

Rhode Island Noise Related Statutes and Policies

§ 1-2-16 Noise and emissions directives. – The director is directed to issue operating procedures and directives requiring that aircraft utilizing Theodore Francis Green state airport, to the greatest extent possible, commensurate with passenger safety and federal law and regulation, minimize the use of reverse engine thrust employed to slow an aircraft as it lands.

§ 1-2-7 Leases, concessions, and licenses.

(a) The department of transportation may lease any portion of any airport or landing field owned or operated by the state or any of the buildings or structures erected on any airport or landing field and grant concessions upon portions of any airport or landing field owned or operated by the state for a period not exceeding five (5) years, with or without renewal options for a like period, in the manner prescribed by § 37-7-9. Where a substantial building, renovation, improvement, or addition to an existing building is to be constructed for any airport or aeronautical service, activity, purpose, or function or any allied service, activity, purpose or function, the department may lease in the manner provided in § 37-7-9, any portion of any airport or landing field owned or operated by the state for a period not exceeding thirty (30) years.

(b) In all department leases, concessions, licenses, and in all landing fee schedules imposed by the department, provisions shall be included requiring a graduated scale of payments designed to encourage take-offs and landings between the hours of 6:30 a.m. and midnight (12:00 a.m.). Any landings occurring after midnight (12:00 a.m.) and before 6:30 a.m. because of conditions beyond the control of the airlines and/or aircraft operator are not subject to any additional landing fees.

(c) The department shall include a provision in all leases, licenses and concessions requiring aircraft landing at Theodore Francis Green State Airport:

(1) To be equipped with **noise** and emission abatement devices as required by federal law or regulation in effect on July 1, 1985; and

(2) By January 1, 1989, to be equipped with **noise** and emission abatement devices as contained in federal aviation regulation, part 36, **noise** standards: aircraft type and airworthiness certification scheduled to take effect on January 1, 1989.

§ 1-5-1 Establishment and installation of aircraft operations monitoring system.

(a) The Rhode Island airport corporation is authorized and directed to coordinate with the federal aviation administration to complete a memorandum of agreement between the Rhode Island airport corporation and the federal aviation administration (FAA) to provide for the continuing acquisition of air traffic control radar records related to the operation of civil aircraft at T.F. Green airport.

(b) The Rhode Island airport corporation is authorized and directed to install an aircraft operations monitoring system (AOMS) which shall be capable of providing detailed and summary information related to the operation of aircraft at and in the vicinity of T.F. Green airport. The AOMS shall be capable of plotting and displaying over area mapping the ground-projected flight tracks and related altitudes of aircraft which use the airport. The system shall be capable of displaying flight tracks of individually identified aircraft based on time and location

of operation. The system shall have the capability to produce data files in both digital and hard copy format.

(c) The AOMS shall further be capable of producing summary reports which shall, at a minimum:

(1) Relate aircraft location data derived from air traffic control radar with individual activity events, based on time and location within the airport environs;

(2) Produce summary reports which disclose the use of runways by type of operation (landings or takeoffs), time of day, aircraft user group, and any other groupings which may from time to time become desirable at the option of the system user; and

(3) Disclose the activity levels by aircraft types, including, but not limited to, operations by Part 36 stage, operations by jet and propeller-powered aircraft, by air carrier or private operators, all presented by periods of time selected by the system operator.

(d) The AOMS reports shall be capable of expansion to provide additional data relating to flight track or corridor utilization, air traffic fix usage, and other information which may become desirable as a result of **noise** abatement and land use compatibility planning.

(e) The AOMS shall be procured and in effect by June 30, 1999. Provided, that if the Rhode Island airport corporation is unable to complete a memorandum of agreement with the FAA as provided for in subsection (a) of this section by June 30, 1999, and the inability is not due to inaction by the corporation, then the director of the corporation may request the general assembly to extend the June 30, 1999 date as appropriate.

§ 2-23.1-5 Matters subject to notification. – Matters subject to notification shall include the following actions to: (a) change the zoning and/or permitted uses of land used for farming; (b) designate or amend the designation of land used for farming in comprehensive plans or land use ordinances; (c) change the manner taxation of real and personal property used for farming; (d) establish or amend programs for the transfer of development rights affecting farming and hours of operation of machinery and equipment used in farming; (e) regulate water use for farming purposes; and (f) control **noise** and hours of operation of machinery and equipment used in farming.

§ 2-23-5 Nuisance actions against agricultural operations.

(a) No agricultural operation, as defined in this chapter is found to be a public or private nuisance, due to alleged objectionable:

(1) Odor from livestock, manure, fertilizer, or feed, occasioned by generally accepted farming procedures;

(2) **Noise** from livestock or farm equipment used in normal, generally accepted farming procedures;

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§ 11-45.1-1 Declaration of policy. – It is hereby declared to be the policy of the state to prohibit unreasonable, excessive and annoying **noise** levels from all sources subject to its police power. At certain levels, low frequency sound (between 100-20 cps) when substantially amplified, often referred to as sub-woofer frequency, can be extremely penetrating, disturbing and poses a danger to the health and safety of the individual using equipment creating the sound, and to other individuals in the immediate area from which the sound is being generated. The **noise** being

generated may originate from radios, CD players, DVD players, tape players, televisions and other audio-producing equipment.

§ 11-45.1-2 Violations of acceptable noise levels. – It shall be unlawful for any person to operate any equipment as set forth in § 11-45.1-1 from which the sound created by this equipment is capable of penetrating a closed vehicle from twenty (20) feet away from the location at which the sound is being generated, or heard from one hundred (100) feet away by a person outside from which the sound is originating. This section shall include, but not be limited to, sound electronically generated by autos, trucks, motor homes, mobile homes, houses, apartment buildings, condominiums, commercial buildings, or from any type of portable sound producing equipment that can be carried or placed outdoors which through its operation exceeds the provision of this chapter. All state and municipal vehicles shall be exempt from the provisions of this chapter, nor any person firm, corporation or other legal entity which holds a valid state or municipal entertainment license to sponsor a parade, carnival or other similar special event.

§ 11-45.1-3 Penalties. – Any person who violates the provisions of this chapter shall, upon conviction, be subject to a fine in the amount of one hundred dollars (\$100) for a first offense, two hundred dollars (\$200) for a second offense, and three hundred dollars (\$300) for the third and any subsequent offense.

§ 11-45-1 Disorderly conduct. – (a) A person commits disorderly conduct if he or she intentionally, knowingly, or recklessly:

- (1) Engages in fighting or threatening, or in violent or tumultuous behavior;
- (2) In a public place or near a private residence that he or she has no right to occupy, disturbs another person by making loud and unreasonable **noise** which under the circumstances would disturb a person of average sensibilities;

§ 11-47-62 Rifle ranges – Immunity from prosecution – Criminal or civil.

(a) Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, it shall be lawful for an owner of a rifle, pistol, silhouette, archery, skeet, trap, black powder, or other similar range to operate the range in excess of the applicable **noise** or **noise** pollution, law, ordinance or bylaw, provided the owner of the range continues to be in compliance with any applicable **noise** control law, ordinance or bylaws in existence at the time of the construction of the range. No owner shall be liable in any action for nuisance, and no court shall enjoin the use or operation of the range on the basis of **noise** or **noise** pollution, provided the owner continues to be in compliance with any **noise** control law, ordinance or bylaws in effect at the time of the construction of the range.

(b) No standards in rules adopted by any state, city or town agency for limiting levels of **noise** in terms of decibel level which may occur in the outdoor atmosphere shall apply to the ranges exempted from liability under the provisions of this section.

(c) Nothing in this section shall be construed to authorize or permit an owner of a rifle, pistol, silhouette, archery, skeet, trap, black powder, or other similar range to change the use and/or type of the range, or to expand the use and/or type of the range.

§ 31-19.3-1 Purpose. – The general assembly recognizes the importance of establishing procedures and standards for the supervision and regulation of the rental of motorized bicycles, motor scooters and motorized tricycles in the town of New Shoreham. The establishment of these procedures and standards is declared to be a reasonable exercise of the police power of the general assembly and necessary to afford protection against the increasing number and severity of accidents involving motorized bicycles, motor scooters and motorized tricycles, the **noise**, and the traffic congestion that their presence creates within the town. The general assembly further declares that it is in the interest of the public health, safety, and welfare that the rental of motorized bicycles, motor scooters and motorized tricycles in the town of New Shoreham be supervised, regulated, and controlled in accordance with the provisions of this chapter.

§ 31-22-26 Noise in vicinity of horse. – No operator of a vehicle in the vicinity of an equestrian and horse may blow a horn, or cause loud or unusual **noises**, in a manner to startle or frighten the horse. An operator violating the provisions of this section shall be guilty of a civil violation and upon conviction shall be fined not more than twenty-five dollars (\$25.00) for the first offense nor more than fifty dollars (\$50.00) for second or subsequent offenses.

§ 31-23-13 Muffler. – Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual **noise** and annoying smoke. No person shall use a muffler cutout, bypass, or similar device upon a motor vehicle on a highway. Any exhaust system shall be deemed defective if any changes, modifications, alterations, deletions, or adjustments have been made which would cause the exhaust system to generate a higher or louder sound level than would be generated by the exhaust system customarily installed by the manufacturer as original equipment. The defective exhaust system shall be replaced or repaired to restore the exhaust system to the performance specifications of the original equipment. Failure to replace or restore the exhaust system as required in this section within five (5) days shall be deemed a civil violation and violators are subject to fines enumerated in § 31-41.1-4.

§ 31-3.2-8 Mufflers. – Except as provided in this section, every snowmobile or recreational vehicle shall be equipped at all times with a muffler in good working order which blends the exhaust **noise** into the overall snowmobile or recreational vehicle **noise** and is in constant operation to prevent excessive or unusual **noise**. The exhaust system shall not emit or produce a sharp popping or crackling sound. This section does not apply to organized races or similar competitive events held on:

- (1) Private lands, with the permission of the owner, lessee or custodian of the land;
- (2) Public lands and water under the jurisdiction of the director, with the director's permission; or
- (3) Other public lands, with the consent of the public agency owning the land. No person shall have for sale, sell, or offer for sale on any new snowmobile or recreational vehicle any muffler that fails to comply with the specifications required by the rules and regulations of the director after the effective date of the rules and regulations.

§ 31-45-1 Noise limits. – (a) No person shall operate a motor vehicle, nor shall the owner of any vehicle allow the vehicle to be operated, at any time, or under any condition of grade, load,

acceleration, or deceleration, in such a manner as to exceed the following **noise** limit based on a distance of fifty feet (50') from the center of the lane of travel within the speed limit. For the purposes of this section, "dbA" means decibels measured with a calibrated sound level meter weighted to the "A" scale.

(b) In speed zones of thirty-five miles per hour (35 mph) or less, not more than eighty-six (86) dbA. In speed zones of more than thirty-five miles per hour (35 mph), not more than ninety (90) dbA.

(c) Violations of this section are subject to fines enumerated in § 31-41.1-4.

§ 31-45-2 Establishment of regulations. – The director of the department of revenue is authorized to adopt rules, regulations, and procedures to be utilized in the enforcement of this chapter. The director is further authorized to lower the **noise** standards set forth in this chapter consistent with economic and technological feasibility. The procedure shall allow, to the extent feasible, **noise** measurement and enforcement action to be accomplished in reasonably confined areas such as residential areas. The adoption of those rules, regulations, and limits shall be pursuant to chapter 35 of title 42.

§ 31-45-3 Applicability. – This chapter applies to the total **noise** from a vehicle and shall not be construed as limiting or precluding the enforcement of any other provisions of law relating to motor vehicle exhaust **noise**.

§ 31-45-4 Penalty. – Every person convicted of violating this chapter shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500).

§ 31-45-5 Motor vehicle radios, stereos and audio systems. – It shall be unlawful for any motor vehicle with a radio, stereo or audio system to produce sound which exceeds those limits specified in this chapter. Police cars, ambulances and fire engines shall not be subject to this section. Local cities and towns may, at their discretion, issue temporary exemption by special permit upon a showing of good cause. Violations of this section are subject to fines enumerated in § 31-41.1-4.

§ 45-24-30 General purposes of zoning ordinances. – Zoning regulations shall be developed and maintained in accordance with a comprehensive plan prepared, adopted, and as may be amended, in accordance with chapter 22.2 of this title and shall be designed to address the following purposes. The general assembly recognizes these purposes, each with equal priority and numbered for reference purposes only.

- (1) Promoting the public health, safety, and general welfare.
- (2) Providing for a range of uses and intensities of use appropriate to the character of the city or town and reflecting current and expected future needs.
- (3) Providing for orderly growth and development which recognizes:
 - (i) The goals and patterns of land use contained in the comprehensive plan of the city or town adopted pursuant to chapter 22.2 of this title;
 - (ii) The natural characteristics of the land, including its suitability for use based on soil characteristics, topography, and susceptibility to surface or groundwater pollution;
 - (iii) The values and dynamic nature of coastal and freshwater ponds, the shoreline, and freshwater and coastal wetlands;

- (iv) The values of unique or valuable natural resources and features;
 - (v) The availability and capacity of existing and planned public and/or private services and facilities;
 - (vi) The need to shape and balance urban and rural development; and
 - (vii) The use of innovative development regulations and techniques.
- (4) Providing for the control, protection, and/or abatement of air, water, groundwater, and **noise** pollution, and soil erosion and sedimentation.
 - (5) Providing for the protection of the natural, historic, cultural, and scenic character of the city or town or areas in the municipality.
 - (6) Providing for the preservation and promotion of agricultural production, forest, silviculture, aquaculture, timber resources, and open space.
 - (7) Providing for the protection of public investment in transportation, water, stormwater management systems, sewage treatment and disposal, solid waste treatment and disposal, schools, recreation, public facilities, open space, and other public requirements.
 - (8) Promoting a balance of housing choices, for all income levels and groups, to assure the health, safety and welfare of all citizens and their rights to affordable, accessible, safe, and sanitary housing.
 - (9) Providing opportunities for the establishment of low and moderate income housing.
 - (10) Promoting safety from fire, flood, and other natural or unnatural disasters.
 - (11) Promoting a high level of quality in design in the development of private and public facilities.
 - (12) Promoting implementation of the comprehensive plan of the city or town adopted pursuant to chapter 22.2 of this title.
 - (13) Providing for coordination of land uses with contiguous municipalities, other municipalities, the state, and other agencies, as appropriate, especially with regard to resources and facilities that extend beyond municipal boundaries or have a direct impact on that municipality.
 - (14) Providing for efficient review of development proposals, to clarify and expedite the zoning approval process.
 - (15) Providing for procedures for the administration of the zoning ordinance, including, but not limited to, variances, special-use permits, and, where adopted, procedures for modifications.
 - (16) Providing opportunities for reasonable accommodations in order to comply with the Rhode Island Fair Housing Practices Act, chapter 37 of title 34, the United States Fair Housing Amendments Act of 1988 (FHAA), the Rhode Island Civil Rights of Persons with Disabilities Act, chapter 87 of title 42, and the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12101 et seq

§ 45-24-33 Standard provisions. – (a) A zoning ordinance addresses each of the purposes stated in § 45-24-30 and addresses, through reasonable objective standards and criteria, the following general provisions which are numbered for reference purposes only:

- (1) Permitting, prohibiting, limiting, and restricting the development of land and structures in zoning districts, and regulating those land and structures according to their type, and the nature and extent of their use;
- (2) Regulating the nature and extent of the use of land for residential, commercial, industrial, institutional, recreational, agricultural, open space, or other use or combination of uses, as the need for land for those purposes is determined by the city or town's comprehensive plan;

(3) Permitting, prohibiting, limiting, and restricting buildings, structures, land uses, and other development by performance standards, or other requirements, related to air and water and groundwater quality, noise and glare, energy consumption, soil erosion and sedimentation, and/or the availability and capacity of existing and planned public or private services;

§ 45-2-57 Town of Richmond – Noise pollution. – For the purpose of promoting the public health, safety and general welfare, the town council of the town of Richmond shall have the power in accordance with the provisions of this section to establish by ordinance standards for the control of noise originating within the limits of the town. Without limiting the generality of the aforementioned, such ordinance shall:

(1) Establish standards for the control of noise originating within the limits of the town by setting maximum permissible sound levels for various activities and noise sources in order to protect the public health, safety and general welfare, provided that the regulation of noise from any particular source has not been preempted by state or federal law or regulation;

(2) Regulate noise pollution based on factors including but not limited to the volume of the noise, the intensity of the noise, whether the nature of the noise is usual or unusual, whether the origin of the noise is natural or unnatural, the volume and intensity of the background noise, if any, the proximity of the noise to residential dwellings, the location from which the noise emanates, the density of inhabitation of the area within which the noise emanates, the time of day or night the noise occurs, the duration of the noise, whether the noise is recurrent, intermittent or constant, and whether the noise is produced by a commercial or noncommercial activity;

(3) Establish use districts for regulation of noise, establish maximum permissible sound levels according to receiving land use, and provide that measurement of sound or noise shall be made with a sound level meter and octave band analyzer meeting the standards prescribed by the American Standards Association;

(4) Include definitions of words, terms and phrases necessary for the enforcement of the ordinance, and provide that definitions of technical terms not defined in the ordinance shall be obtained from publications of acoustical terminology issued by American National Standards Institute or its successor body;

(5) Provide that limitations shall not apply to sound from certain sources, including but not limited to emergency vehicles and snow removal equipment;

(6) Provide for enforcement by police department and/or by the town solicitor, who may institute an action for injunctive relief together with an action for penalties in the case of continuing violations;

(7) Provide the town council with the authority to grant sound variances after a public hearing, establish criteria for the granting of such variances and providing the town council with the authority to impose conditions on such variances; and

(8) Establish penalties for violation consistent with those established by state law for violation of municipal ordinances, provide the police department with the authority to issue warnings and cease and desist orders, and provide that each day of noise disturbance shall be considered a separate offense.

§ 46-22-8 Muffling devices. – The exhaust of every internal combustion engine used on any motorboat shall be effectively muffled by equipment so constructed and used as to muffle the noise of the exhaust in a reasonable manner. Outboard motors shall be equipped with underwater exhausts of standard manufacture as furnished by marine supply dealers. The use of cutouts is

prohibited, except for motorboats competing in a regatta or boat race approved as provided in § 46-22-13, and for such motorboats while on trial-runs approved as provided in § 46-22-13(b), or during a period not to exceed forty-eight (48) hours immediately preceding the regatta or race and for the motorboats, while competing in official trials for speed records, during a period not to exceed forty-eight (48) hours immediately following the regatta or race.

POLICIES

The State of Rhode Island does not have regulations that set community noise exposure criteria. It is up to each individual community to establish noise regulations through community by-laws.