

TO THE LICENSE COMMISSION:

The undersigned respectfully makes application for the following type of license:

*special events permit for amplified outdoor public entertainment*

Name Corporation and/or business name:

Individual:

(signature on line above)

Business address:

Business telephone:

Date filed

Event:

Date(s) of outdoor event:

Hours:

Location of outdoor venue:

Entertainment to be performed:

Code of Lowell, Chapter 204, s. 204-3. Sound-level limits.

E. Outdoor places of public entertainment.

(1) Except by a special events permit obtained through the License Commission, there shall be no amplification allowed in places of outdoor public entertainment. In the event that an applicant wishes to provide amplified outdoor public entertainment, the applicant must first obtain a special events permit.

(2) All outdoor public entertainment shall be subject to the following hours:

(a) Sunday through Wednesday: 10:00 a.m. to 10:00 p.m.

(b) Thursday through Saturday: 10:00 a.m. to 12:00 midnight

(3) All outdoor public entertainment not requiring a special events permit shall annually apply for and obtain a license from the License Commission to provide outdoor public entertainment. Such license shall, at all times, be subject to review and revocation by the License Commission. Applications for an outdoor public entertainment license and/or special events permit shall be subject to any rules and regulations promulgated by the License Commission on this subject.

(4) The provisions of Subsection B of this section shall not apply to any outdoor public entertainment for which an applicant has obtained a license or special permit.

**NOISE-SENSITIVE AREAS** — Areas within 300 feet of a school, church, hospital, nursing home or funeral home.

**PERSON** — Any individual, association, partnership, or corporation, and includes any officer, employee, department, agency or entity, public or private.

**PRIVATE PERSON** — Any individual, association, partnership or corporation, but excluding municipal or quasi-municipal entities.

**PROPERTY OWNER** — The person holding title to the real property as evidenced by the records in the County Registry of Deeds.

**PUBLIC RIGHT-OF WAY** — Any street, avenue, boulevard, highway, sidewalk, or alley that is maintained by the City.

**REAL PROPERTY BOUNDARY** — The property line along the ground surface, and its vertical extension, that separates the real property owned by one person from that owned by another person or separates real property from the public right-of-way. For the purpose of enforcing this chapter, boundary lines as shown on the City's tax maps shall be prima facie evidence of those boundaries.

**RENTER-OCCUPIED DWELLING UNIT** — A residential dwelling unit leased by a person from the owner or lessee for monetary consideration.

**RESPONSIBLE PARTY** — If the person or persons responsible for any activity which violates this chapter cannot be determined, the person in lawful custody and/or control of the premises, including but not limited to the owner, lessee or occupant of the property on which the activity is located, shall be deemed responsible for the violation. The responsible person may be prosecuted under this chapter and shall be subjected to the penalties set forth in § 204-6.<sup>1</sup>

**SOUND-LEVEL METER** — An instrument, including a microphone, an amplifier, an output meter, and frequency weighting networks, for the measurement of sound levels which meets or exceeds the requirements pertinent for Type SEA meters in the American National Standards Institute specifications for sound-level meters, S1.4-1971, or the most recent revision thereof.

### **§ 204-3. Sound-level limits.**

- A. The measurement of sound or noise shall be made with a sound-level meter and octave band analyzer meeting the standards prescribed by the American Standards Association. The instruments shall be maintained in calibration and good working order. A calibration check shall be made of the system at the time of any noise source measurement. The microphone during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used when required. Traffic, aircraft and other transportation noise sources and

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

other background noises shall not be considered in taking measurements except where such background noise interferes with the primary noise being measured.<sup>2</sup>

**B. Limits established. [Added 3-28-2006]**

- (1) It shall be unlawful for any person to operate or cause to be operated any single or combination of fixed source or nonstationary source equipment or machinery or to conduct any other activity or process that individually or collectively constitutes an identifiable sound source in such a manner as to cause the sound level at any point on the real property boundary of any property to exceed by five decibels or more the sound-level limits set forth below:

<b>District</b>	<b>Time</b>	<b>Sound Level db(A)</b>
Single-Family	7:00 a.m. to 6:00 p.m.	50
Two-Family	6:00 p.m. to 10:00 p.m.	45
SSF, TSF, TTF, USF*	10:00 p.m. to 7:00 a.m.	40
Multifamily	7:00 a.m. to 6:00 p.m.	60
Neighborhood Business	6:00 p.m. to 10:00 p.m.	55
SMF, TMF, NB, UMF*	10:00 p.m. to 7:00 a.m.	50
Regional Retail	7:00 a.m. to 6:00 p.m.	60
RR*	6:00 p.m. to 10:00 p.m.	55
	10:00 p.m. to 7:00 a.m.	55
Mixed Use and Downtown	7:00 a.m. to 6:00 p.m.	60
SMU, TMU, UMU, DMU*	6:00 p.m. to 10:00 p.m.	55
	10:00 p.m. to 7:00 a.m.	50
Light Industry	7:00 a.m. to 6:00 p.m.	60
LI*	6:00 p.m. to 10:00 p.m.	55
	10:00 p.m. to 7:00 a.m.	55
Heavy Industry	7:00 a.m. to 6:00 p.m.	70
GI*	6:00 p.m. to 10:00 p.m.	55
	10:00 p.m. to 7:00 a.m.	55
Office Park and Institutional	7:00 a.m. to 6:00 p.m.	70
OP, HRC, INST*	6:00 p.m. to 10:00 p.m.	55
	10:00 p.m. to 7:00 a.m.	55

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

District	Time	Sound Level db(A)
Public Parks and Recreation	7:00 a.m. to 6:00 p.m.	60
	6:00 p.m. to 10:00 p.m.	55
	10:00 p.m. to 7:00 a.m.	40

\*Refers to zoning districts.

- (2) Where the ambient noise from other than identifiable sound sources is determined to be higher than the maximums listed above, the maximum permissible sound level shall be five decibels higher than the ambient noise level.
- (3) Where properties in two or more districts join at a common boundary, the maximum noise level shall be the arithmetic mean of the maximum levels for each of the properties affected.

C. Residential.

- (1) For residential dwelling units contained in a single structure, it shall be unlawful for any person to operate or cause to be operated within a dwelling unit any source of sound or allow the creation of any sound which causes the sound level when measured inside another dwelling unit located in the same structure to exceed the sound level limits set forth below:

Time	Sound Level db(A)
10:00 p.m. to 7:00 a.m.	35
7:00 a.m. to 10:00 p.m.	45

- (2) Where the ambient noise from other than identifiable sound sources is determined to be higher than the sound-level limits listed above, the maximum permissible interior sound level shall be five decibels higher than the ambient noise level.

D. Enclosed places of public entertainment.

- (1) It shall be unlawful to sustain in any enclosed place of public entertainment, including but not limited to a restaurant, bar, cafe, discotheque, or dance hall, any amplitude equal to or in excess of 95 dB(A) sustained for more than 30 seconds.
- (2) Such noise is to be measured by a sound-level meter approved by the American Standards Association from any area to which the public is invited within any enclosed place of public entertainment.

E. Outdoor places of public entertainment. **[Added 3-28-2006]**

- (1) Except by a special events permit obtained through the License Commission, there shall be no amplification allowed in places of outdoor public entertainment. In the event that an applicant wishes to provide amplified outdoor public entertainment, the applicant must first obtain a special events permit.

- (2) All outdoor public entertainment shall be subject to the following hours:
  - (a) Sunday through Wednesday: 10:00 a.m. to 10:00 p.m.
  - (b) Thursday through Saturday: 10:00 a.m. to 12:00 midnight.
- (3) All outdoor public entertainment not requiring a special events permit shall annually apply for and obtain a license from the License Commission to provide outdoor public entertainment. Such license shall, at all times, be subject to review and revocation by the License Commission. Applications for an outdoor public entertainment license and/or special events permit shall be subject to any rules and regulations promulgated by the License Commission on this subject.
- (4) The provisions of Subsection B of this section shall not apply to any outdoor public entertainment for which an applicant has obtained a license or special permit.

F. Zones of quiet.

- (1) All of the territory within 300 feet of the premises of each hospital, school, or church in this City is hereby created and established as a zone of quiet. The Commissioner of Public Works is hereby authorized to erect and maintain in a conspicuous manner within this area such signs bearing the words "Quiet Zone" and other markings as are necessary to designate it as a zone of quiet.<sup>3</sup>
- (2) The Commissioner of Public Works may temporarily establish a zone of quiet upon any street where a person is seriously ill. Such temporary zone of quiet shall embrace all territory within a radius of 300 feet of the building occupied by the sick person. The temporary zones of quiet shall be designated by the Commissioner of Public Works by placing at a conspicuous place in the street a sign or a marker bearing the words "Illness Quiet Zone."<sup>4</sup>
- (3) No person operating a vehicle within any designated and posted zone of quiet shall sound a horn or other warning device on the vehicle or make any loud or unusual noise in such a zone except in an emergency.

**§ 204-4. General regulations.**

- A. Notwithstanding the provisions of §§ 204-3 and 204-5, no person within the City shall make, continue, or cause to be made or continued any unlawful noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any reasonable person of normal sensitivity residing in the area.
- B. The characteristics, standards, and conditions to be considered in determining whether a violation of the provisions of this chapter exists shall include but shall not be limited to the following:

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3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).