



Report of the Rules & Ordinances Committee

Meeting Date: March 12th, 2026

The Committee convened on Thursday, March 12th, in the Third Floor Conference Room, City Hall, Watertown MA, with remote participation by Zoom.

1. Call to Order

Councilor Gardner called the meeting to order at 5:00 PM. Present were Nicole Gardner, Chair, Lisa Feltner, Vice Chair, and John Gannon, Secretary. Also present were City Manager George Proakis and Municipal Policy Analyst Doug Newton. Present in the audience were Councilors Vinnie Piccirilli and Caroline Bays. Resident Rita Colafella was also present in the room, as were Linda Scott and Elodia Thomas by zoom.

The purpose of the meeting was to discuss the proposed Noise Ordinance.

2. Discussion

Manager Proakis began the meeting by discussing the proposed noise ordinance. (Attachment A: current noise ordinance. Attachment B: proposed noise ordinance.) Mr. Newton then presented slides discussing the current and proposed noise ordinances. (Attachment C) The Committee also received public comment from Rita Colafella in advance of the meeting (Attachment D).

The Committee then began discussion. Councilor Lisa Feltner expressed disappointment that the proposed ordinance does not address the following:

- Caps on total noise levels
- Noise duration
- Definition of various sources of noise
- Vibration

She also said that the statement of purpose describing some fleeting noise as inherent to life in Watertown suggests that noise is being accepted. Councilor Gannon said that construction and demolition has led to vibrations being felt, particularly in dense areas. The Committee asked staff to conduct research into the issue of vibrations and report back at a future meeting. Councilor Gardner raised the issue of tonal noise. Some other communities restrict this to no more than 5 dbA above ambient level. She asked for additional research to be conducted with neighboring towns regarding tonal noise limits, since the draft does not include it, and our current ordinance and the ordinances in some neighboring towns do include it.

The Committee then discussed the matter of commercial and residential lawn maintenance, with discussion centering around if the current ordinance exempts commercial lawn maintenance from enforcement. Manager Proakis and Mr. Newton shared that their understanding is that the current ordinance has a gap which does not cover commercial maintenance, and that this is also the understanding of the Health Department. Councilor Gardner said she felt it was important that the new ordinance cover this gap. On the issue of lawn maintenance, Mr. Proakis said that the Watertown

Environment and Energy Efficiency Committee has expressed interest in an ordinance specifically on gas-powered lawn equipment. The Manager views this as a separate issue from the noise ordinance meriting its own referral. The Committee then begin discussing the definitions in the ordinance. They discussed the necessity of defining both “emergency” and “emergency work” and asked staff to provide revised language at a future meeting. As to the definition of “construction and demolition,” the Committee asked staff to make the language more concise and avoid listing out specific examples.

The Committee asked staff to provide a better definition of “plainly audible.” While it is defined in the draft as “Any sound that can be detected by a person of normal hearing ability using his or her unaided hearing facilities,” the Committee agreed that the word “normal” is not appropriate and asked staff to edit the definition for the next meeting.

Finally, the Committee began discussion of the Section 95.03: Prohibition of Noise Pollution. Councilor Gannon raised the issue of enforcement, as health department staff are not exempt from the state trespassing statute. Manager Proakis noted that he views it as a core responsibility of his to ensure that his staff are properly trained on all applicable laws and regulations and will ensure that this remains the case.

3. Adjournment

Councilor Feltner made a motion, seconded by Councilor Gannon, to continue the meeting. The motion passed three to zero and the meeting concluded at 6:29 PM.

Report 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, which uses powered equipment including, but not limited to, backhoes, trucks, tractors, excavators, earth moving equipment, compressors, motorized or power hand tools, manual tools, or equipment of a similar nature as well as two-way radios or other communication equipment;
 3. the use of any equipment for recycling, screening, separating, or any other processing of soil, rocks, concrete, asphalt or other 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 sound-pressure level expressed in decibels

- F. Ambient noise level: The sound level associated with a given environment, being a composite of sounds 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 can be detected by a person of normal hearing ability using his or her unaided hearing facilities

95.03 Prohibition of Noise Pollution

- A. Any activity, other than those exempted by 95.03(B) below, which creates or produces sound 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. 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
- C. No person owning, leasing or controlling a source of sound shall cause, suffer, allow or permit unnecessary emissions from said source of sound 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.

95.08 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

95.09 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.

95.10 Enforcement

- A. The provisions of this chapter may be enforced by the Director of Public Health or his or her designee. The provisions of this chapter may also be enforced by the Chief of Police or his or her designee. Each violation shall be deemed as a separate offense.

95.99 Penalty

- A. Any person who violates any provision of this chapter shall be issued a 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.

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Noise Ordinance

Doug Newton

Clarity on Noise Pollution & How it is Measured

- **Noise pollution is noise measuring 10 dbA or more above ambient (background) noise level as measured at:**
 - The nearest residential property line
 - At least 50 feet from the source of noise if in a non-residential setting
- **Measurement of ambient noise taken from the nearest spot at which the offending noise is inaudible**
- **This is the procedure the Health Department has been using and can still use with new ordinance.**

Current Ordinance

- Prohibits noise “10 db or more above the background noise level. If the noise is judged by ear to have a tonal sound, an increase of 5 db above the background noise level is sufficient to cause noise pollution.”
- Exempts emergencies, protected free speech, and domestic lawn equipment from 7AM to 9PM.
- Prohibits construction & demolition outside of 7AM-7PM Monday-Friday, 7PM-8AM on weekends).
- Department of Public Health designated as primary enforcement agency. Police, Fire, and Building Inspector also allowed to enforce.
- \$50-\$100 fine for first offense, \$200-\$500 for each succeeding offense.

Goals of New Ordinance

- **Clarity, consistency, fairness**
- **Making noise ordinance consistent with other modern ordinances**
- **Provide a tool to limit noise pollution while understanding that some level of noise is inherent to life in Watertown**
- **Use clear standards for enforcement**
 - **Decibel limits, plainly audible**

Key Change:
Lawn
Maintenance

- Prohibited from 7am-7pm weekdays, 8am-7pm on Saturdays. Currently allowed 7am-9pm in Watertown.
 - “Plainly audible” standard
 - Same hours as construction & demolition but prohibited entirely on Sundays
- Commercial lawn maintenance now prohibited outside of such hours alongside domestic.
 - Current ordinance is silent on commercial lawn maintenance.

Other Key Changes

- “db” to “dbA”
- Language & formatting consistent with other modern ordinances
- Waiver process: Health Department to create a procedure to grant waivers. District Councilor for the event receiving a waiver to be informed.
- City-sponsored events exempted
- Penalties brought in line with other modern ordinances
 - Verbal warning for first offense, then \$100 for second, \$200 for third, \$300 for fourth and each subsequent offense.

Issues NOT
addressed in
ordinance

■ Gas vs. Electric Leaf blowers

- Also no decibel limits on leaf blowers during permissible hours
- Ordinance seeks to improve consistency and fairness between domestic and commercial in leaf blower noise regulation
- Additional leaf blower concerns could be addressed in a separate referral

■ Dogs and other animals

- Covered by Animal Control Ordinance & Keeping of Animals Ordinance

Summary

- **Goal is to create a simple, enforceable noise ordinance**
- **Does not attempt to unreasonably limit noise in a densely packed community**
- **Does limit untimely lawn noise and clarify enforcement procedure**
 - **Waiver process for any necessary exemptions**

Public Comment Received Prior to the Meeting:

Hi Rules & Ordinance Committee,

I will be attending today at 5pm. I wanted to make sure you got my thoughts in writing because I probably won't be able to speak to every single one. Please excuse typos since I was copying and pasting from the draft and then from other ordinances and organizations online. Some changes are explicitly called for because there are many vague words in the draft like "domestic" and "audible." You don't need to read into the record.

Thanks,

Rita

SECTION 95.01: STATEMENT OF PURPOSE

The current text damages community health by isolating neighbors and criminalizing the joy of being outside, which does not bode well for physical or mental health. It treats "quiet" as a luxury good and "noise" as a crime, favoring those who can afford large lots and soundproofed homes. Furthermore, this ordinance claims noise is a "hazard to public health", yet it does nothing to lower that high baseline from the highway or industry. It only penalizes the neighbors for adding to it.

- Amend to include: "This chapter shall not be used to change Watertown's vibrancy. Noise inherent to high-density living—including disagreements, moving furniture, music, dancing, or children running—is evidence of a healthy community and shall never be deemed 'Persistent Noise Pollution'."
 - This prevents the law from being used to sanitize or gentrify the city and to ensure differences in cultures, music or kids running around the playground are recognized as the sounds of a vibrant, human community.

SECTION 95.02: DEFINITIONS

"Ambient Noise Level"

- Add to 95.02(F): "In neighborhoods or areas within 500 feet of industrial/highway zones (e.g., The Pike), Ambient Noise shall be calculated as the average daytime noise of the entire block, not the lowest possible quiet moment."
 - Low-income areas are already louder. Without this change, newcomers moving next to a loud highway can report a neighbor for a "10 dBA spike" that is actually quieter than the existing background traffic. We must not penalize neighbors for a baseline created by zoning. Otherwise the law allows the loudest areas to remain loud, while strictly protecting the quietest areas. It fails the very people it claims to protect from "health hazards."

"Persistent Noise"

- Define strictly as: "A continuous, unchanging sound lasting longer than 30 minutes."
 - Anything less than 30-minutes must be "Fleeting." This prevents 311 from becoming a digital neighborhood watch; a 10-minute basketball game, a car with the radio on and the top, a car in a driveway being warmed up during a winter morning
 - The law must explicitly protect "The sounds of a healthy community" as "Fleeting Noise" inherent to the city. It must prioritize community overall health.

"Plainly Audible"

- Delete subjective "unaided hearing" standards. Add: "Audibility must be verified by a calibrated Type 1 Sound Meter at the complainant's property line."
 - Subjective "hearing" is a tool for discrimination. It allows "lifestyle referees" to decide a backyard BBQ or rap music is "offensive" while a private generator hum is ignored.

SECTION 95.03: PROHIBITION OF NOISE POLLUTION

Sub-section A (The 10 dBA Rule):

- A fixed limit (e.g., "nothing over 60 dBA") would make it illegal for someone in a loud area to even mow their lawn. However, 10 dBA is too low for dense areas where a simple radio or loud laughter hits 65–70 dBA.
- We can keep a relative standard but add massive protections and/or increase the threshold for domestic and social activities.

Sub-section A (The 10 dBA / Tonal Clause):

- The 5 dBA "Tonal" rule (hums, whines, buzzes) criminalizes older equipment.
- Exempt residential equipment (ACs, pool pumps) older than 10 years from the tonal clause.
 - A wealthier resident buys a \$10,000 "ultra-quiet" system; a working-class resident gets a \$100 fine for an old unit with a "hum."

Sub-section B (Mandatory Exemptions) - Add these:

- Childhood & Youth Play: All vocalizations and play (screaming, laughing, playground use) during non-night hours.
 - We need people to be enjoying the outdoors more and those are not always quiet activities.
- Youth Recreation: Sports activities, unamplified yelling, or social gatherings of teens during non-night hours (7:00 AM to 9:00 PM).

- Safety & Help-Seeking: Any yelling/screaming intended to deter crime, signal for assistance, or prevent kidnapping/assault.
 - High-volume screaming or whistles are often used by women and children to prevent or interrupt a crime.
- Cultural Heritage: Traditional unamplified singing, church bells, community festivals and “loud” conversational styles.
 - Protect cultural differences because low volume is a cultural preference, not a universal norm.
- Honest Conflict: Spontaneous arguments or vocal disagreements that don't involve a crime.
 - We shouldn't pressure people to "quietly" voice arguments to avoid a noise fine.
- Small Businesses: Outdoor dining, live music at a local pub, or even a busy storefront can be shut down by a single complaining neighbor.

Sub-section C (Negligent Noise):

- Remove "Negligent Noise" as a violation for tenants; keep it strictly for landlords regarding only structural equipment (elevators, furnaces).
 - Low-income renters shouldn't be evicted because they can't afford to "maintain" a quiet lifestyle or high-end appliances.
 - Similarly, landlords should not be discouraged from alarming a place with smoke alarms and CO2 detectors because tenants Let's not contribute to Watertown’s current issues regarding renting.

SECTION 95.04: CONSTRUCTION AND DEMOLITION - Add:

- All noise mitigation requirements for all new construction must be established during the Preliminary Site Plan Review, NOT during the Special Permit or Building Permit phase. The Planning Board must provide a "Noise Impact Specification" upfront. If a developer meets these crystal-clear specs (using muffling tech, acoustic enclosures, or low-noise fans) at the start, the city cannot later deny a permit or change the goalposts based on neighbor complaints during the middle of the process.
 - This removes the "Regulatory Hurdle" that makes housing and labs too expensive to build. Developers need to know the cost of muffling technology before they commit to a project.

SECTION 95.09: NOISE WAIVERS

- Reform the Waiver process to be a Pre-Approved Variance.
 - Currently, waivers are "expensive and difficult" to get after a problem starts. A developer or homeowner should be able to apply for a "Technological Hardship Waiver" upfront if

the cost of silencing a specific piece of equipment (like a backup generator) is disproportionate to the benefit.

- Add - Noise complaints may only be filed by a verified resident directly impacted and located within 150 feet of a construction/demolition.
 - To stop opposition to affordable housing and anti-growth reporters from patrolling the whole city via 311 to stall affordable housing projects they aren't even near.
- Create an Automatic Waiver for any residential property owner whose household income is below the area median.
 - Current waivers are "expensive and difficult," favoring large developers over small homeowners. Homeowners shouldn't face "daily \$100 fines" because they can't afford a \$5,000 muffler for a generator or AC unit.

SECTION 95.10: ENFORCEMENT & SURVEILLANCE - Add:

- The Police Department should not enforce Chapter 95. Enforcement is a civil matter for the Health Department.
 - Certain residents use city services as a private security force to change active neighborhoods. We must not allow lifestyle policing.
 - Also, the police are trained for other more important things
- The City shall not use permanent noise-monitoring microphones or automated 'shot-spotter' style tech for municipal enforcement.
 - Prevent anymore surveillance
- Establish that a pattern of false or excessive anonymous reporting against a single property will be investigated as a form of neighbor-to-neighbor harassment.

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SECTION 95.XX: SHIELDS- Add:

- Domestic Violence Safe Harbor: No noise from a domestic dispute or emergency call shall be used as a 'nuisance strike,' a basis for a fine, or as evidence in an eviction.
 - Aligns with the MA Domestic Violence Leave Act. Abusers use the threat of a noise fine/eviction to keep victims silent: This shield stops that psychological control.
- Eviction Shield: Explicitly ban landlords from using municipal noise citations as grounds for eviction.
 - This should prevent discrimination against renting to families with young children.

- Disability and Mental Health Shield: Vocalizations or mechanical sounds (motorized wheelchairs) related to physical/mental handicaps or tics (e.g., Tourette's, Autism) are 100% exempt
 - We need to protect the involuntary sounds of those with a condition such as being hard of hearing, having dementia or that need equipment to get around.