

Chapter 139

NOISE

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[HISTORY: Adopted by the Town Council of the Town of Bar Harbor 10-2-1990 as § 08.01 of the 1990 Code; amended in its entirety 10-5-2004 by Ord. No. 2004-08. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

General penalty — See Ch. 1, Art. II.

Food and merchandise sales — See Ch. 94.

Amusements — See Ch. 14.

Land use — See Ch. 125.

Animals — See Ch. 18.

Parks and public places — See Ch. 147.

Disorderly houses — See Ch. 64.

§ 139-1. Findings and purpose.

A. It is found and declared that:

- (1) The making and creation of loud, unnecessary or unusual noises within the limits of the Town of Bar Harbor are conditions which have existed for some time, and the extent and volume of such noises are increasing; and
- (2) The making, creation or maintenance of such loud, unnecessary, unnatural or unusual noises which are prolonged, unusual and unnatural in their time, place and use affects and is a detriment to the public health, comfort, convenience, safety, welfare and prosperity of the residents of the Town of Bar Harbor.

B. The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the Town of Bar Harbor and its inhabitants.

§ 139-2. Certain noises prohibited.

It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the Town.

§ 139-3. Loud, disturbing and unnecessary noises enumerated.

The following noises and noise-producing acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this chapter, but said enumeration shall not be deemed to be exclusive, namely:

A. Horns, signaling devices, etc.:

- (1) The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle anywhere within the limits of the Town, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any device for an unnecessary and unreasonable period of time.
- (2) The use of any signaling device except 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 signaling device when traffic is for any reason held up.

B. Radios, phonographs, musical instruments, etc.

- (1) The use of, operation of or allowing the use or operation of any radio, receiving set, musical instrument, amplifier, juke box, phonograph, or other machine or device for producing, reproducing or amplifying sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants.
- (2) It shall be prima facie evidence of a violation of this section if such sound is produced within a building, structure or vehicle between the hours of 9:00 p.m. and 7:00 a.m. in such a manner that, at a distance of 25 feet from the building, structure or vehicle in which it is located, the volume, frequency, intensity, quality or duration of the sound unreasonably annoys or disturbs a reasonable person's normal sensibilities, endangers or injures the safety or health of humans, or endangers or injures personal or real property.

C. Sound-producing devices used for advertising: the use of, operation of or allowing the use or operation of any radio, receiving set, musical instrument, amplifier, juke box, phonograph, bell, horn or other machine or device for producing, reproducing or amplifying sound in such a manner as to cast upon the public street for the purpose of commercial advertising or attracting the public to any building or structure.

D. Yelling, shouting, etc.: yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 9:00 p.m. and 7:00 a.m. or any time or place so as to annoy or disturb the quiet, comfort, or repose of any person in any office, or in any dwelling, hotel, motel, rooming house or other type of residence, or of any person in the vicinity.

E. Animals, birds, etc.: the keeping of any animal or bird which by causing frequent or long-continued noise without provocation shall disturb the comfort or repose of any person in the vicinity.

F. Blowers, fans and engines: the operation of any noise-creating blower, compressor, power fan, engine, motor boat, motor vehicle or other machine, unless such equipment is equipped with a muffler device sufficient to reduce such noise so that it does not unreasonably annoy or disturb a reasonable person's normal sensibilities.

G. Loading or unloading; opening boxes: the creation of loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.

- H. Construction or repair of structures: the starting, idling, backing or other operation of construction equipment and the excavation for or erection, demolition, alteration or repair of any structure which causes loud and unreasonable noise between the hours of 9:00 p.m. and 7:00 a.m., except with a quiet-hours construction permit as provided below.
- I. Schools, courts, churches and hospitals: the creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same is in use or adjacent to any hospital which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such street indicating that the same is a school, hospital or court street.

§ 139-4. Quiet-hours construction permits.

- A. The Code Enforcement Officer may issue or renew a quiet-hours construction permit only upon finding that:
 - (1) The public health and safety will not be impaired by said construction between the hours of 9:00 p.m. and 7:00 a.m.
 - (2) An urgent necessity exists. Completion of work below the high tide mark shall be considered an urgent necessity.
- B. All quiet-hours construction permits shall meet the following provisions:
 - (1) The permit shall expire when the urgent necessity ceases to exist, regardless of the term of the permit.
 - (2) The length of any one permit may not exceed three days.
 - (3) Permits may be renewed in additional three-day increments.
- C. The Town Council may set permit fees from time to time. No permit shall be issued except upon payment of the applicable fee, if any.

§ 139-5. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

QUIET HOURS — The hours between and including 9:00 p.m. to 7:00 a.m. local time.

STRUCTURE — Shall be defined as provided by Town Code § 125-109.

§ 139-6. Certain noises permitted.

It being necessary to secure and promote the public health, comfort, convenience, safety, welfare, and prosperity of the Town of Bar Harbor and its inhabitants, maintenance construction and public safety activities of the Town of Bar Harbor are exempt from the provisions of this chapter.

§ 139-7. Violations and penalties.

Any violation of this chapter or any provision thereof shall be deemed a public nuisance and may be subject to abatement by a restraining order or injunction issued by a court of competent jurisdiction, in addition to the general penalty set forth in § 1-18 of this Code.