



Report of the Rules & Ordinances Committee

Meeting Date: Tuesday, April 21st, 2026

The Committee convened on Tuesday, April 21st, in the Phillip Pane Lower Hearing Room, City Hall, Watertown, MA, with remote participation by Zoom.

1. Call to Order

Councilor Gardner called the meeting to order at 6:00 PM in the Phillip Pane Lower Hearing Room. Present were Nicole Gardner, Chair, Lisa Feltner, Vice Chair, and John Gannon, Secretary. Also present was Municipal Policy Analyst Doug Newton. Present in the audience were Councilors Vinnie Piccirilli, Caroline Bays, and Council President Mark Sideris. Residents Bob Miller, Jack Bartley, and Rita Colafella were present in the room as were several additional residents on zoom.

2. Discussion

a. Discussion on a Proposed Noise Ordinance

Councilor Gardner began the meeting by recapping where the Committee left off at the prior meeting. She pointed out that Mr. Newton had worked on several items as requested by the Committee in between the two meetings and asked the Committee to go through that list.

The Committee began by discussing Section 1, Statement of Purpose, with the Committee agreeing to come back to the statement of purpose with Councilor Feltner's proposed changes.

The Committee next turned to Section 2, Definitions, and Mr. Newton began going through the items he had worked on.

2A, Construction and demolition. In the last meeting, the Committee wanted this definition shortened. Mr. Newton suggested eliminating the list of specific examples laid out in the proposed ordinance. The definition would then be: "Any of the following:

- excavation, highway construction, land development or land clearing work;
- the erection, demolition, alteration, repair, or relocation of any building or structure,
- the use of any equipment for recycling, screening, separating, or any other processing of any raw material"

Councilor Feltner shared the following proposed alternative language: "any site preparation, assembly, erection, substantial repair, alteration, destruction, or similar action for public or private rights of way, structures, utilities, or similar property." Councilor Gannon shared that he feels it is important not to list too many specific examples within a definition so as not to accidentally create exemptions. He proposed the following language: "the erection, demolition, alteration, or repair of any building or structure." After a discussion, Councilor Gardner proposed that the Committee approve the following language: "any site preparation, assembly, erection, substantial repair, alteration, destruction, or similar action for public or private rights of way, structures, utilities, or similar property, and also the use of any equipment for any processing of any material." This is the

language that Councilor Feltner proposed with an addition. The Committee agreed to adopt this language.

2C, Emergency and emergency work: At the last meeting, the Committee wanted the definitions simplified. Mr. Newton mentioned that Waltham's noise ordinance uses a similar definition of emergency but defines emergency work as simply "work which must be performed to alleviate an emergency." Councilor Gannon shared that he prefers the definition in Watertown's proposed ordinance as it encompasses more. After a discussion, Councilor Gardner proposed the following language for the definition of emergency work: "any work performed to prevent or alleviate the physical hazard or property damage threatened or caused by an emergency." The Committee agreed to adopt this language.

Mr. Newton then mentioned that the proposed ordinance sometimes uses the word "sound" instead of "noise," and that it may be sensible to change mentions of "sound" to "noise" for internal consistency given that the ordinance defines "noise pollution." The Committee reviewed the where the word "sound" is used, which includes technical definitions. After discussion, the Committee agreed to keep the word "sound."

2G, plainly audible: At the last meeting, the Committee agreed the word "normal" should not be used. Mr. Newton shared the following language, drafted by Councilor Gardner: "any sound that is detectable and distinguishable from ambient or background noise at a specified location, such that the sound's source or character can be reasonably identified under ordinary conditions. A determination of plainly audible sound may be made by direct observation." Councilor Gannon and Councilor Feltner agreed that this definition was appropriate. Councilor Gannon then suggested that "direct observation" may not be strong enough to hold up to a legal challenge. After a discussion, the Committee agreed to keep the definition proposed by Councilor Gardner pending review by KP Law.

The Committee then discussed tonal noise, since the retention of the restrictions on tonal noise from our current noise ordinance was proposed during the last meeting. In Mr. Newton's discussions with Public Health Director Abbey Myers, she said that doing so may require some additional training or equipment but that it could be done if it is decided by the Council. Mr. Newton said that Waltham and Newton both cover tonal noise in their ordinances and define it as "any noise that is judged by a listener to have the characteristics of a pure tone, whine, hum, or buzz" He suggested using same definition, and the Committee agreed. Next the Committee turned to Section 3. Prohibition of Noise Pollution.

Councilor Gannon again raised a concern regarding city staff enforcing the noise ordinance on private property, given that they are not exempt from the trespassing statute. Councilor Gardner said that this is something KP Law can be asked to review. Mr. Newton added that the ordinance specifies that determinations can be made "at least" fifty feet away and only "if applicable," which is intended to protect the city from such circumstances. The Committee agreed to have KP Law review this matter further.

New section 3B: Returning to the matter of tonal noise, the Committee discussed the proposed new language for tonal noise, which would limit the noise measured at 5 dbA above ambient noise, consistent with Watertown's current ordinance. Councilor Feltner suggested that the Committee

review whether to restrict tonal noise to a lower number such as three. Mr. Newton shared that Ms. Myers said it makes the most sense to use 5 dbA. After a discussion, the Committee agreed to ask Ms. Myers to attend the next meeting on this topic.

The Committee then discussed the matter of vibrations. Mr. Newton shared that based on his discussions with Ms. Myers it would not be possible for the Health Department to enforce against vibrations as of now. Further, doing so would require a sound specialist which is costly. The equipment owned by the city currently is also not capable of measuring vibrations. Councilor Feltner said that while she can appreciate how difficult it is to enforce, she has heard from residents with concerns about vibrations and is in more information on the matter. Councilor Bays said that that Newton has a separate ordinance covering vibrations and that Cambridge covers vibrations in its noise ordinance. Councilor Gardner suggested that the Committee could ask for a vibration ordinance referral if they feel it is an issue in the community, and that she would be happy to have Ms. Myers discuss this further when she comes to the Committee.

Councilor Feltner then raised the issue of barking dogs, and said she would like to hear from the Health Department whether barking dogs can be included in the noise ordinance. She would further like to make sure that there is a referral for an ordinance to cover barking dogs if the topic cannot be covered in the noise ordinance.

On 3C, Councilor Gardner then asked about exempting city sponsored events. She suggested that some events such as the Greek Festival and others may not be covered as “city-sponsored” though they are somewhat comparable. Mr. Newton said that any events which are borderline could seek a noise waiver as prescribed in the proposed ordinance. Councilor Gannon added that individual vendors within city-sponsored events could be much noisier than expected or permitted and ought to be covered. Mr. Newton said the city events staff would be able to handle this situation if it were to arise.

On 3D, Councilor Gannon, expressed concern that the language could be too lenient in permitting people to accidentally cause noise pollution. The Committee agreed that this should also be reviewed by KP Law.

3. Adjournment

Councilor Gannon made a motion, seconded by Councilor Feltner, to continue the meeting. The motion passed three to zero and the meeting concluded at 7:37 PM.

These minutes were prepared by Doug Newton.

Chapter 95

NOISE REGULATIONS

§ 95.01.	Prohibition of noise emissions.	§ 95.04.	Exceptions.
§ 95.02.	Definitions and measurements of noise.	§ 95.05.	Enforcement.
§ 95.03.	Duties and responsibilities of City departments.	§ 95.99.	Penalty.

§ 95.01. Prohibition of noise emissions. [Ord. 6, passed 9-13-1983; amended Ord. 14, passed 3-12-1996]

- (A) No person owning, leasing or controlling a source of sound shall willfully, negligently, or through failure to provide necessary equipment, service, or maintenance or to take necessary precautions cause, suffer, allow or permit unnecessary emissions from said source of sound that may cause noise.
- (B) Division (A) of this section shall pertain to, but shall not be limited to, prolonged unattended sounding of burglar alarms, construction and demolition equipment which characteristically emit sound but which may be fitted and accommodated with equipment such as enclosures to suppress sound or may be operated in a manner so as to suppress sound, suppressible and preventable industrial and commercial sources of sound, and other man-made sounds that cause noise.
- (C) All devices employed in construction or demolition shall be prohibited from use during the hours of:
 - (1) 7:00 p.m. to 7:00 a.m. from Monday through Friday;
 - (2) 7:00 p.m. on Fridays through 8:00 a.m. on Saturdays; and
 - (3) 7:00 p.m. on Saturdays through 8:00 a.m. on Sundays.

§ 95.02. Definitions and measurements of noise. [Ord. 6, passed 9-13-1983]

- (A) The City hereby incorporates into and makes a part of this chapter the provisions of Chapter 310 Code of Massachusetts Regulations, Section 7.00 entitled Air Pollution Control Regulations.
- (B) These regulations shall govern the definitions, measurement and restriction of sources of noise emission.
- (C) For the purposes of this chapter, a "condition of noise pollution" shall be a noise source which increases noise levels 10 dB or more above the background noise level. If the noise level is judged by ear to have a tonal sound, an increase of 5 dB above background noise level is sufficient to cause noise pollution.

§ 95.03. Duties and responsibilities of City departments. [Ord. 6, passed 9-13-1983]

- (A) All City departments and agencies shall, to the fullest extent consistent with other laws, carry out their programs in such a manner as to further the policy of this chapter.

- (B) All City departments and agencies shall comply with Federal and State laws and regulations and the provisions and intent of this ordinance respecting the control and abatement of noise to the same extent that any person is subject to such laws and regulations.

§ 95.04. Exceptions. [Ord. 6, passed 9-13-1983]

This chapter shall apply to the control of all sound originating within the limits of the City of Watertown except the following:

- (A) The emission of sound for the purpose of alerting persons to the existence of an emergency or to the emission of sound in the performance of emergency work or in training exercises related to emergency activities.
- (B) Noncommercial public speaking and public assembly activities as guaranteed by state and federal constitutions.
- (C) Domestic equipment such as lawn mowers and power saws between the hours of 7:00 a.m. and 9:00 p.m.

§ 95.05. Enforcement. [Ord. 6, passed 9-13-1983]

The Board of Health shall be the primary enforcement agency of the terms of this chapter. In addition, any Police Department or Fire Department official or building inspector or their designee, acting within their jurisdictional area, is authorized to enforce this chapter.

§ 95.99. Penalty. [Ord. 6, passed 9-13-1983]

- (A) Any person who violates any provision of this chapter, if convicted, shall be fined no less than \$50 nor more than \$100 for the first offense and not less than \$200 nor more than \$500 for each succeeding offense.
- (B) Each subsequent day or part thereof of violation of this chapter, whether the violation be continuous or intermittent, shall be construed as a separate and succeeding offense.

WHEREAS noise pollution is a hazard to public health, welfare, safety, and quality of life; and whereas a substantial body of science and technology exists by which noise pollution may be measured and abated; and,

WHEREAS a substantial body of science and technology exists by which noise pollution may be measured and abated; and

WHEREAS people have a right to and should be ensured an environment free from excessive noise pollution that may jeopardize their health, welfare, or safety.

NOW THEREFORE BE IT ORDAINED by the City Council of Watertown that Title IX, Chapter 95 of the Watertown Code of Ordinances, inclusive of all sections, is hereby repealed and replaced in its entirety with a new Chapter 95 as follows:

95.01 Statement of Purpose

- A. Noise pollution is a hazard to public health, welfare, safety, and quality of life. A substantial body of science and technology exists by which noise pollution may be measured and abated, and the people have a right to and should be ensured an environment free from excessive noise pollution that may jeopardize their health, welfare, or safety. This chapter serves to address persistent noise pollution rather than fleeting noise inherent to life in a densely populated community such as Watertown.

95.02 Definitions:

- A. Construction and demolition: Any of the following:
1. excavation, highway construction, land development or land clearing work;
 2. the erection, demolition, alteration, repair, or relocation of any building or structure,
 3. the use of any equipment for recycling, screening, separating, or any other processing of any raw material
- B. Emergency: Any occurrence or set of circumstances involving actual or imminent physical hazard or property damage which demands immediate action
- C. Emergency work: Any work performed for the purpose of preventing or alleviating the physical hazard or property damage threatened or caused by an emergency
- D. Noise pollution: A noise source which increases noise level above ambient to the level prescribed in 95.03 (A)
- E. A-weighted decibels (dbA): The A-weighted noise-pressure level expressed in decibels
- F. Ambient noise level: The noise level associated with a given environment, being a composite of noises from all sources excluding the alleged offensive noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made

- G. Plainly audible: any sound that is detectable and distinguishable from ambient or background noise at a specified location, such that the sound's source or character can be reasonably identified under ordinary conditions. A determination of plainly audible sound may be made by direct observation.
- H. Tonal noise: any noise that is judged by a listener to have the characteristics of a pure tone, whine, hum, or buzz

95.03 Prohibition of Noise Pollution

- A. Any activity, other than those exempted by 95.03(B) below, which creates or produces noise measured at 10 dbA above ambient noise level at any of the following locations shall be deemed a violation of this section:
 - 1. The property line of any residential property or of any condominium or apartment house
 - 2. At least fifty feet away from the source of noise if in a non-residential setting if applicable
- B. When a tonal noise, as defined in 95.02 (H) above, is emitted, the creation or production of noise measured at 5 dbA above ambient noise level at any of the following locations shall be deemed a violation of this section:
 - 1. The property line of any residential property or of any condominium or apartment house
 - 2. At least fifty feet away from the source of noise if in a non residential setting if applicable
- C. Noise emanating from the operation of the following is exempt from the application of this section 95.03:
 - 1. Motor vehicles on a public highway
 - 2. Equipment used for construction and demolition
 - 3. Equipment used in domestic or commercial maintenance
 - 4. Domestic animals on a residential or commercial property
 - 5. Noncommercial public speaking and public assembly as protected by state and federal constitutions
 - 6. An emergency or emergency work
 - 7. City-sponsored events
- D. No person owning, leasing or controlling a source of noise shall cause, suffer, allow or permit unnecessary emissions from said source of noise that causes noise pollution via any of the following manners:
 - 1. Willfully
 - 2. Negligently
 - 3. Or through failure to provide necessary equipment, service, or maintenance or to take necessary precautions

95.04 Construction and Demolition

- A. All devices employed in construction or demolition which are plainly audible at any of the following locations shall be prohibited from use during the hours of 7:00 PM to 7:00 AM on weekdays, from 7:00 PM to 8:00 AM on Saturdays, and at any time on Sundays and legal holidays:
 - 1. The property line of any residential property or of any condominium or apartment house
 - 2. At least fifty feet away from the source of noise if in a non-residential setting, if applicable
- B. Nothing in this section shall be construed to prohibit noise emanating from vehicles used in construction or demolition for the purposes of safety such as backup alarms on a vehicle.

95.05 Domestic and Commercial Maintenance

- A. All devices employed in domestic or commercial lawn, garden, or grounds maintenance which are plainly audible at any of the following locations shall be prohibited between the hours of 7:00 PM and 7:00 AM on weekdays and from 7:00 PM to 8:00 AM on Saturdays, Sundays and legal holidays:
 - 1. The property line of any residential property or of any condominium or apartment house
 - 2. At least fifty feet away from the source of noise if in a non-residential setting, if applicable

95.06 Noise Waiver

- A. The Director of Public Health or his or her designee may grant a waiver for any activity otherwise forbidden by the provisions of this chapter upon a determination that compliance in the conduct of such activity would cause undue hardship on the person or persons conducting such activity or on the community, taking into account the extent of noise pollution caused by not requiring such compliance and whether reasonable efforts have been made to abate the noise. The Director of Public Health shall establish appropriate procedures for the processing of requests for such waivers, including such hearings as he or she deems appropriate. The Director of Public Health may seek the input of the Superintendent of Public Works in noise waiver requests related to construction or demolition. In granting any such waiver, the Director of Public Health may impose such appropriate conditions as he or she deems necessary pursuant to this section. Copies of all such waivers shall be filed with the clerk of the city council and to each ward city councilor whose ward is affected by the waiver promptly after issuance.

95.07 Enforcement

- A. The provisions of this chapter may be enforced by the Director of Public Health or their designee. The provisions of this chapter may also be enforced by the Chief of Police or their designee, the Fire Chief or their designee, and the Building Inspector or their designee.. Each violation shall be deemed as a separate offense.

95.08 Penalty

- A. Any person who violates any provision of this chapter shall be issued a written and verbal warning for the first offense, then fined as follows:
 - 1. \$100 for the second offense
 - 2. \$200 for the third offense
 - 3. \$300 for the fourth offense and each subsequent offense

- B. Nothing in this section shall be deemed to limit the use of other lawful methods of abating violations of this section, including but not limited to application for equitable relief from a court of law.

Public Comment Received in Advance of Meeting:

“Good morning councilors and city leadership,

I’ve written in the past, requesting common-sense noise ordinances for Watertown. We still get woken up by 5am dumpster maintenance on Pleasant St. and the systems on top of labs and other buildings still dominate the river landscape along Watertown.

A Google search leads to noise dampeners that are widely available- and in fact these quieting systems are in place in our neighboring towns (like Waltham).

This morning at Watertown dam, the rush of water and sounds of birds are impossible to hear over the blasting of the mechanical system on the roof of 64 Pleasant st. See attached video.

This is an important place for wildlife breeding and migration and for people to feel connected to nature. This is a depressing impact that is not hard to remedy. I’m asking the council to please immediately put in noise ordinances that ensure nighttime rest for people and wildlife and a common-sense noise limit during daytime that does not drown out all other sounds.

Sincerely,
Cedar Pruitt”

Dear Councilor Gannon,

I hope this message finds you well.

I am writing as a Watertown resident of over 10 years, residing on Spring Street for the past 6 years, to share an ongoing concern regarding noise disturbances in my neighborhood. Over the past two years, there have been recurring instances of very loud music coming from the Maude Terrace area, often lasting for hours at a time and frequently extending late into the night.

This has become a persistent issue. The police have been called on multiple occasions, and I have also reached out to Abbey Myers, Director of Public Health for Watertown, in an effort to address the situation. Unfortunately, the problem continues without meaningful improvement.

In fact, as I am writing this email, there is currently loud music coming from Maude Terrace.

Given this experience, my wife and I strongly support the new noise ordinance currently being considered by the Council. We are hopeful that it will be approved and, importantly, consistently enforced so that residents can enjoy a reasonable level of peace in their homes.

I understand that the City is actively reviewing updates to the noise ordinance, and I wanted to share my experience as a resident directly affected by these disturbances. I would greatly appreciate any guidance you may have, as well as your continued attention to this matter.

Thank you very much for your time and for your service to the community.

Sincerely,
Samuel Akerman