



Report of the Rules & Ordinances Committee
Meeting Date: June 2, 2026

The Committee met on Tuesday June 2nd at 5:30pm in the third-floor conference room, with Zoom access available.

Present were Councilors Nicole Gardner (Chair), Lisa Feltner (Vice Chair), and John Gannon (Secretary). Also attending in person were Public Health Director Abbey Myers, Municipal Policy Analyst Doug Newton, Senior Economic Development Planner Erin Rathe, and resident Rita Colafella. Present via zoom were residents Angie Kounelis and Linda Scott.

Councilor Gardner called the meeting to order at 5:32pm. The agenda included reviewing draft educational materials for the Skip the Stuff ordinance and continuing discussion of a proposed Noise Ordinance.

Attachment A: Watertown's Approved "Skip the Stuff" Ordinance

Attachment B: Packet of Educational Materials for Businesses on the Skip the Stuff Ordinance as Prepared by Planning Department Staff

Attachment C: Proposed Watertown Noise Ordinance as of the prior May 13th Committee meeting.

Attachment D: Proposed Table Outlining Allowed Hours for Lawn Maintenance and Construction & Demolition

Attachment E: Noise Ordinance as Amended & Approved by the Committee at the June 2nd meeting.

Skip the Stuff Ordinance

The Committee first reviewed draft educational materials for the Skip the Stuff ordinance.

Ms. Rathe provided an overview of the education campaign developed by the Health Department, Sustainability Team, and Economic Development Office. It will include:

- Educational visits to food establishments by Ms. Rathe to those businesses she has a relationship with, and by Health Department officers during their biannual inspection visits. There will be a process to ensure every business is visited, with the Health Department visiting any stragglers.
- Distribution of educational packets containing restaurant flyers, self-service station posters, staff posters, brochures, and FAQs.
- Information on the City website, in City newsletters, and on City social media.
- Press releases to encourage coverage by WCATV and Watertown News.

- Coverage by the Charles River Chamber of Commerce and the Watertown Business Coalition in their newsletters and social media.
- For new food establishments, information will be included in OpenGov; applicants will be required to review and acknowledge the ordinance. The Health Department will also have a conversation with them and will provide packets.

The City is currently evaluating which additional languages should be used for translated materials.

The team expects to conduct education and outreach for approximately two years to help integrate the ordinance into standard business practices.

The Committee reviewed the draft materials and made the following suggestions:

- Remove the Watertown Business Coalition and Charles River Chamber logos from all materials.
- Review and amend all text and images to ensure they reflect Watertown's ordinance. For example, references to paper napkins should be removed because Watertown does not regulate them. The materials should also reflect that restaurants may ask customers which items they would like, rather than requiring customers to request them.
- Include contact information for both the Director of Public Health and the Economic Development Planner in the FAQ so businesses can direct questions to the appropriate person.

In response to questions, Ms. Myers and Ms. Rathe confirmed:

- The Health Department will be the primary enforcement agency and may deputize the Code Enforcement Officer to assist if needed.
- The Health Department will track violations in the same manner as other code violations, building a database over time.
- The ordinance will become enforceable in November 2026.

The Committee thanked staff for their work and concluded the discussion.

Noise Ordinance

The Committee then resumed its review of outstanding questions regarding the draft Noise Ordinance.

Question 1: Definition of "persistent". At the last meeting, the Committee asked for advice on whether the word *persistent*, which appears only in the Statement of Purpose, should be defined. Attorney Reich advised that a definition was unnecessary because the Statement of Purpose is only explanatory. The Committee agreed to retain the existing Statement of Purpose language without adding a definition.

Question 2: Waste collection in special districts. At the last meeting Councilor Feltner asked how waste pickup could be regulated in special zoning districts. Attorney Reich explained that under MGL Chapter 111, Section 31A, municipalities may not restrict the hours during which solid waste is collected in areas zoned for commercial, business, or industrial use. Therefore, the hours for trash pickup by businesses could not be regulated. He also noted that regulating noise as a nuisance is different from regulating collection hours. The Committee recalled that it had discussed this earlier and agreed that regulation on those lines would not be practical.

Question 3: Trash pickup conditions imposed during permitting. The Committee asked whether conditions limiting trash pickup hours, imposed through Planning Board or Zoning Board of Appeals approvals, would be enforceable. Attorney Reich advised that such conditions, entered into voluntarily, would be enforceable.

Councilor Gardner suggested that further discussion to examine this more closely would be helpful and asked for a motion to refer the matter back to the Rules and Ordinances Committee. Councilors Feltner and Gannon both said they felt this was unnecessary, since the Community Development and Planning Department, along with the ZBA and Planning Board, have been pursuing these and other conditions and mitigations with developers for many years. Councilor Gannon also expressed concern that replacing this case-by-case approach with a Council-directed requirement would make it no longer a voluntarily accepted condition negotiated as part of the development review process, and thus unenforceable. No motion was made.

Construction, Demolition, and Lawn Maintenance Hours

The Committee reviewed a draft table outlining permitted hours for construction, demolition, and lawn maintenance activities. The table is intended to be posted on the City's website and other public-facing resources.

No changes were made to the proposed construction and demolition hours.

After extensive discussion, the Committee agreed to recommend the following lawn maintenance hours:

Domestic Lawn Maintenance hours:

- Monday–Friday: 7:00 a.m.–8:00 p.m.
- Saturdays, Sundays, and holidays: 8:00 a.m.–7:00 p.m.

Commercial Lawn Maintenance hours:

- Monday–Friday: 7:00 a.m.–5:00 p.m.
- Saturdays, Sundays, and holidays: 8:00 a.m.–5:00 p.m.

The Committee agreed on these changes for two reasons. First, residents who work during the day and have responsibilities after work may need that extra evening hour to maintain their properties. Second, commercial landscaping crews generally begin work early in the day and

typically finish before 5:00 p.m. Restricting relatively noisy commercial operations after 5:00 p.m. would have limited business impact while preserving quieter evening hours for residents.

City Event Exemptions

The Committee again discussed exemptions for City-sponsored events and acknowledged that some events can generate significant noise. Members agreed that post-event reviews for activities such as Faire on the Square, the Arts Market, Pride, and Porchfest should include consideration of noise impacts so adjustments can be made in future years if necessary.

Noise Complaint Reporting

Ms. Colafella expressed concern that anonymous noise complaints submitted through systems such as 311 could be misused to harass neighbors.

Ms. Meyers explained that the Health Department maintains records of complaints and would be able to identify patterns of repeated unfounded reports. If necessary, the Department could respond appropriately, including notifying the Police Department. She also confirmed that these records are subject to public records requests.

Action Items

Noise Ordinance:

→ Action Item: Councilor Gannon made a motion, seconded by Councilor Feltner, that the draft ordinance, amended to reflect the new times for allowed Lawn Maintenance activities, be recommended to the City Council for a first reading. The motion passed unanimously.

Gas-Powered Lawn Equipment

Councilor Feltner asked whether there was an active referral to Rules & Ordinances concerning gas-powered lawn equipment. The Committee found no such referral on the Council's list of outstanding referrals.

→ Action Item: Councilor Feltner made a motion, seconded by Councilor Gannon, that the City Council recommend a referral of the matter of gas-powered lawn equipment to the Rules & Ordinances Committee for further study and report back with a recommendation. The motion passed unanimously.

The meeting adjourned by unanimous vote at 7:43 p.m.

Report prepared by Nicole Gardner.



Watertown City Council

Administration Building
149 Main Street
Watertown, MA 02472
Phone: 617-972-6470

ORDINANCE # 44

2026 – O – 44

SKIP THE STUFF ORDINANCE

WHEREAS, Implementing Watertown's "Resilient Watertown" Climate Plan is a top priority of the City Council and the Community; and,

WHEREAS, a part of the effort to improve the environment is to reduce waste and,

WHEREAS, single use plastics have a significant impact on the environment through their carbon footprint and contribution to excess waste; and,

WHEREAS, the reduction of single use plastics in circumstances where they are not necessary is a valid and effective waste reduction strategy; and,

WHEREAS, substitution of reusable materials for non-recyclable single-use plastics will also reduce waste.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Watertown that the Watertown Code of Ordinances is hereby amended by adding new Title XI, Chapter 118, entitled "Skip the Stuff", as follows:

Chapter 118

SKIP THE STUFF

118.1 Purpose

The ordinance is to reduce the overall environmental impact of the City of Watertown, its residents, and its businesses. Single use plastic has a significant impact on the environment through its carbon footprint, and impact on waste systems. The provisions of this Ordinance will reduce the amount of single use plastic used throughout the City.

118.2 Definitions

For the purpose of this Section 118, the following definitions apply:

A. **Condiment:** A single-use packet containing relishes, spices, sauces, confections, or seasonings, and similar ingredients, that requires no additional preparation, and that is used on food or beverages, including, but not limited to, ketchup, mustard, mayonnaise, soy sauce,

sauerkraut, salsa, syrup, jam, jelly, salad dressings, salt, sugar, sugar substitutes, pepper, and chili pepper.

B. Food Establishment: A retail establishment that stores, prepares, services, vends, or otherwise provides food for human consumption, including, but not limited to, any establishment requiring a permit to operate in accordance with the State Sanitary Code Chapter X- Minimum Sanitation Standards for Food Establishments, 105 CMR 590 (the Retail Food Code), as it may be amended from time to time.

C. Full-Service Food Establishment: A food establishment where customers are seated at a table and where orders are taken and served by waitstaff at the tables.

D. Online Food Ordering Platform: The digital technology provided on a website or mobile application through which a consumer can place an order for pick-up or delivery of Prepared Food. Such platforms include those operated directly by Food Establishments, by companies that provide delivery of prepared meals to consumers, and by online food ordering systems that connect consumers to Food Establishments directly.

E. Prepared Food: Food or beverages serviced, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed, poured, or otherwise prepared (collectively "prepared") for individual customers or consumers. Prepared Food does not include raw eggs or raw, butchered meats, fish, and/or poultry sold from a butcher case, a refrigerator case, or similar retail appliance.

F. Single-Use: Items designed to be used once and then discarded and not designed for repeated use and sanitizing.

G. Single-Use Foodware Accessory: Single-use items provided alongside Prepared Food served in single-use plates, containers, or cups, including but not limited to utensils as defined herein, tongs, chopsticks, straws, stirrers, splash sticks, cocktail sticks, and toothpicks, cup sleeves, cup trays, and food trays.

H. Utensil: Forks, spoons, knives, sporks, chopsticks, or other instruments used to serve food or to eat food.

I. Reusable Food and Beverage Serviceware: Containers, bowls, plates, trays, cups, glasses, utensils, takeout containers, and other items used to contain and consume beverages and prepared food that are manufactured and designed to be washed and sanitized and used repeatedly over an extended period of time.

118.3 Prohibited use and distribution of single-use food and beverage serviceware.

Food Establishments are prohibited from providing Single-Use Foodware Accessories, including in takeout and delivery orders, whether orders are placed online, via phone, or in person, except as follows:

- A. Single-Use Foodware Accessories may be provided specifically upon the request of the consumer:
- By asking directly;

- By selecting the items in an online food ordering platform; or,
 - In response to an inquiry by the food establishment.
- B. Single-Use Foodware Accessories, including plastic Utensils, may not be wrapped in plastic or offered as bundled sets.
- C. Food Establishments may have Single-Use Foodware Accessories available at self-service stations. The self-service station may include a Single Item Dispenser. These stations must comply with the Massachusetts Retail Food Code (105 CMR 590.00).

118.4 Options with Online Food Ordering Platforms

Online Food Ordering Platforms must provide Food Establishments with a method to list each Single-Use Foodware Accessory and Condiment that is offered by the Food Establishment, such that customers can specifically request the Single-Use Accessories and Condiments that they wish to have included with their order.

118.5 Restrictions on Full Service Food

Full Service Food Establishments must utilize only Reusable Food and Beverage Serviceware for dine-in customers.

118.6 Exemptions

A. Food Establishment may seek an exemption from the requirements of this Ordinance as follows:

- The Food Establishment must file a request for an exemption in writing with the Director of Public Health.
- The request must state specifically which section and products they are seeking an exemption from and state reasons why application of the specific requirement would cause undue hardship.
- The Director may waive any specific requirement of this Ordinance for a period of not more than six months, but, upon subsequent applications, may extend exemptions for an additional six-month period.
- The Director will issue a final decision in writing within 30 days of receipt of a written request for an exemption.

118.7 Enforcement

The Director of Public Health and/or his/her designee shall have the authority to administer and enforce this Ordinance. This Ordinance and any resulting rules and regulations may be enforced through any lawful means in law or in equity, including, but not limited to, non-criminal disposition in accordance with the provisions of G.L. c. 40, §21D pursuant to Chapter 35, § 35.05 of the City Code of Ordinances.

118.8 Effective Date

This Ordinance will take effect six months after passage to allow time for the City Administration to conduct an education campaign focused on food establishments and consumers.

118.9 Penalty

A. Any person who violates any provision of this Ordinance shall be issued a verbal and written warning for the first two offenses, then fined as follows:

- \$50 for the third offense
- \$100 for the fourth offense
- \$200 for the fifth offense and each subsequent offense


B. Each day the violation continues may constitute a separate offense.

C. 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.

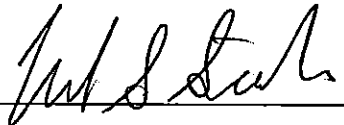


Council Member

I hereby certify that at a regular meeting of the City Council for which a quorum was present, the above ordinance was adopted by a vote of 9 for, 2 against, and 0 present on April 28, 2026.



Brendan T. McCarthy, Council Clerk



Mark S. Sideris, Council President

ELECTED OFFICIALS

Mark S. Sideris,
Council President

John G. Gannon,
Councilor At Large
Nicole Gardner,
District A Councilor

Vincent J. Piccirilli, Jr.,
Vice President &
District C Councilor
Theophilus Offei
Councilor At Large
Lisa J. Feltner
District B Councilor

Caroline Bays,
Councilor At Large

Anthony Palomba,
Councilor At Large
Emily Izzo,
District D Councilor

Skip the Stuff: Frequently Asked Questions

1. Why did the City adopt this policy?
 - a. By only giving out single-use items when the customer asks for them, we reduce the number of items that end up unused and in the trash.
2. Can I ask customers if they want the items or do I have to wait for them to ask?
 - a. You are welcome to ask customers if they need items! You can ask a blanket question, like “Do you need any utensils with your order?” or you can offer specific items, like “Would you like a splash stick to keep your coffee from spilling?”
3. Are there any special situations I should keep in mind?
 - a. Be as customer-friendly as possible. The goal of this policy is not to deny anyone the items they need; just to reduce unwanted items. The best way for you to help your customers is to anticipate their needs, just like any service situation.

If you have the sense that a customer doesn't understand the policy or could benefit from the items for a safety reason, please suggest the items that you think they might need.

4. Can we just make these kinds of items available at a self-serve station?
 - a. Yes, that's one way to comply with the ordinance. If you do create a self-service station, though, be sure it's accessible to all. For example, ensure that wheelchair users can reach the items and that you verbally direct customers to the station rather than only relying on signage.
5. I'm interested in more sustainable packaging options for my restaurant.
 - a. While the City doesn't require or endorse any specific products, there are online sellers that offer products that you could switch to. Suggested resources include:
 - i. [FoodBiz Supply](#)
 - ii. [Webstaurant Store](#)
 - iii. [Good Start Packaging](#)

Please reach out to Erin Rathe, Senior Planner for Economic Development, if you have any questions or concerns: erathe@watertown-ma.gov or 617-972-6417

Beginning November 1, 2026:

All single use silverware, condiment packages, and other accessory items will be provided upon request of the customer or at self-serve stations. Single use silverware, condiment packages, and other accessory items cannot be prepackaged in sets.

Additionally, full-service restaurants must use reusable food and beverage serviceware for dine-in customers.

Scan the QR code for more information



UPDATE

(city page URL)

Questions?

Watertown Health
Department
Health@watertown-ma.gov
617-972-6446

Erin Rathe, Economic
Development
erathe@watertown-ma.gov
617-972-6417



Food Establishment Guide



WATERTOWN
MASSACHUSETTS

Examples of single-use condiments and serviceware (straws, stirrers, lids, condiments, etc.) to be provided only upon request or self serve by customer, per City of Watertown Ordinance:

...and bundled sets are prohibited!



chopsticks

sauce packets

napkins

straws

utensils

cup sleeves



WATERTOWN
MASSACHUSETTS





Need utensils or condiments with your order? Please ask.



Single-use condiments and service ware (utensils, straws, stirrers, lids, etc.) provided upon request, per City of Watertown Ordinance.



WATERTOWN
MASSACHUSETTS



#SkipTheStuff





Need utensils or condiments with your order? Please take only what you need



Single-use condiments and service ware (straws, stirrers, lids, spill plugs, etc.)
provided upon request or self serve by customer, per City of Watertown Ordinance.



WATERTOWN
MASSACHUSETTS



#SkipTheStuff





EMPLOYEE INFORMATION SHEET

REMEMBER

Only provide single-use service ware and single-use condiments upon request.



ASK

What single-use service ware and single-use condiments they need and how much.



THANK YOU

For meeting the requirements of the Skip the Stuff Program!



FREQUENTLY ASKED QUESTIONS

What items are considered single-use condiments?

Single-use condiment means a single-serving packet, such as:

- Sauces (ketchup, relish, mayo, mustard, soy sauce, salad dressing, hot sauce)
- Seasonings (salt, pepper, parmesan cheese, red pepper flakes)
- Spreads (cream cheese, jelly, butter)

What items are considered single-use service ware?

Single-use service ware are all items that are designed to be used once and then discarded. This includes:

- utensils
- chopsticks
- stirrers
- straws
- splash guards
- cup sleeves

Are self-serve stations permitted?

Yes. You may provide an area for customers to help themselves to single-use items. Please encourage them to take only what they need.

Can I offer customers single-use items?

Yes, but please be specific and do not offer all items at once. For example, "Do you need a fork or ketchup packet with your meal?"



WATERTOWN
MASSACHUSETTS



#SkipTheStuff



Note: This draft is updated as of May 14, 2026.

ORDINANCE # [REDACTED]

2026 – O – [REDACTED]

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 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 serious hazard to public health, welfare, safety, and quality of life. A substantial body of science and technology exists by which noise may be measured and substantially abated, and the people have a right to and should be ensured an environment free from excessive noise that may jeopardize their health, welfare, or safety, or degrade the quality of life. This chapter serves to address persistent noise pollution.

95.02 Definitions:

- A. Construction and demolition: 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.
- 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 to prevent or alleviate 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), or the level prescribed in 95.03 (B) in the case of tonal noise
- 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 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 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 property.
 - 2. At least fifty feet away from the source of noise if on any publicly accessible space within a private property
- 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 property
 - 2. At least fifty feet away from the source of noise if on any publicly accessible space within a private property
- 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. Noncommercial public speaking and public assembly as protected by state and federal constitutions
 - 5. An emergency or emergency work
 - 6. 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.

95.04 Construction and Demolition

- A. All devices employed in construction or demolition which are plainly audible shall be permitted for use during the hours of 7:00 AM to 7:00 PM on Monday through Friday, and during the hours of 8:00 AM to 7:00 PM on Saturdays. All such devices shall be prohibited outside of such hours on Monday through Friday and Saturdays, and at any time on Sundays and legal holidays.
- 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 shall be permitted for use during the hours of 7:00 AM and 7:00 PM on

weekdays, and during the hours of 8:00 AM to 7:00 PM on Saturdays, Sundays and legal holidays. All such devices which are plainly audible are prohibited from use outside of such hours.

95.06 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 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 City Clerk and sent to all City Councilors.

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.

95.08 Penalty

- A. Pursuant to Chapter 40, Section 21D of Massachusetts General Law and the City's non-criminal disposition ordinance, 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. Each subsequent day or part thereof on which a violation occurs, whether continuous or intermittent, shall be considered a separate and succeeding offense.
- C. 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.

Allowed Hours for Plainly Audible Activity

This chart serves as an addendum to Chapter 95 of Watertown's Code of Ordinances. Please review the full Noise Ordinance or contact the Department of Public Health at 617-972-6446 with specific inquiries.

Activity Regulated by Time of Day	Monday through Friday	Saturday	Sunday	Legal Holidays
Construction & Demolition	7:00 AM-7:00 PM	8AM-7PM	Prohibited	Prohibited
Lawn Maintenance (Domestic & Commercial)	7:00 AM-7:00 PM	8:00 AM-7:00 PM	8:00 AM-7:00 PM	8:00 AM-7:00 PM

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 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 serious hazard to public health, welfare, safety, and quality of life. A substantial body of science and technology exists by which noise may be measured and substantially abated, and the people have a right to and should be ensured an environment free from excessive noise that may jeopardize their health, welfare, or safety, or degrade their quality of life. This chapter serves to address persistent noise pollution.

95.02 Definitions:

- A. Construction and demolition: 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
- 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 to prevent or alleviate 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), or the level prescribed in 95.03 (B) in the case of tonal noise
- 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 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(C) 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 property
 - 2. At least fifty feet away from the source of noise if on any publicly accessible space within a private property

- 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 property
 - 2. At least fifty feet away from the source of noise if on any publicly accessible space within a private property

- 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. Noncommercial public speaking and public assembly as protected by state and federal constitutions
 - 5. An emergency or emergency work
 - 6. 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.

95.04 Construction and Demolition

- A. All devices employed in construction or demolition which are plainly audible shall be permitted for use during the hours of 7:00 AM to 7:00 PM on Monday through Friday, and during the hours of 8:00 AM to 7:00 PM on Saturdays. All such devices shall be prohibited outside of such hours on Monday through Friday and Saturdays, and at any time on Sundays and legal holidays.

- 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 lawn, garden, or grounds maintenance which are plainly audible shall be permitted for use during the hours of 7:00 AM to 8:00 PM on Monday through Friday, and from 8:00 AM to 7:00 PM on Saturdays, Sundays, and legal holidays. All such devices which are plainly audible are prohibited outside of such hours.

- B. All devices employed in commercial lawn, garden, or grounds maintenance which are plainly audible shall be permitted for use during the hours of 7:00 AM to 5:00 PM on Monday through

Friday, and from 8:00 AM to 5:00 PM on Saturdays, Sundays, and legal holidays. All such devices which are plainly audible are prohibited outside of such hours.

95.06 Waiver

- A. The Director of Public Health or their 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 they deem appropriate. The Director of Public Health may seek the input of the Director of Public Works in waiver requests related to construction or demolition. In granting any such waiver, the Director of Public Health may impose such appropriate conditions as they deem necessary pursuant to this section. Copies of all such waivers shall be filed with the City Clerk and sent to all City Councilors.

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.

95.08 Penalty

- A. Pursuant to Chapter 40, Section 21D of Massachusetts General Law and the City's non-criminal disposition ordinance, 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. Each subsequent day or part thereof on which a violation occurs, whether continuous or intermittent, shall be considered a separate and succeeding offense.
- C. 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.