



NOISE ACTIVITY  
**Survey**

## National Survey of State and Local Noise Activity

### Introduction

Community noise can be [detrimental to health](#). Adverse health effects include cardiovascular problems and learning deficits. Studies indicate the incidence of heart disease [increases](#) as community noise levels rise above 40 decibels (dB).

Laws regulating noise have a long history, dating back to the sixth century BC when a Greek council created a type of zoning ordinance that placed noisy tradesmen outside city walls. In the U.S., noise laws vary across the country and sometimes are subject of [litigation](#) when they are not content neutral. Depending on the setting, some noise can be regarded as speech or is otherwise protected by the first amendment. There is great variance in how noise is regulated across the country; In St. Paul, Minnesota, most noises are [too loud](#) if you can plainly hear them at the property line, whereas a [state law](#) in Texas indicates that noises are too loud if they are above 85 dB at the property line, which is a noise level that can cause hearing loss.

Noise is the subject of [tens of thousands](#) of complaints to government and citizens, who often cite noise as significant quality of life issue. The following survey highlights governmental responses to noise – related issues as described by the media from October 26, 2012 to May 15, 2013. The survey identifies 135 units of government discussing whether to pass new or adjust existing laws to limit community noise. As this sample shows, sources of noise are numerous including animals, motor vehicles, wind turbines, aircraft, lawn equipment, music, construction, factories, bars, restaurants, and outdoor preaching. These local government debates reveal trends and show diversity in how different communities are attempting to create definitive and readily measured standards to protect health that are enforceable.

### Summary of Noise Laws and Ordinances

#### State and Local Responses to Noise – Related Issues from October 26, 2012 to May 15, 2013

STATE	CITY/COUNTY	ACTION	RESPONSE TO NOISE COMPLAINTS AND CONCERNS
Alabama	<a href="#">Athens City/ Limestone County</a>	New	Resident asks County Commissioner to send a resolution to the local legislative delegation that would give the county the authority to enact a noise ordinance. Neighbor has a plethora of noisy animals on her property. Article also notes at least four people in the last four years have spoken to the commission about the noise problem for varying reasons

STATE	CITY/COUNTY	ACTION	RESPONSE TO NOISE COMPLAINTS AND CONCERNS
	<a href="#">Huntsville</a>	Complaint	Tension between bars/restaurants with live music and residents who complain about them. City faces challenges with mixed-use developments and tries to find a solution where residents and businesses can coexist peacefully. An online petition "Keep Downtown Loud" asking City Council to relax the city's noise ordinance has garnered more than 600 supporters.
	<a href="#">Selma</a>	New	Selma City Council passed an ordinance early April 2013 that will allow police officers to fine those riding in their cars with their music too loud. There is concern about how police will enforce the ordinance: loudness is not a top priority for officers.
	<a href="#">Gadsden</a>	Amend	City Council has voted to raise the minimum fines for those in violation of the noise ordinance and seeks additional information on enforcement activity.
Arkansas	<a href="#">Kennett</a>	New	Kennett passed a noise ordinance targeted at loud music coming from vehicles in response to numerous complaints.
California	<a href="#">Alhambra</a>	Amend	Alhambra City Council to hold public hearing to discuss a revision of the Alhambra noise ordinance. The proposed revision would simplify the existing ordinance and include commercial and residential projects in downtown Alhambra.
	<a href="#">San Jose</a>	Complaint	Residents near Mineta San Jose International Airport concerned about approval of a new corporate jet center and possible noise it may bring.
	<a href="#">Benicia</a>	N/A	City port fighting the construction of a retirement home in the area claiming it will clash with existing industry. Attorney for the retirement home developer, however, claims the port operator fears that if the assisted-living facility is built, the port's ability to circumvent existing noise ordinances would be in jeopardy.
	<a href="#">Butte County</a>	New	Proposed noise ordinance on agenda for passage as of 3-12: establishes decibel limits for acceptable noise levels within the county and includes exceptions for outside events or festivals, recreational vehicles, and safely fired gunshots on a private gun range.
Colorado	<a href="#">Ouray</a>	Amend	After a year of deliberating possible changes to noise ordinance, city officials decide to continue using it on a case-by-case basis and postpone making big changes for now. Officials claim there have been few complaints and it isn't a very big problem.
	<a href="#">Colorado Springs</a>	Complaint	Residents surrounding Colorado College campus complain of excessive noise at the end-of-the-year celebration known as "Llamapalooza". College received permit for the event, but complaints still followed.
Connecticut	<a href="#">East Lyme</a>	New	After consideration of divided community's conflicting views, Council passes new noise ordinance after months of deliberation. The ordinance makes any noise above 55 decibels during the day and 45 decibels at night a violation, punishable by a fine of \$90 per offense. Exemptions include domestic power equipment, such as power saws or lawn mowers during daytime hours, natural phenomenon, chimes, bells, or emergency sirens, farming equipment, demolition equipment, aircraft noise or train horns. Noise from legally permitted recreational activities, such as fireworks displays, concerts, parades or sporting events, are also exempt.
	<a href="#">Stonington</a>	Amend	Residents of a certain neighborhood complain of a teenager riding his dirt bike and want to bring a complaint. However, teen's activity does not violate any statute or even the current noise ordinance. Residents asked the Board of Police Commissioners to either charge the teen and his family with a crime or enact some type of ordinance to keep him from riding.
	<a href="#">Derby</a>	Complaint	Residents complain of tractor trailer truck noise coming from residential zones and question why noise ordinance is not being enforced by police.



STATE	CITY/COUNTY	ACTION	RESPONSE TO NOISE COMPLAINTS AND CONCERNS
Florida	<a href="#">St. Petersburg</a>	N/A	Article recites history of how prior noise ordinance enforcement efforts at downtown music venue failed and current limitations set hours for end of music performances.
	<a href="#">Delray Beach</a>	Amend	Newest version of noise ordinance gets rid of decibel system and makes loud music illegal if the noise is unreasonable and plainly audible 100 feet from the property line. Difficult to strike a balance between business and resident rights.
	<a href="#">Sarasota</a>	Amend	Community struggle between residents who want to live in peace and quiet and downtown businesses/patrons who embrace a livelier neighborhood.
	<a href="#">Watertown</a>	None	Police reluctant to issue noise ordinance violations and instead issue misdemeanor citations for disorderly conduct because then they don't have to rely on what constitutes "unreasonable noise" - freedom of speech vs. noise ordinance; FL Supreme Court struck down law prohibiting motorists from playing "plainly audible" music violated 1st Am guaranteeing free speech.
	<a href="#">Navarre Beach</a>	None	Santa Rosa County commissioners agreed during a meeting that Navarre Beach does not need a noise ordinance. One commissioner stated that he is not for any noise ordinance on Navarre Beach because it would be "more government on top of government." County ordinance for nuisance noise doesn't cover Navarre Beach.
	<a href="#">Tallahassee</a>	New	City crafting its first noise ordinance - it was relying on state statute before, but the state's noise ordinance was recently struck down by Florida Supreme Court as violating First Amendment rights.
	<a href="#">Tampa</a>	Amend	Since Florida legislature has declined to address a car stereo noise ordinance, cities are examining local regulatory options. Tampa City Council will consider an ordinance that would outlaw any car stereo noise that can be heard 50 feet or more from a vehicle.
	<a href="#">Cape Coral</a>	Complaint	Resident complains that nearby manufacturer of large concrete building supplies is violating noise ordinance by conducting business past the time allowed. City attorney doesn't think city can prohibit business from conducting activity on property such as maintenance, repairs, etc. outside the business hours specified in the ordinance. Community concerned that city cannot effectively enforce its own ordinance.
	<a href="#">Winter Springs</a>	Amend	Amended ordinance to provide tools to the police to measure absolute, as well as low-frequency sounds such as bass. This will allow police to not only measure sound violations, but potential violators can be advised as to what standards they need to meet. Amended ordinance may also permit arrests for serious violations.
	<a href="#">Islamorada</a>	Amend	Council decided not to hold a final vote on amending noise ordinance, but instead will hold a workshop to discuss alternative approaches to ameliorating concerns about loud music. Council members uneasy with passing a tougher ordinance.
	<a href="#">Jacksonville</a>	Amend	Community debates on what to do with Metro Park where concerts are performed. A recently passed noise ordinance was put to the test during a concert. Results showed that when decibel levels peaked at certain hours, it barely went over the acceptable limit.
	<a href="#">Winter Garden</a>	Amend	City approved a revised noise ordinance that the city manager said will avoid legal pitfalls that led the Florida Supreme Court to strike down a state law as unconstitutional. Police can cite anyone for "loud, raucous, or otherwise unduly jarring noise" and forbids amplifications that can be "felt or clearly heard at 25 feet or more from the [playing] device". New rules will apply equally to music and talk radio.



STATE	CITY/COUNTY	ACTION	RESPONSE TO NOISE COMPLAINTS AND CONCERNS
	<a href="#">West Palm Beach</a>	Complaint	Architectural Testing builds mock-ups of buildings and tests whether they can withstand hurricane-force winds, torrential downpours and other potential natural disasters. One of the tests uses an aircraft engine that simulate winds of 85 miles per hour or stronger and this noise is bothering neighbors. Commissioners aren't sure what they can do to stop the noise because the test site sits in an industrial use zone. City noise ordinance is not based on decibel levels but based on "if you cannot carry a normal conversation on your property because the noise is so loud that you cannot speak at a normal level."
Georgia	<a href="#">Atlanta</a>	Amend	Midtown Atlanta residents seek a tougher noise ordinance as residential and commercial use neighborhoods are becoming more frequent. City seeks to update its noise ordinance but will have to wait until next year.
	<a href="#">Smyrna</a>	Amend	A new noise ordinance has been put in place to reflect the reality of noise levels more properly. City officials say this will allow the police to enforce decibel levels and find the proper balance for residents and businesses. The new ordinance also takes into account the amount of "background" or "white" noise.
	<a href="#">Ringgold</a>	New	New ordinance would allow certain decibel levels for residential and commercial districts during the various times of a given day.
Illinois	<a href="#">Morton</a>	Amend	Changes made to noise ordinance amid complaints that a church's services are too loud. New changes to be in line with current cases. Village president claims current cases suggest you cannot use decibels to indicate if something is too loud.
	<a href="#">Urbana</a>	New	In response to residents living near Solo Cup plant (now known as Dart Container) complaining of noise, new noise ordinance adopted to address the industrial noise.
	<a href="#">Pingree Grove</a>	Repeal	Trustees in the village of Pingree Grove repeal an anti-noise ordinance after they learned the costs in implementing the noise ordinance to reduce noise caused by semis would be more than \$3,600. Village attorney also pointed out that state noise laws would keep the village from listing a specific noise level that must be reached for a violation to occur, and a precise noise limit would be difficult for police to enforce.
Indiana	<a href="#">Dyer</a>	Amend	Town council approved changes to noise ordinance to address live bands and DJs as well as prohibit entertainment loud enough to be heard by a person in a separate dwelling between the hours of 10 p.m. and 7 a.m. Monday through Thursday and 11 p.m. and 7 a.m. on Friday, Saturday and Sunday.
	<a href="#">Geneva</a>	Amend	Geneva passes noise ordinance that reads: "For the purpose of determining db(A) as referred to in this ordinance, the noise shall be measured on the A-weighting scale on a sound level meter of standard design and quality having characteristics established by the American National Standards Institute."
Iowa	<a href="#">Keokuk</a>	Amend	City revises noise ordinance to be more consistent with state code. Much of the discussion on the city's noise ordinance is related to complaints from several residents about late night music coming from a beer garden.
Kentucky	<a href="#">Lexington</a>	Amend	Reviewing change in noise ordinance that will allow police to cite drivers if the noise can be heard more than 10 feet away.
	<a href="#">Grayson</a>	New	First reading of a proposed ordinance that sets guidelines for acceptable noise limits within the city, and penalties for violations of those rules.
Louisiana	<a href="#">Houma</a>	Enforce or Amend	Officials looking into existing noise ordinance to see if it's too broad or just needs to be strictly enforced. Residents concerned with downtown noise from bars and restaurants. Some residents also express concern when a permit can be obtained to waive the ordinance.

STATE	CITY/COUNTY	ACTION	RESPONSE TO NOISE COMPLAINTS AND CONCERNS
	<a href="#">Shreveport</a>	N/A	Noise ordinance is the most commonly violated ordinance in 2012 with 360 citations for excessive noise.
	<a href="#">Covington</a>	Amend	Resident with an ongoing problem with a neighbor who plays his stereo too loud says decibel system is almost impossible to enforce - police who have come by in response to her complaint didn't have a sound meter. Resident would like to see city change to a different standard other than decibel.
Maine	<a href="#">Cape Elizabeth</a>	Amend	Town council amends disturbing-the-peace ordinance to ban noise beyond property lines during certain hours. Noise prohibition applies from 10 p.m. to 7 a.m. on Sunday-Thursdays and from 11 p.m. to 7 a.m. on Friday-Saturday. Prohibition on excessive volume of music and officer has discretion to decide.
Maryland	<a href="#">Bel Air</a>	Amend	Expands ordinance to address sound vibration and high levels of noise vibration.
	<a href="#">Ocean City</a>	Lawsuit	ACLU suing Ocean City on behalf of a violinist, William Hassay, Jr., who says his First Amendment rights to free speech were infringed by a restrictive noise ordinance. Ocean City seeks to dismiss the case claiming no enforcement of the noise ordinance ever occurred and Hassay suffered no real harm.
	<a href="#">Montgomery County</a>	Complaint	Nearby residents complain of buses idling for far longer than the three-minute limit.
	<a href="#">Columbia</a>	Preemption	Proposed state legislation would preempt county efforts to ban electronic sound amplification at large outdoor concert venues during certain evening hours.
Massachusetts	<a href="#">Cambridge</a>	Amend	Constituent writes the noise ordinances should be amended to better protect neighborhoods from industrial noise coming from nearby labs.
	<a href="#">Hyannis</a>	Amend	Landlords now can be required to obtain written acknowledgement from tenants that their renters have received a copy of the town's noise ordinance. Councilors who voted against this addition to the noise ordinance think it's too broad, vague and difficult to enforce and don't believe they should hold one party responsible for the misbehavior of another party.
	<a href="#">Springfield</a>	Update	Springfield police enforcing noise ordinance. Citations given to those who play music too loudly in their car, but also given to those blaring music from their home. Since enforcement of the ordinance in March 2012, the city has collected \$66,065 in fines.
	<a href="#">Barnstable</a>	Amend	Town council to address changes to noise ordinance.
Michigan	<a href="#">Ann Arbor</a>	Amend	Revision in noise ordinance adds language to make clear that the ordinance can be enforced against those in a supervisory capacity – people who are causing the work to be done that is generating the noise, not just the workers who are operating the equipment causing the noise.
	<a href="#">Kalamazoo Township</a>	Amend	Noise ordinance changed to exempt noise from sanctioned sources or otherwise conducted by governmental units, public or private schools, emergency vehicles, and bridge/street repairs.
	<a href="#">Kalamazoo</a>	Amend	A nine member task force including representatives of the music scene, downtown residents, residents of other Kalamazoo neighborhoods and downtown business owners will consider whether standards on noise in Kalamazoo need to be changed.
	<a href="#">Benton Harbor</a>	N/A	City commission allowed St. Joseph River Yacht Club to continue playing music until midnight at two events this year.



STATE	CITY/COUNTY	ACTION	RESPONSE TO NOISE COMPLAINTS AND CONCERNS
	<a href="#">Grayling Township</a>	Amend	The proposed anti-noise and public nuisance ordinance addresses noise from fireworks, music and vehicles. The new ordinance seeks to update and simplify Grayling Township's current noise ordinance dating from 1967.
	<a href="#">Rutland Township</a>	New	Rutland Township supervisor to draft noise ordinance following numerous requests by residents to address noise issues. First reading of draft postponed to discuss matter further with Township attorney and address other issues and concerns
	<a href="#">Alamo Township</a>	Amend	Township proposes a change to the noise ordinance that will ban noise louder than 82 decibels at all times and any loud noise after 11 p.m. Township met with fierce opposition from residents who fear the proposed ordinance will shut down the Kalamazoo Speedway. Township eventually abandons proposed noise ordinance and current ordinance adopted in 1974, which does not set decibel limits or specific permissible noise levels, will remain in place for the foreseeable future.
Minnesota	<a href="#">St. Francis</a>	New	St. Francis City Council approved noise ordinance 4-1 on April 1 clarifying noise limits, types of noises and the city's authority to enforce those violations.
Missouri	<a href="#">Camden County</a>	Amend	Camden County commissioners voice their opinions on whether a noise ordinance is something that needs to be addressed with the number of lakefront venues with live music that are located within the county. Commissioners note concerns on their authority to institute an ordinance, system used to measure noise (decibel system is not uniform based on how noise travels), and whether the noise is really a major problem (one commissioner voices that the problem is minor). Commissioners seem to have concerns with putting a noise ordinance in place.
	<a href="#">Columbia</a>	Amend	City in process of drafting new noise ordinance and considering one proposed by the Special Business District. Need to recognize interests of both residents and business owners.
Montana	<a href="#">Butte</a>	New	Silver Bow County (where Butte is located) considering adoption of first noise ordinance. Bar owners concerned about adverse business impact. Residents who live in condos above bars complain of early morning noise levels caused by patrons gathering on streets. Bar owner in the area has taken measures to keep noise down in the bar, but cannot control what patrons do outside.
	<a href="#">Billings</a>	Amend	City Council adopted changes to noise ordinance allowing construction projects involving loud noise to start at 7 a.m., rather than 8 a.m. The ordinance also gives the city administrator authority to grant variances for events, and those decisions can be appealed to the council.
Nevada	<a href="#">Mesquite</a>	Amend	New ordinance will set maximum permissible sound levels at 75 decibels during daytime hours (plainly audible at 200 ft) and 65 decibels during nighttime hours (plainly audible at 100 ft) and provide waivers for special events.
New Hampshire	<a href="#">Greenland</a>	New	Police chief proposes a noise ordinance (city currently does not have one) but Board of Selectmen raise concerns of over-regulating law-abiding townspeople. Public hearing was scheduled for April 8, 2013.
	<a href="#">Bethlehem</a>	New	Town scheduled a hearing for residents on proposed noise ordinance for April 29, 2013.
New Jersey		<a href="#">Bill signed into law</a>	A bill sponsored by State Senator Jim Whelan will create a blanket exemption for beach bars within the Atlantic City Tourism District, overriding the restrictions of the Noise Control Act of 1971 and subsequent noise-control ordinances. The bill will become law immediately, having been unanimously approved by the N.J. Senate in June (39-0) and by the State Assembly in January by a 73-1 vote.



STATE	CITY/COUNTY	ACTION	RESPONSE TO NOISE COMPLAINTS AND CONCERNS
	<a href="#">Westfield</a>	Preemption	The town cannot enforce its noise ordinance because construction noise is from state project.
	<a href="#">Princeton</a>	Lawsuit	Michael Stockwell, an evangelical Christian preacher, is suing Princeton and several members of the police department in federal court, saying officers and other officials violated his right to free speech when he was told to stop preaching and given a summons.
	<a href="#">Hoboken</a>	Waiver	City council deciding whether or not to grant a waiver to allow Saturday construction on a waterfront development. Residents in the area oppose waiver. Builders concerned if they don't obtain Saturday construction waiver, they will be unable to meet deadlines for their construction project.
	<a href="#">Woodcliff Lake</a>	Amend	Woodcliff Lake Council to introduce amendments to current noise ordinance that will further restrict landscaping noise such as lawn mowers and leaf blowers to create a pleasant atmosphere so residents can enjoy the outdoors.
	<a href="#">Wayne</a>	Amend	A new town noise ordinance was introduced to comply with state regulations regarding neighborhood noise. The ordinance provides when certain activities can be performed and how far noise can travel without violating the ordinance.
	<a href="#">Waretown</a>	Exemption	Current noise ordinance prohibits noise above 65 decibels until 7 a.m. on weekdays and 9 a.m. on weekends. Greenbriar Oceanaire, a retirement development, seeks an exemption so they can begin their maintenance work on their golf course starting at 6 a.m.
	<a href="#">Califon</a>	New	While some residents and Councilmen don't think a noise ordinance is necessary, the Mayor believes it is because neighbors have attempted to police the issue themselves to no avail. A noise ordinance bill has been introduced.
	<a href="#">Fair Lawn</a>	Amend	The passing of a noise ordinance amending the current garbage pick-up time from 6 a.m. to 7 a.m. and no later than 10 p.m.
New York	<a href="#">Neighborhoods around JFK Airport</a>	Complaint	Residents are unhappy with the constant air traffic noise from JFK – FAA; officials provide little guidance in abating noise and providing relief.
	<a href="#">Oswego</a>	Complaint	Bar owner seeks a waiver to play music between 9 p.m.-1 a.m. Wednesday-Saturday evenings, but neighbors complain and oppose waiver.
	<a href="#">Ithaca</a>	Amend	City wants to make changes to noise ordinance by providing an objective measurement to help officers. Proposes decibel system to make officers' jobs easier. Current noise ordinance seen as too archaic for current needs; need for balance between community and college atmosphere.
	<a href="#">Stamford</a>	New	A resident complains of an idle tractor trailer, but board members unwilling to enact a noise ordinance that would affect the whole village because of one issue in one location.
	<a href="#">Glens Falls</a>	Amend	Group of Glens Falls residents have been studying noise ordinances in other municipalities for about two years and presented the Common Council with recommended changes to the city's noise ordinance.
	<a href="#">Penn Yan</a>	N/A	Yates County Sheriff said an existing town ordinance regulating noise and other nuisances are not enforceable by his deputies, making some residents wonder how it is helpful if it cannot be enforced.
	<a href="#">Le Roy</a>	Amend	Town considering a local law to add "unreasonable" or non-emergency construction, building, automobile maintenance and lawn care noises to the village's existing noise ordinance, which covers the hours of 11 p.m. to 7 a.m.



STATE	CITY/COUNTY	ACTION	RESPONSE TO NOISE COMPLAINTS AND CONCERNS
	<a href="#">Williamsburg/ NYC</a>	Complaint	New residents in neighborhood complain about a record store's long term practice of playing music on outdoor speakers. The record store owner doesn't appreciate new neighbors moving in and changing the culture of the neighborhood and believed the neighbors should have been prepared for music on the block. Playing music on the speakers is illegal, but a Williamsburg councilwoman recognizes the music's importance to the local Latino community.
North Carolina	<a href="#">Asheville</a>	Amend	City Council approved amendments to noise ordinance. Noise ordinance applies to certain residential areas, not downtown where people choose to live in a noisier area.
	<a href="#">Boone</a>	Update	Noise complaints down since noise ordinance enacted. Police now have a way to enforce noise complaints.
	<a href="#">Durham</a>	Lawsuit	Durham police cited New Hope Church under the city's noise ordinance in December, 2012 for sound considered "unreasonable and disturbing." Neighbors complained services at the church are akin to rock concerts - with the music invading their homes. Noise complaint dismissed after prosecutors unable to subpoena a key witness.
	<a href="#">Clayton</a>	Amend	Town council voted (4-1) against adopting a new noise ordinance. Councilman says it puts too big of a burden on police and noise is not a big problem. Other councilmen expressed frustration with the expensive process of conducting noise studies in town to measure the average sound levels in different areas.
	<a href="#">Marion</a>	Complaint	There have been about a dozen noise complaints all coming from one city councilman ever since a nightclub opened a year ago, but other neighbors say they don't hear noise, or could barely hear it.
	<a href="#">Marion</a>	Complaint	Ever since a nightclub opened a year ago, there have been about a dozen noise complaints all coming from one city councilman, but other neighbors say they don't hear noise, or could barely hear it.
	<a href="#">Polk County</a>	New	Residents in a community ask for a noise ordinance to address excessive noise from guns, cars and music. Polk County had a decibel-based noise ordinance in 2004, but it was rescinded after the sheriff said it was unenforceable. Planning board tabled the discussion of the issue in until the next meeting in June, 2013.
	<a href="#">Charlotte</a>	Amend	City considering prohibiting bars (not restaurants) from playing music between 12 a.m. to 2 a.m., but find it's not easy to differentiate between a bar, restaurant or nightclub. Neighbors complain of noise while bar and restaurant owners complain strict noise ordinances prevent them from running business.
	<a href="#">Archdale</a>	Amend	Ordinance changed to address noise from outdoor entertainment at night.
	<a href="#">Greenville County</a>	Amend	New change in ordinance gives drivers two warnings to turn car stereo down if it's more than 70 decibels. On the third, drivers have to appear before a judge, and those found guilty of violating the ordinance have seven days to turn their equipment to the Greenville County Sheriff's Office.
	<a href="#">Greensboro</a>	Amend	City Council looking into dropping its noise ordinance threshold from 75 decibels to 60, and ban amplified outdoor music after 11 p.m. following continuing violations and complaints. City is also taking legal action against Greene Street and Syn & Sky establishments for allegedly violating the noise ordinance. Nightclub's attorney said the ordinance violates equal protection because the city exempted its own venues and said enforcement has been biased.



STATE	CITY/COUNTY	ACTION	RESPONSE TO NOISE COMPLAINTS AND CONCERNS
	<a href="#">Lake Norman (Cornelius, Davidson, Huntersville, Mooresville, Troutman)</a>	New	A House bill that will allow the towns of Cornelius, Davidson, Huntersville, Mooresville and Troutman to enforce their noise ordinances 2,500 feet from shore is being considered. Currently, the Lake Norman Marine Commission has the authority to enact on-the-water measures.
	<a href="#">King</a>	Amend	In the past, ordinance only specify owners of dogs barking for 15 or more minutes as guilty of maintaining a nuisance but has now changed to all animals that bark, howl, whine or make noise for 15 or more minutes.
North Dakota	<a href="#">Dunn County</a>	New	County commissioners are discussing drafting a noise ordinance to address semi-truck traffic noise.
Ohio	<a href="#">Portsmouth</a>	Amend	Neighbors complain of noise emanating from music arena that doesn't have a full roof. City solicitor drafting ordinance to address complaints.
	<a href="#">Niles</a>	Lawsuit	Former Niles police officer filed a suit claiming the city was not enforcing the noise ordinance after he complained about loud music coming from a restaurant and banquet center near his home. Case dismissed after settlement reached.
	<a href="#">Athens</a>	Complaint	Residents concerned over noise levels caused by “#fest” and voice their concern to county commissioners.
	<a href="#">South Euclid</a>	Amend	Police Chief wants to amend excessive noise ordinance so a violation is a traffic violation, not a criminal citation. Police Chief also concerned the language louder “than is necessary for the convenient hearing” is too subjective, but acknowledges it would be difficult to require all officers to carry a noise meter.
Oregon	<a href="#">Bend</a>	Amend	After a music venue challenged a noise citation where no decibel meter was used to enforce an ordinance based on the decibel system, noise ordinance changed to require officers to use decibel meters in order to issue noise violations. First-time fines for violations reduced from \$750 to \$250. The Bend music community is happy with changes.
	<a href="#">West Linn</a>	Amend	City Council approved a noise and light trespass ordinance. Having a previous noise ordinance that relied on decibel readings, the city found it mostly unenforceable and onerous so the new version goes by a vaguer violation description that is determined by using judgment, including proximity of bedrooms, land use, time of day and the duration of the noise.
Pennsylvania	<a href="#">Brandywine</a>	New	Re-examination of noise ordinances, including those that were repealed, to create a new one.
	<a href="#">DuBois</a>	New	City Council moves ahead to draft noise ordinance as residents voice concerns over who and what it will address and how it will be enforced.
	<a href="#">Perkasie</a>	Amend	Perkasie's current noise ordinance protects residents from industrial noise, but not noisy neighbors. Despite a resident's complaints about a particular neighbor, council members decide to leave the industrial noise ordinance as is. Interim police chief recommended against changing the ordinance to address residential complaints because noise meters can be inaccurate and it's more effective to cite someone for disturbing the peace.



STATE	CITY/COUNTY	ACTION	RESPONSE TO NOISE COMPLAINTS AND CONCERNS
	<a href="#">Rockland Township</a>	Amend	Rockland Township Planning Commission decides not to make changes to current 1994 noise ordinance. Discussion to change the noise ordinance stems in part because neighbors of one resident have complained about noise from his ATV and wood chippers on his property. One Commissioner comments there is not much the Commission can do in a matter between neighbors. Difficult to enforce noise ordinance because much of the area is rural and it makes it difficult for noise enforcement officers to perform decibel tests.
	<a href="#">Hatfield Township</a>	Amend	Noise disturbance defined as “any sound that annoys or disturbs a reasonable person with normal sensitivities, or any sound that injures or endangers the comfort, repose, health, hearing, peace or safety of other persons.” References to specific sound levels measured in decibels removed.
	<a href="#">Hazleton</a>	New	City Council voted for an ordinance that would regulate sound and noise disturbances throughout the city.
	<a href="#">North Wales Borough</a>	New	Council decides to adjust proposed noise ordinance before moving forward.
	<a href="#">Ligonier Borough</a>	Amend	Inn owner proposes extending prohibition on construction noise in the noise ordinance until 8 a.m. on weekdays and 9 a.m. on weekends from the current restriction until 7 a.m. Owner claims early morning construction near her inn has caused patrons to abandon reservations and others to complain. Concern the construction noise is hurting the tourist industry.
	<a href="#">Shippensburg</a>	Amend	Amended noise ordinance clarifying how loud a noise can be to violate the ordinance approved by Shippensburg Borough Council.
South Carolina	<a href="#">Summerville</a>	New	Resident complains about noise and odor of neighbor's dogs and brought the issue to a councilman who had brought up a livability law before it was tabled. With this new complaint, councilman proposes another livability law, but others don't think it will be successful as it is seen as taking away people's rights.
	<a href="#">Fountain Inn</a>	New	City passed proposed ordinance on first reading. With the proposed ordinance, police officers would use hand-held devices to measure the sound level at the place where the complaint was received, but police would also have to consider other factors, such as the volume and intensity of the noise, whether the nature of the noise is unusual and the nature of the zoning area.
Tennessee	<a href="#">Clarksville</a>	Amend	City Council approved what decibel-level limits are allowed in the city, and city's speedway was granted an exemption as long as racing does not go past 1:30 a.m.
	<a href="#">Franklin</a>	Lawsuit	John McGlone, an evangelical activist, plans to challenge Franklin's noise ordinance in court after he was ticketed for using a microphone and amplifier to speak at last spring's Franklin Main Street Festival. Previously, the U.S. Sixth Circuit Court of Appeals ruled in McGlone's favor regarding his First Amendment challenge to Tennessee Tech University's campus speech policy.
Texas	<a href="#">Port Aransas</a>	Amend	On a second reading, City Council approved a change to the noise ordinance that will allow police officers to be a complaining party after using a decibel meter. Currently, the ordinance requires the complaining citizen to testify in court, but many complaining citizens are unable to do so.



STATE	CITY/COUNTY	ACTION	RESPONSE TO NOISE COMPLAINTS AND CONCERNS
	<a href="#">Austin</a>	Complaint	Long-time resident complains of noise from short-term renters. Owners of rental say she is complaining of everyday noise such as door shutting, baby crying, etc. Rental owner has put up a wall to act as a sound barrier, but neighbor still complains. First noise complaint on short-term rentals in Austin.
	<a href="#">Columbus</a>	New	City Council approved a noise ordinance. Although some councilmembers were concerned about the standard, the ordinance defines "unreasonable, loud, disturbing or unnecessary noise" as "any noise broadcast in such a manner that it is disturbing to a person of ordinary disposition who is subject to said noise."
	<a href="#">Beaumont</a>	Lawsuit	Court battle between city's noise ordinance and a restaurant.
Vermont	<a href="#">Lowell</a>	Complaint	Residents living near a wind turbine complain of noise and say they suffer from migraines and ear-ringing.
	<a href="#">Woodstock Village</a>	Amend	Suggested changes to ordinance include extending "normal" noise and outdoor music performances to 11 p.m. on Fridays and Saturdays and no noise before 8 a.m. Sunday; residents voice need to consider long-term benefits of changes in noise ordinance.
	<a href="#">Bennington</a>	Complaint	Neighbors complain of the number of dogs one resident has on his property. This resident has received numerous complaints due to dogs barking at neighbors but the dog owner claims the dogs are well cared for and only bark at strangers. Dog owner also claims police have come by his home even when there wasn't a complaint and police constantly monitor him.
Virginia	<a href="#">Charlottesville</a>	Amend	University students (fraternities specifically) testify against noise ordinance that would include jail time for repeat offenders. Students argue it will bring unrest and distrust between neighbors, fraternity men, and non-fraternity men.
	<a href="#">Waynesboro</a>	Amend	Considering changing law from making it a primary offense to hear noise from 50 feet away to 200 feet away and at any time. Police also suggests this will help crack down on drunk drivers.
	<a href="#">Virginia Beach</a>	lawsuit	Judge threw out charges against three preachers with violating noise ordinance by ruling that the Police Department's standards for determining violations of the statute were too lax. Beach officials have struggled with the ordinance since the state Supreme Court in 2009 declared it unconstitutional. The justices said the law was too vague and relied too heavily on the judgment of police. The City Council implemented a new version in 2011, limiting amplified noise - such as that coming from megaphones or boom boxes - to no more than 80 decibels during the day and 75 decibels at night in public spaces without a permit. Police officers were equipped with sound meters to eliminate guesswork. Judge ruled that the charges were invalid because neither the ordinance nor Police Department policy specify at what distance officers should measure the noise level.
	<a href="#">King George County</a>	New	During a Board of Supervisors meeting, residents raised concern over how noise ordinance will affect their lifestyle as well as surrounding businesses; they do not want to harm businesses vital to the community.
	<a href="#">Powhatan</a>	Amend	A local judge, hearing a case brought by a county couple against their ATV-riding neighbors, ruled that the current ordinance is unconstitutional and, therefore, unenforceable. Board members plan to meet to amend noise ordinance, but one representative did voice concern over making noise a criminal act.

STATE	CITY/COUNTY	ACTION	RESPONSE TO NOISE COMPLAINTS AND CONCERNS
	<a href="#">Campbell County</a>	Amend	After Virginia Beach case where Virginia Supreme Court declared their ordinance unconstitutional, Campbell County has been struggling to change their ordinance from the "reasonable person" standard to a more objective decibel system. Ordinance revisions after a public hearing provide decibel limits.
Washington	<a href="#">East Wenatchee</a>	Amend	Residents near a high school complain about an all-night fundraising event, but city government doesn't want part in it, saying that the groups should settle the differences themselves. Council distances itself from amending noise ordinance and sets aside plans for revisions indefinitely.
	<a href="#">Carnation</a>	Complaint	An exotic bird sanctuary that has existed since 2005 received a complaint from a neighbor of unreasonable noise. Other neighbors don't mind the noise and say it is an expected part of living in the country. The complaint came from neighbor who recently moved nearby.
	<a href="#">Kirkland</a>	Amend	In June 2012, the city of Kirkland enacted an amendment to its existing public disturbance ordinance that allowed for the regulation of watercraft noise (Kirkland Municipal Code 11.84A.070). The city is interested in hearing from those who live, work, visit or enjoy Lake Washington in Kirkland whether the new provision has had an impact on their experience, as well as other safety or environmental concerns.
	<a href="#">Langley</a>	Amend	Residential rights vs. business interests: Residents claim music coming from the bar is too loud and bar claims not being able to play live music has hurt the business. Langley City Council remanded its nightlife ordinance back to the planning advisory board for further study.
	<a href="#">Moses Lake</a>	Amend	A local bar owner is trying to persuade the Moses Lake City Council to change the city noise ordinance to allow late-night outdoor activities for downtown businesses so his business can stay viable in the community. Owner points out that city sanctioned events are exempt from the noise ordinance.
West Virginia	<a href="#">White Sulphur Springs</a>	Amend	Council concerned about wording and excessive penalties on proposed noise ordinance that they are allowing time to discuss the new ordinance to fine-tune it before bringing it back up.
	<a href="#">Philippi</a>	New	Philippi City Council unanimously passed a new noise ordinance that consists of using a noise meter to make determinations less subjective. Noise ordinance includes exceptions.
Wisconsin	<a href="#">Brown County</a>	New	Brown County Board of Health considering drafting low-frequency noise ordinance due to complaints of health problems from nearby wind farm. No correlation from study yet.

## SUPPORTERS



Robert Wood Johnson Foundation

The Network for Public Health Law is a national initiative of the Robert Wood Johnson Foundation with direction and technical assistance by the Public Health Law Center at William Mitchell College of Law.

This document was developed by Monica Hammer, J.D., Visiting Attorney with the Network for Public Health Law - Mid-States Region and Song Betzler, J.D./M.P.H., intern at the Network for Public Health Law - Mid-States Region. The Network for Public Health Law provides information and technical assistance on issues related to public health. The legal information and assistance provided in this document does not constitute legal advice or legal representation. For legal advice, please consult specific legal counsel.