

Introduced by

Senator Erbele

Representative Brandenburg

1 A BILL for an Act to create and enact a new section to chapter 20.1-13 of the North Dakota
2 Century Code, relating to restrictions on noises resulting from the operation of boats and other
3 watercraft; and to provide a penalty.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 20.1-13 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Watercraft noise restrictions.**

8 1. An individual may not operate a boat or other watercraft if the operation of the boat or
9 watercraft results in a loud, unnecessary, or unusual noise; or a noise that annoys,
10 disturbs, injures, or endangers the comfort, repose, health, peace, or safety of a
11 reasonable person hearing the noise. Except as set forth in subsection 2, the following
12 factors must be considered when determining whether a reasonable person hearing a
13 noise resulting from the operation of a boat or other watercraft would find the noise
14 violates this section:

15 a. The volume of the noise;

16 b. The intensity of the noise;

17 c. Whether the noise is unusual;

18 d. Whether the origin of the noise is natural or unnatural;

19 e. The volume and intensity of any background noise;

20 f. The proximity of the noise to residential sleeping facilities;

21 g. The nature and zoning of the area from which the noise emanates;

22 h. The population density of the area from which the noise emanates;

23 i. The time of day or night;

24 j. The duration of the noise; and

- 1 k. Whether the noise is recurrent, intermittent, or constant.
- 2 2. An individual who creates a noise exceeding eighty-eight decibels by operating a boat
3 or watercraft between the hours of ten p.m. and seven a.m. is in violation of section 1.
4 The noise must be measured at a distance of twenty-five feet [7.62 meters] from the
5 source of the noise.
- 6 3. The following noises are exempt from this section:
- 7 a. Noises from safety signals, warning devices, and emergency relief valves;
8 b. Noises from emergency response boats or other watercraft responding to an
9 emergency or otherwise acting in a declared emergency;
10 c. Noises resulting from work of an emergency nature;
11 d. Noises from construction or reasonable and necessary maintenance activities
12 performed by an individual on a boat or other watercraft, unless the construction
13 or maintenance activities are in areas zoned for residences between ten p.m. and
14 seven a.m.; and
- 15 e. Noises resulting from temporary activities permitted by law and for which a
16 special permit has been granted under subsection 4.
- 17 4. An individual may apply to the department for a permit for an exemption from this
18 section. A permit granted by the department under this subsection must specify a
19 reasonable time during which the permit is effective and any conditions the
20 department places on the exemption to minimize adverse effects on the surrounding
21 area. The department may grant a permit under this subsection if the department
22 finds:
- 23 a. Additional time is necessary for the applicant to alter or modify an activity or
24 operation to comply with this section, or an activity that otherwise would violate
25 this section will be temporary and cannot be done in a manner that would comply
26 with this section; and
- 27 c. No reasonable alternative is available to the applicant.
- 28 5. An individual who violates this section is guilty of a class 2 noncriminal offense.