



CITY OF LYNN
In City Council

May 27, 2003

AN ORDINANCE AMENDING THE PROHIBITING UNNECESSARY NOISES IN THE CITY OF
LYNN

Be it ordained by the City Council of the City of Lynn and by the authority of the same as follows, to wit:-

SECTION 1. An ordinance amending the ordinance prohibiting unnecessary noise within the City of Lynn is hereby established and said ordinance shall provide as follows:

SECTION 2.

- a. The City of Lynn Police Department shall have the authority to seize amplification devices, including so-called boom boxes, installed in motor vehicles or carried on the public ways, when used to violate the provisions of this Ordinance. Authority shall extend to impoundment of the vehicle if sound-producing equipment cannot be easily detached.
- b. In the City of Lynn, the Police Department or the Court shall have the authority to notify the registrar of motor vehicles when there has been a failure to pay a fine by a person using a boom box or other amplification device attached to or in a motor vehicle. Upon receipt of two or more such notices, the registrar of motor vehicles shall not renew the driving license of the person violating this Ordinance and shall not renew the registration of the vehicle used to transport the noise-making equipment until all fines have been paid.
- c. When the determination is made to seize any noise-producing equipment, the police shall obtain the identity of the owner or person operating the equipment and give the person a receipt listing and describing items seized. When the equipment used in violation of this Ordinance is to be seized but cannot easily be removed from the motor vehicle, the police shall have authority to impound the vehicle with all its contents, major items of which shall be inventoried on a list kept by the Lynn Police Department, a copy of which is to be supplied to the owner.
- d. If the motor vehicle seized is owned by a different person or business entity, the Lynn Police Department shall send notice of seizure and a receipt identifying the vehicle confiscated and its contents to the owner.
- e. Equipment seized or impounded shall be kept in custody until fines are paid or judicial process involving the case has been completed.
- f. For repeat offenses or a flagrant violation of this Ordinance, police may seek permission in the court for disposition or destruction of the equipment.
- g. Refusal of an offender to give his true name and address when requested by a police officer shall be grounds for taking the person into custody until his identity has been established.
- h. For subsequent noise violations, reports concerning the same address or same individual, the police prosecutor shall be empowered to seek a criminal complaint based on documents filed.



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SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. This ordinance shall take effect thirty-one (31) days after its final approval as adopted and advertised.



CITY OF LYNN
In City Council

April 14, 1998

**IN THE YEAR ONE THOUSAND NINE HUNDRED NINETY-EIGHT AN ORDINANCE
AMENDING THE ORDINANCE PROHIBITING**

Be it Ordained by the City Council of the City of Lynn and by the authority of the same, as follows, to wit:-

SECTION 1. The Ordinance Prohibiting Unnecessary Noise in the City of Lynn, as heretofore amended is hereby further amended by deleting the existing Section 4, Paragraph (g), and inserting the following new Paragraph (g):

- (g) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, motor vehicle, or motor cycle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. This ordinance shall take effect thirty-one (31) days after its final approval as adopted and advertised.



CITY OF LYNN
In City Council

January 26, 1993

IN THE YEAR ONE THOUSAND NINE HUNDRED NINETY-THREE AN ORDINANCE
AMENDING THE ORDINANCE PROHIBITING UNNECESSARY NOISES IN THE CITY OF LYNN

Be it Ordained by the City Council of the City of Lynn and by the authority of the same, as follows, to
wit:-

SECTION 1. The Ordinance Prohibiting Unnecessary Noises in the City of Lynn, is hereby amended by
deleting the existing Section 4(e).

SECTION 2. This ordinance is further amended by adding under the existing Section 5, the following:

"The Lynn Police Department shall be the enforcing authority for all purposes."

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. This ordinance shall take effect thirty-one (31) days after its final adoption as advertised.



CITY OF LYNN
In City Council

September 10, 1991

IN THE YEAR ONE THOUSAND NINE HUNDRED NINETY ONE AN ORDINANCE AMENDING
THE ORDINANCE PROHIBITING UNNECESSARY NOISES IN THE CITY OF LYNN

Be it Ordained by the City Council of the City of Lynn and by the authority of the same, as follows, to wit:-

SECTION 1. The Ordinance prohibiting unnecessary noises in the City of Lynn is hereby amended by including in Section 3 the following:

It shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary or unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area. The standards which shall be considered in determining whether a violation of the provisions of this section exist shall include, but not be limited to, the following:

1. The level of the noise
2. The intensity of the noise
3. Whether the nature of the noise is usual or unusual
4. Whether the origin of the noise is natural or unnatural
5. The level and intensity of the background noise, if any
6. The proximity of the noise to residential sleeping facilities
7. The nature and zoning of the area within which the noise emanates
8. The density of the inhabitation of the area within which the noise emanates
9. The time of the day or night the noise occurs
10. The duration of the noise
11. Whether the noise is recurrent, intermittent or constant
12. Whether the noise is produced by commercial or non- commercial, activity

SECTION 2. Said ordinance is further amended by amending Subsection (b) of the existing Section 4, as follows:

- o. Radios, Boom Boxes, Phonographs, etc. The using, operating or permitting to be played, used or operated any radio, boom box, receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume



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than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device and in such a -manner as to be plainly audible from the building, structure or vehicle in which it is located, shall be prima facie evidence of a violation of this section and after Subsection o), the following:

- p. It shall be unlawful for the owner of a premises to knowingly permit the making, creation or maintenance of unreasonably loud noises upon any premises owned or possessed by him or under his control.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. This ordinance shall take effect thirty-one (31) days after its final approval as adopted and advertised.



CITY OF LYNN
In City Council

July 14, 1987

IN THE YEAR ONE THOUSAND NINE HUNDRED EIGHTY-SEVEN AN ORDINANCE
PROHIBITING UNNECESSARY NOISES IN THE CITY OF LYNN

Be it Ordained by the City Council of the City of Lynn and by the authority of the same, as follows, to wit:-

SECTION 1. An Ordinance prohibiting unnecessary noises in the City of Lynn is hereby established.

SECTION 2.

- a. The making and creation of excessive unnecessary or unusually loud noises within the limits of the City of Lynn is a condition which has existed for some time and the extent and volume of such noises is increasing;
- b. The making, creation or maintenance of such excessive or unusually loud noises which are prolonged, unusual and unnatural in their time, place and use affect and are a detriment to public health/ comfort; convenience, safety, welfare and prosperity of the residents of the City of Lynn, and;
- c. The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted, is 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 of the residents of the City of Lynn, and its inhabitants.

SECTION 3. It shall be unlawful for any person to make, continue or cause to be made or continued any excessive, unnecessary or unusually loud 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 CITY.

SECTION 4. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this ordinance/ but said enumeration shall not be deemed to be exclusive, namely:

- a. Horns, Signaling Devices, etc. The sounding of any horn or signaling device on any automobile, (motorcycle) street car or other vehicle on any street or public place of the city, 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 such device of an unnecessary and unreasonable period of time. The use of any such signaling device when traffic is for any reason held up.
- b. Radios, Phonographs, etc. The using, operating or permitting to be played, used or operated any radio receiving set" musical instrument" phonograph) or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device between the hours of eleven (11) o'clock P.M. and seven (7) o'clock A.M. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.
- c. Loud speakers, Amplifiers for Advertising. The using, operating or permitting to be played, used,



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or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is case upon the public streets for the purpose of commercial advertising or attracting the attention of 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 eleven (11) P.M. and seven (7) A.M. or at any time or place, so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.
- e. Animals, Birds etc. The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.
- f. Steam Whistles. The blowing of any locomotive steam whistle or steam whistle attached to any stationary 'boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city
- g. Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, ' or motor vehicle except through a muffler or other device which will effectively prevent loud or ex- plosive noises therefrom.
- h. Defect in Vehicle or Load. The use of any automobile, motorcycle] or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding) rattling or other noise.
- i. Construction or Repairing of Buildings. The erection (including excavation), demolition," alteration or repair of any building other than between the hours of seven (7) A.M. and six (6) P.M. on week days, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Inspector, which permit may be granted for a period not to exceed three (3) days or less while the emergency continues and which permit may be renewed for periods of three (3) days or less while the emergency continues. If the Building Inspector should determine that the public health and safety will not be impaired by the erection," demolition* alteration or repair of any building or the excavation of streets and highways within the hours of six (6) P.M. and seven (7) A.M., and if he shall further determine that loss or inconvenience would result to any party in interest he may grant permission for such work to be done within the hours of six (6) P.M. and seven (7) A.M. upon application being made at the time the permit for the work is awarded or during the progress of the work.
- j. Schools, Courts, Churches, Hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning- church or court while the same are 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 streets indicating that the same is a school, hospital or court street.
- k. Hawkers, Peddlers. The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.
- l. Drums. The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.
- m. Metal Rails, Pillars and Columns. Transportation Thereof. The transportation of rails, ' pillars or columns of iron, steel or other material , ' over and along streets and along streets and other public places upon carts ~ trays', cars, trucks,' or in any other manner so loaded as to cause loud noises



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or as to disturb the peace and quiet of such streets or other public places.

- n. Pile Drivers, Hammers, etc. The operation of any pile- driver, steam shovel, pneumatic hammer, derrick steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise, except as allowed in sub- section (i), as aforesaid.
- o. Blowers. The operation of any noise-creating blower or power fan or any internal combustion engine,' the operation of which causes noise due to the explosion of operating gases or fluids; unless the noises from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.

SECTION 5. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined Three Hundred (\$300.00) Dollars which money shall ensure to the City of Lynn. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as offense and shall be punishable as such hereunder

SECTION 6. Manner of Enforcement – Fines shall be recovered by non- criminal disposition pursuant to the provisions of General Laws, Chapter 40, Section 21D.

SECTION 7. Additional Remedy – Injunction – As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision hereof and which causes discomfort or annoyance to reasonable persons or formal sensitiveness or which endangers the comfort, repose, health or peace of residents in the area shall be deemed, and is declared to be, a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

SECTION 8. Separability – It is the intention of the City Council that each separate provision of this ordinance shall be deemed in- dependent of all other provisions herein,* and it is further the intention of the City Council that if any provision of this ordinance be declared to be invalid,' all other provisions thereof shall remain valid and enforceable.

SECTION 9. All ordinances or parts of ordinances inconsistent here- with are hereby repealed.

SECTION 10. This ordinance shall take effect thirty-one (31) days after its final approval as adopted and advertised.