

**TITLE II
HEALTH, SAFETY & WELFARE
POLICE ORDINANCE**

Chapter 4 Police Ordinance

Subchapter 4A - Police Ordinances

401 Noise Ordinance

401.1 A person shall not operate or permit the operation of any radio or other receiving set, musical instrument, phonograph or other machine or device that produces sound in such manner as to disturb the peace of any person on adjacent public or private property, or at any time with louder volume than is necessary for the convenient hearing of any person who is in the room, chamber, or vehicle in which such machine or device is operated and who is a voluntary listener.

The operation of any such machine or device between the hours of 9:00 p.m. to 7:00 a.m. in such manner as to be plainly audible on adjacent public or private property or more than fifty (50) feet away on public property from the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this section.

401.2 The hours of 7:00 a.m. to 8:00 p.m. shall be considered to be normal hours for operation of sound producing appliances and equipment such as lawn mowers, power saws, tractors, and similar equipment.

401.3 A person shall not yet shout, hoot, whistle, or sing in any public areas so as to be plainly audible more than fifty (50) feet away, or in any other place where such sound is plainly audible on adjacent public or private property in such manner as to disturb the peace of any other person. It shall be prima facie evidence of a violation of this section for a person to make such sound between the hours of 9:00 p.m. and 7:00 a.m.

401.4 Any exception to this special section shall be made to a person having an exterior alarm device, provided that such person has obtained a permit to operate that device from the Town Manager. The Board of Selectmen are authorized to establish fees for exterior alarms consistent with fees for other alarms.

402 Penalties

Except where specified, the penalty for violation of this Chapter shall be no less than twenty five dollars (\$25) nor more than one hundred dollars (\$100), or by imprisonment for no more than thirty (30) days, or by both,

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for each violation. Each day that a violation occurs or continues shall be considered a separate offense. Fines collected for violation of this Ordinance shall be recovered for use of the Town of Ogunquit.

403 Effective Date

This Ordinance shall become effective immediately.

Subchapter 4.b - 1984 Noise Control Ordinance

4.B.1 Title, Purposes and Authority

4.B.1.a Title

This Subchapter may be referred to as the “1984 Noise Control Ordinance”.

4.B.1.b Purposes

The purposes of this ordinance are to supplement existing noise control ordinances, to recognize that the hours of 9:00 p.m. to 7:00 a.m. are the normal and traditional hours for citizens of and visitors to the Town to rest and relax, to insure that noise (other than noise ordinarily caused by human conversation and movement) created during those times by any citizen or visitor does not interfere with or infringe upon the rights of other citizens and visitors to the quiet enjoyment of their lives and property and to otherwise promote and protect the public's health, safety and general welfare.

4.B.1.c Authority

This ordinance is enacted pursuant to the authority delegated to the Town by M.R.S.A. Cont. Article VIII, Pt. 2, Sec. 1, 30 M.R.S.A. Sec. 1917 and 30 M.R.S.A. Sec. 2151.

4.B.2 Noise Prohibition

Between the hours of 9:00 p.m. and 7:00 a.m., no person shall make or permit any noise from whatever source and however transmitted, which noise can be heard by any other person not consenting thereto and which (a) can be heard on real estate used for residential purposes, not the location of the source, or (b) can be heard inside of buildings not the location of the source, in which people are customarily or actually present. In addition, no person shall cause any amplified or broadcasted sounds to be transmitted out of doors from a commercial property at any time where

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such noise can be heard by any other person not consenting thereto from any other real estate parcel. (ATM 04/05/03)

4.B.3 Presumptions

For the purpose of enforcing this ordinance, boundary lines as shown on the Town's Tax Maps shall be prima facie evidence of those boundaries.

4.B.4 Exceptions

This ordinance shall not apply to (a) the normal operation of vehicles in the ordinary course of transportation, (b) noise generated by ordinary pedestrian traffic, (c) noise necessary for public health, safety and welfare such as fire and burglar alarms, police, fire and rescue sirens or (d) noise created by human voices, un-amplified by electronic or other means, in the course of ordinary conversation.

4.B.5 Enforcement

The Town's regular and special police officers and Code Enforcement Officer are authorized to enforce the provisions of this ordinance and regulations thereunder.

4.B.6 Criminal and Civil Penalties

Whoever violates any of the provisions of this ordinance shall be punished by imprisonment for up to thirty (30) days or liable for a civil penalty of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each violation in addition to being subject to injunctions issued by a court of law. Civil penalties shall inure to the benefit of the Town. Each day of violation and each occurrence shall constitute a separate and distinct offense. Prosecutions for violation of this ordinance shall not prevent prosecutions or appropriate administrative actions for violations of other ordinances.

4.B.7 Effect on Other Ordinances

This ordinance shall not effect the provisions of any other ordinance except that the existing "Noise Ordinance" found in Title II, Chapter 4 shall be renamed the "1982 Noise Ordinance" and renumbered as "Subchapter 4.A."

4.B.8 Severability

The invalidity of any provision of this ordinance shall not invalidate any other provision thereof.

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4.B.9 Effective Date

This ordinance shall become effective on March 3, 1984.

Amended: April 5, 2003