

CITY OF NEWPORT

ORDINANCE

OF THE

COUNCIL

NO.

AN ORDINANCE IN AMENDMENT OF TITLE 8 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWPORT, RHODE ISLAND, REVISION OF 1994, AS AMENDED, ENTITLED, "HEALTH AND SAFETY".

BE IT ORDAINED by the City of Newport,

SECTION 1. Chapter 8.12 of the Codified Ordinances of the City of Newport, Rhode Island, Revision of 1994, as amended, entitled, "NOISE ABATEMENT", is hereby amended:

**8.12.130. Motorized vehicles.**

- A. No person shall operate the engine providing motive power, or any auxiliary engine, of a motor vehicle with a manufacturer's gross vehicle weight rate of ten thousand (10,000) pounds or more for a consecutive period longer than twenty (20) minutes while such vehicle is standing and located within one hundred fifty (150) feet of property zoned and used for residential purposes, except where such vehicle is standing within a completely enclosed structure. This section shall not apply to delivery or pick-up vehicles that require the operation of the engine to unload or load their vending loads.

**DELETE PARAGRAPH B IN ITS ENTIRETY AND:**

- ~~B. No person shall operate a motor vehicle or a combination of vehicles at any time or under any condition of grade, load, acceleration or deceleration in such a manner as to exceed eighty-six (86) dB(A). Such reading shall be measured at a distance within fifty (50) feet of the vehicle emitting the sound. Noise readings in excess of eighty-six (86) dB(A), measured from within fifty (50) feet shall constitute a violation punishable by a fine not to exceed the maximum fine that may be levied by the Newport Municipal Court.~~

**ADD IN LIEU THEREOF THE FOLLOWING**

- B. (1) With the exception of vehicles with passenger or motorcycle registrations and pickup trucks, no person shall operate a motor vehicle or a combination of vehicles at any time or under any condition of grade, load, acceleration or deceleration in such a manner as to exceed eighty-six (86) dB(A). Such reading shall be measured at a distance within fifty (50) feet of the vehicle emitting the sound. Noise readings in excess of eighty-six (86) dB(A), measured from within fifty (50) feet shall constitute a violation punishable by a fine not to exceed the maximum fine that may be levied by the Newport Municipal Court.

(2) No person shall operate a vehicle with passenger or motorcycle registrations or a pickup truck at any time or under any condition of grade, load, acceleration or deceleration in such a manner as to exceed eighty-three (83) dB(A). Noise readings in excess of eighty-three (83) dB(A) measured from within twenty (20) feet, and noise readings measured beyond twenty (20) feet as normalized by calculation to an equivalent noise level at twenty (20) feet in excess of eighty-three (83) dB(A) shall constitute a violation punishable by a fine as follows:

(a) For a first offense, a fine of Two Hundred Fifty (\$250) Dollars;

(b) For a subsequent offense within a one (1) year period of time of the first offense, a fine not to exceed the maximum fine that may be levied by the Newport Municipal Court;

(c) For any charge punishable by a fine as provided for in subsection B(2)(a) herein, any summons issued for the charge will provide the means by which the offender may dispose of the charge without the need to personally appear before the Municipal Court. If the offending operator elects to dispose of the charge without personally appearing before the Municipal Court, he or she shall return the summons or any other form provided for such purposes to the Municipal Court not later than twenty (20) days from the date of the summons either by mailing or delivering the summons or other forms to the Municipal Court or its designee, together with a check or money order in the amount of the fine set forth in subsection B(2)(a). The City of Newport may from time to time establish other means by which the offender may elect to pay the fine without personally appearing before the Municipal Court with instructions for the same clearly set forth on the summons or other forms issued for the charge and which instructions shall be followed in order for the offender to avoid a personal appearance before the Municipal Court.

C. The measurement of sound or noise shall be made with a sound level meter meeting the standards prescribed by A.N.S.I. The instrument shall be maintained in calibration and good working order. A calibration check shall be made of the system at the time of any noise measurement. Measurements recorded shall be taken so as to provide a proper representation of the noise source. The microphone during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used when required. Corrections shall be made for ambient and extraneous sounds that may interfere with the measurement of sound from the source under investigation.

**DELETE PARAGRAPH D IN ITS ENTIRETY**

~~D. Every motor vehicle and motorboat shall at all times be equipped with a muffler in good working order and in constant operation to prevent noise which exceeds the dBA levels set forth in Table II of this section. No person shall use a muffler cutout, bypass or similar device upon a motor vehicle on a highway.~~

ADD IN LIEU THEREOF

- D. Every motor vehicle and motorboat shall at all times be equipped with a muffler in good working order and in constant operation to prevent noise which exceeds the dBA levels set forth in Table I of section 8.12.080 or with respect to motor vehicles, subsections B(1) and (2) herein. No person shall use a muffler cutout, bypass or similar device upon a motor vehicle on a highway.
- E. No person shall remove or render inoperative, or cause to be removed or rendered inoperative, other than for the purposes of maintenance, repair, or replacement, of any device or element of design incorporated in any motor vehicle for the purpose of noise control. No person shall operate a motor vehicle or motorcycle which has been so modified. A vehicle not meeting these requirements shall be deemed in violation of this provision if it is operated.
- F. Motorcycles manufactured after December 31, 1982 (Federal Noise Regulations 40 CFR Part 205):
1. No person shall remove or deface any noise label or mark required by federal law which is affixed to any motorcycle or motorcycle part for purposes of identifying the motorcycle or motorcycle part as a federally regulated product.
  2. No person shall operate any road or off-road motorcycle manufactured to federal noise law that does not bear a label or mark on the exhaust system that matches the model specific code of the motorcycle on which the system is installed. A vehicle not meeting these requirements shall be deemed in violation of this provision if it is operated.
  3. No person shall operate, nor shall any person cause, allow, permit or fail to control the operation of any competition motorcycle identified for "competition use only" by the noise label or mark required by federal law on any property other than a motor sports facility in a practice session or a racing event. A vehicle not meeting these requirements shall be deemed in violation of this provision if it is operated.
  4. No person shall operate, nor shall any person cause, allow, permit or fail to control the operation of any motorcycle fitted with an exhaust system or exhaust system component identified for "competition motorcycles only" by the noise label or mark required by federal law on any property other than a motor sports facility in a practice session or a racing event. A vehicle not meeting these requirements shall be deemed in violation of this provision if it is operated.
- G. No person shall operate a recreation vehicle or permit the operation of one or more recreational vehicles, individually or in a group or in an organized racing event, on public or private property, in such a manner as to create a noise disturbance across a real property boundary or in a noise sensitive area.

SECTION 2. This ordinance shall take effect upon its passage and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.

IN COUNCIL  
READ AND PASSED

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Laura C. Swistak, CMC  
City Clerk