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BEACON NOISE CODE – TIMES REFERENCES

§ 149-4 Definitions.

DAYTIME HOURS

The hours between 7:00 a.m. and 8:00 p.m., Monday through Friday, the hours between 8:00 a.m. and 8:00 p.m. on Saturday and the hours 9:00 a.m. through 8:00 p.m. on Sundays and federal and state holidays.

LEGAL HOLIDAYS

New Year's Day, Lincoln's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day and Christmas Day.

NIGHTTIME HOURS

The hours between 8:00 p.m. and 7:00 a.m., Sunday evening through Friday morning, Friday evening 8:00 p.m. through 8:00 a.m. Saturday morning and Saturday evening 8:00 p.m. through 9:00 a.m. Sunday morning. Saturday nighttime hours apply to state and federal holidays

WEEKDAY

Any day that is not a legal holiday, beginning on Monday at 7:00 a.m. and ending on the following Friday at 6:00 p.m.

WEEKDAY NIGHT

Sunday night through Thursday night, excluding nights preceding legal holidays.

WEEKEND

Begins on Friday at 6:00 p.m. and ends on the following Monday at 7:00 a.m.

WEEKEND NIGHT

Friday and Saturday nights and the nights preceding legal holidays

RELEVANT SECTIONS

§ 149-6 Sound level limits.

TABLE 1
MAXIMUM PERMISSIBLE SOUND LEVEL LIMITS
BY RECEIVING LAND USE
dB(A)

Residential ¹ 7:00 AM – 10:00 PM	Residential 10:00 PM – 7 AM	Commercial 24 hours	Industrial 24 hours
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1. If the residential receptor is within a commercial or industrial district, or within 200 feet of such a district, the permissible sound level limits in Table 1 are increased by 5 dB(A) during daytime hours. This increase in limit shall not apply to the sound emissions of a Sound Production Device operated by a commercial facility after 8:00 PM on nights before days that the Beacon City School District is in session (i.e.. “a school night”).

(2) Impulsive Sound:

- (a) No person shall make, cause, allow or permit the operation of any impulsive source of sound that has a maximum sound level in excess of eighty (80) dBA, when measured at or within the real property line of an affected person. If an impulsive sound occurs more frequently than ten (10) times in any half hour the levels set forth in Table_1 shall apply. At nighttime, if an impulsive sound occurs more frequently than four (4) times in any half hour the levels set forth in Table_1 shall apply.
- (b) If measurements of impulsive sound are conducted indoors, the permissible limit is sixty (60) dBA. If an impulsive sound occurs more frequently than ten (10) times in any half hour the levels set forth in Table_1 shall apply. At nighttime, if an impulsive sound occurs more frequently than four (4) times in any half hour the levels set forth in Table_1 shall apply.

§ 149-7 Specific prohibited acts, restricted uses and activities

- A. Sound production devices: operating, playing or permitting the operation or playing of any sound production device, in such a manner as to create a noise disturbance at or within the property line of any affected person.

- (1) Prima facie evidence of a violation of this section and the creation of a

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noise disturbance shall include but not be limited to the operation of such a device between the hours of 10:00 PM and 7:00 AM in such a manner that it is plainly audible inside the dwelling of an affected person.

- C. Loudspeakers and public-address systems mounted outdoors or indoors within 10 feet of an open door or window: using or operating any loudspeaker, public-address system or similar device is prohibited between the hours of 10:00 p.m. and 7:00 a.m. of the following day.
- E. Loading and unloading: loading, unloading, opening, closing or other handling of boxes, crates, containers, bales, cans, drums, refuse or similar objects or the pumped loading or unloading of materials in liquid, gaseous, powder or pellet form between the hours of 10:00 p.m. and 7:00 a.m. the following day when the sound therefrom creates a noise disturbance across a residential real property line of an affected person.
- G. Construction, repair and demolition: excluding emergency work, operating or permitting the operation of any tool or equipment used in construction, repair, demolition or excavation shall not be permitted between the hours of 8:00 p.m. and 8:00 a.m. on any day unless it can meet the limits in Table 1. At all other times the limits set forth in Table 1 do not apply. This section shall not apply to road maintenance/ improvement on preexisting roads or preventative maintenance on the sewer mains and pipes, on which daytime construction would prove disruptive to traffic flow. All motorized equipment used in construction and demolition activity shall be operated with a muffler.
- H. Power tools: operating power tools used for landscaping and yard maintenance, excluding emergency work, within 200 feet of a residential property line shall not be permitted between the hours of 7:00 p.m. and 8:00 a.m. on weekdays, or between the hours of 7:00 p.m. and 9:00 a.m. on weekends or legal holidays, unless such activities can meet the limits set forth in Table I. All motorized equipment used in these activities shall be operated with a muffler. At all other times, the limits in Table 1 do not apply.
- K. The operation of a standby or portable generator is exempt from the limits in this Chapter when there is a power outage. The regular testing/exercising of a generator must be conducted during weekdays between the hours of 8:00 AM and 4:00 PM and for the minimum duration suggested by the manufacturer. During such testing the sound level limit shall be 70 dBA at the property line of any affected person. The permissible limits in Table 1 apply to the operation of generators tested outside of the prescribed hours or operated when there is no power outage. No person shall at any time operate a generator during nighttime hours in a Residential District unless there is a power outage. Generators used on a permitted construction site may not exceed 65 dBA at the property line of any affected person.

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- L. Repairing, rebuilding, modifying or testing any motor vehicle, motorcycle or motorboat in such a manner as to cause a frequent, repetitive or continuous noise disturbance across the real property line of an affected person or between the hours of 10:00 PM and 8:00 AM. When these activities are conducted between 8:00 AM and 10:00 PM, and do not cause a noise disturbance, the limits in Table 1 do not apply.

§ 149-8 Exemptions.

The following sounds are exempt from the restrictions of this Chapter:

- A. Sounds from motorized equipment such as power tools, lawn mowers and garden equipment when operated between the hours of 8:00 a.m. and 7:00 p.m. on weekdays, or between the hours of 8:00 a.m. and 9:00 p.m. on weekends or legal holidays