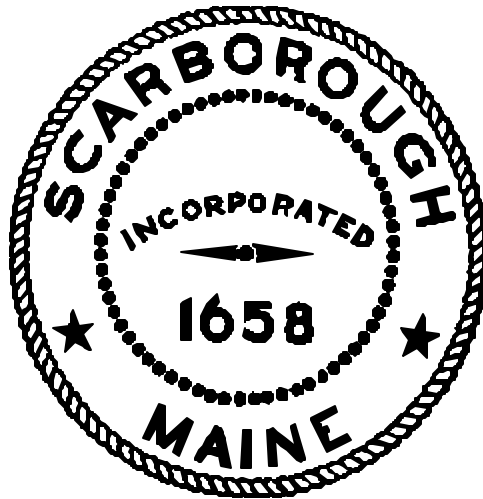


# CHAPTER 611

## TOWN OF SCARBOROUGH

### NOISE



ADOPTED AUGUST 20, 2003

## TABLE OF CONTENTS

Creation of Certain Noise upon Public Right-of-Way.....	1
Purpose.....	1
Definitions.....	1
Town .....	1
Noise creating devices .....	1
Motorcycle .....	1
Operation.....	1
Straight pipe exhaust system.....	1
Creation of Certain Noises upon Public Right-of-Way Prohibited .....	1
Exceptions .....	2
Engine Brake.....	2
Penalties .....	2
Enforcement .....	2

**CHAPTER 611**

**TOWN OF SCARBOROUGH**

**ORDINANCE REGULATING UNRESASONABLE NOISE ON PUBLIC WAYS**

**1. Creation of certain noise upon Public Right-of-Way.**

- (a.) **Purpose.** The Scarborough Town Council finds that excessive noise on the public ways may cause distraction to other drivers and preclude the safe operation of motor vehicles to the detriment of the health, welfare and safety of the Scarborough’s citizens. Accordingly, it is the policy of the Town of Scarborough to prohibit unnecessary, excessive, annoying and distracting noise on public right-of-way within the Town of Scarborough
  
- (b.) **Definitions.** For the purpose of this article, the following words and phrases shall have the following meanings:
  - (1.) “Town” means the Town of Scarborough, Maine.
  - (2.) “Noise-creating devices” means any electrical, mechanical or chemical device or instrument, or combination thereof that creates noise during its operation by a person.
  - (3.) “Motorcycle” means an unenclosed motor vehicle, having a saddle for the use of the operator, with two or three wheels in contact with the ground, including, but not limited to, motor-scooters and mini-bikes.
  - (4.) “Operation” means actual control by a person.
  - (5.) “Public right-of-way” means any street, roadway, alley, sidewalk, or other area deeded or dedicated for public travel or transportation purposes.
  - (6.) “Straight pipe exhaust system” means any straight through muffler that does not contain baffles, including, but not limited to, glass packs, steel packs and straight pipes.
  
- (c.) **Creation of Certain Noises upon Public Right-of-Way Prohibited.**
  - (1.) No person, while occupying any public right-of-way in the Town, shall operate any noise-creating device in such a manner that the public’s attention is drawn to the source of the noise.
  - (2.) The prohibition of this section shall include, but not be limited to, the following activity or conduct:
    - a. Discharging fireworks or any exploding device,
    - b. Firing a starter pistol, air gun, BB gun or a firearm,
    - c. Sounding a bell or whistle for so extended a period of time as to cause annoyance to others
    - d. Rapid throttle advance and/or revving of an internal combustion engine resulting in increased noise from the engine,
    - e. Operations of motor vehicle, as defined in 29-A M.R.S.A. §101 (42), including but not limited to a motorcycle, with a straight pipe exhaust system, an exhaust system with a cutout, bypass or similar

device or an exhaust system that does not meet the requirements of Maine law, including, but not limited to, 29-A M.R.S.A §1912.

- (d.) **Exceptions.** The provisions of this section shall not apply to the following activity or conduct:
  - (1) Expression or communication protected by the United State Constitution, including the First Amendment, or the Maine Constitution.
  - (2) Any activity or conduct the regulation of which has been preempted by Maine Statute.
  - (3) Any noise created by a governmental entity in the performance of an official duty.
  - (4) Any noise for which a permit has been issued by an authority having jurisdiction to issue the permit.
  - (5) The sounding of any signaling device permitted by law.
  
- (e.) **Engine Brake.** A person operating a motor vehicle in the Town of Scarborough shall not use an unmuffled engine brake to slow the vehicle except in an emergency situation for the purpose of avoiding a collision with a vehicle, object, person or animal. As used in this section, “engine brake” means a device that retards the motion of a motor vehicle by using the compression of the engine of the motor vehicle and “unmuffled” means that the engine brake is not equipped with a muffler which complies with the requirements of 29-A M.R.S.A. section 1912. This section does not apply to emergency response vehicles operated by a governmental entity or licensed provider of emergency medical services.
  
- (f.) **Penalties.** Violation of this ordinance is a civil violation punishable by the following civil penalties:
  - (1) First Offense: \$50.00
  - (2) Second Offense: \$100.00
  - (3) Third Offense: \$200.00
  - (4) Fourth and Subsequent Offenses: \$500.00
  
- (g.) **Enforcement.** This ordinance may be enforced by any Town of Scarborough Police Office.