

CONSTRUCTION NOISE

Sec. 30-322. Definitions.

The following terms, whenever used herein, shall be used as follows unless a different meaning clearly appears from the context:

Excavating machinery. Any power-driven machinery used to excavate or dig into the ground or used to level or grade any ground site.

Jackhammer. Any power-driven device which is used to break up concrete or macadam, or which causes any metal object to strike any other metal object for the purpose of riveting, bolting or fastening together any two or more objects.

Non-powered hand-operated tools. Non-powered hand-operated tools such as hammers, shovels, hand saws, etc.

Pile driver. Any mechanism that is used to hammer, drive, or auger any type of piling into the ground.

Powered mechanical tools. Mechanical objects used in construction, drilling, repair, alteration, renovation, maintenance dredging, demolition and related practices.

(Ord. No. 2021-05 , 5-3-2021)

Sec. 30-323. Maximum noise level.

The operation of any tools used in construction, drilling, repair, alteration, renovation, maintenance, dredging, demolition and all related practices, except those specified in division 8 of this Article, creating noise in excess of 89 decibels at the adjoining property line is hereby prohibited.

(Ord. No. 2021-05 , 5-3-2021)

Sec. 30-324. Noise from powered mechanical tools.

Except as otherwise provided in section 30-326, the operation of powered mechanical tools is regulated as follows:

- (1) Between May 1 and September 30, the operation of mechanical tools is permitted only between 9:00 a.m. and 5:30 p.m.
- (2) Between October 1 and April 30, the operation of mechanical tools is permitted only between 7:00 a.m. and 5:30 p.m.
- (3) In no instance may the noise level from mechanical tools be in excess of 79 decibels at any adjoining property line.

(Ord. No. 2021-05 , 5-3-2021)

Sec. 30-325. Noise from non-powered hand-operated tools.

The operation of hand tools is regulated as follows:

- (1) Between May 1 and September 30, the operation of hand tools creating noise audible from an adjacent property is permitted only between 8:00 a.m. and 6:30 p.m.
- (2) Between October 1 and April 30, the operation of hand tools creating noise audible from an adjacent property is permitted only between 6:00 a.m. and 6:30 p.m.

-
- (3) In no instance may the noise level from hand tools be in excess of 79 decibels at any adjoining property.

(Ord. No. 2021-05 , 5-3-2021)

Sec. 30-326. Noise from pile drivers, excavating machines and jackhammers.

- (a) Between May 1 and September 30, persons, groups of persons, firms, companies, corporations or any other legal entities may operate, use or allow the operation of any pile driver, excavating machinery or jackhammer only between 10:00 a.m. and 2:00 p.m., Monday through Friday, and at no time on Saturdays, Sundays and holidays. The Mayor and City Council may grant a permit to operate such machinery during the ordinarily prohibited time if it determines that the project site is sufficiently distant from inhabited or occupied property and that such activity would not disturb the property occupants.
- (b) Between October 1 and April 30, the operation of pile drivers, excavating machinery and jackhammers shall be subject to the time limitations set forth in section 30-324(2), except on weekends. On Saturdays, Sundays and holidays operation is allowed only between 10:00 a.m. and 2:00 p.m.
- (c) In no event shall the operation of this machinery at any time create noise in excess of 89 decibels at the next inhabited or occupied property line.

(Ord. No. 2021-05 , 5-3-2021)

Sec. 30-327. Exceptions and applicability.

- (a) The requirements of this division shall not be construed to prevent the operation of properly muffled motor vehicles licensed for operation on the highways of this state.
- (b) The Mayor and City Council, by appropriate resolution, shall have the right to waive any and/or all of the requirements herein in cases of emergency where the welfare of persons or property may be jeopardized by their strict enforcement.
- (c) Nothing in this division shall be construed to create a prohibition against any use of Ocean City machinery, etc., or the noises emitting therefrom. The operation of municipal machinery and the noises emitting therefrom are hereby expressly exempted from the provisions of this division.

(Ord. No. 2021-05 , 5-3-2021)