m.

#### **§ 4 - Violations & Penalties**

- A. Any member of the Ellsworth Police Department is authorized to enforce this Chapter upon complaint or upon the officer's own observation of a violation in progress.
- B. A person who is a registered owner of a vehicle at the time that vehicle is involved in a violation of this chapter commits a civil violation. The owner of a business which is involved in a violation of this chapter commits a civil violation.
- C. Any person who violates this Chapter shall, upon conviction, be fined a civil penalty of not less than \$50 and not more than \$250 for each separate violation. If the City is the prevailing party to an enforcement action, it shall be entitled to attorney's fees and costs unless extraordinary circumstances make such an award unjust.

#### **§ 5 - Definitions**

As used in this Chapter, unless the context otherwise indicates, the following terms have the following meanings:

- A. "Public place" means a place to which the public at large or a substantial group has access, including but not limited to:
  - i. Public ways; public way means any public highway or sidewalk, private way laid out under authority of statute, way dedicated to public use, way upon which the public has a right of access or has access as invitees or licensees, or way under the control of park commissioners or a body having like powers;
  - ii. Schools and government-owned custodial facilities; and
  - iii. The lobbies, hallways, lavatories, toilets and basement portions of apartment houses, hotels, public buildings and transportation terminals.
- B. "Private place" means any place that is not a public place.

Adopted: 01-12-2009