

SAMPLE

Sample Noise Control Ordinance for discussion at Town Meeting, 2015

This is a sample of a Noise Ordinance. The actual Ordinance may differ.

WHEREAS the Town of Greensboro desires to protect, preserve and promote the public health, safety, welfare, and convenience of its citizens by adopting an Ordinance to reduce, control, and prevent unreasonable noise; and,

WHEREAS the State of Vermont has empowered towns to adopt such Ordinances in accordance with 24 V.S.A. § 2291 and 24 V.S.A. § 1971 et. seq.;

NOW THEREFORE, LET IT BE RESOLVED that the Town of Greensboro adopts the following as an Ordinance to provide for the abatement of noise:

Article I Definitions

1. "Boundary line" means either (a) the imaginary line including its vertical extension that separates one parcel of property from another; (b) the vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling unit building; or (c) on a multi-use property, the interface between the two portions of the property on which different categories of activity are being performed
- 2."Community Event "means an event that has free admission and at which everyone is welcome.
3. "Emergency" means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage.
4. "Emergency Work" means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.
5. "Plainly Audible" means any sound that can be detected by a person using only his or her usual hearing faculties unaided by any uncommon amplification devices.
- 6." Property Boundary Line" refers to the property line of the property from which the sound emanates.
- 7."Unreasonable Noise" means any excessive or unusually loud sound which either disturbs, injures or endangers the peace or health of a person within the Town of Greensboro, or endangers the health, safety or welfare of the community. Elements to be considered in determining whether noise is excessive in a given situation include, but are not limited to, the following: intensity of the noise, whether the noise is usual or unusual, whether the origin of the noise is natural or unnatural, the intensity of the ambient noise, the proximity of the noise to sleeping facilities, the time of the day or night the noise occurs, the duration of the noise, whether the noise is continuous or intermittent, and whether alternate methods are available to achieve the objectives of the sound producing activity.

Article II General Prohibitions

No person or persons shall make, cause to be made, or assist in making any excessive or unreasonably loud noise or disturbance, that disturbs, injures or endangers the peace or health of others within the immediate vicinity of the noise or disturbance. Without limitations, the commission of

one or more of the following acts shall be deemed a violation of this Ordinance and shall be considered as a noise disturbance and public nuisance, provided that the sound is plainly audible at or beyond 200 feet from property's boundary line in the Village & Lakeshore Districts & 400 feet in the Rural lands.

1. Vocal disturbances. Yelling, shouting, whistling, singing or making any other loud vocal or noise disturbance, including parties and other social events, so as to disturb, destroy, or endanger the peace of others. All owners of the premises are responsible for such unreasonable noise made, each having joint and several liability.

2. Radios, televisions, etc. The use or operation of any radio or television set, musical instrument, loud speaker, or other device, at such a volume that it disturbs, injures or endangers the peace or health of neighbors.

Article III Exemptions and Exclusions

Sounds from the following sources shall be exempt from the prohibitions specified in this Ordinance:

1. Any person or organization that has obtained a noise permit from the Town of Greensboro. Requests for noise permits shall be granted as provided in Article IV.

2. Any vehicle and equipment owned by and operated by any governmental unit or a utility in the performance of its duties.

3. Noise associated with routine snow removal activities.

4. Any construction activity between the hours of 6:00 am & 9:00 pm.

5. All safety signals and warning devices or any other device used to alert persons to any emergency or used during the conduct of emergency work, such as police, fire and rescue vehicle sirens.

6. Noise associated with a bona fide response to an emergency situation that poses a threat to a person's health, safety or welfare.

7. Community events between the hours of 7am & 9:30pm.

8. Musical, recreational and athletic events conducted by the local public school.

9. Equipment for maintenance of lawns and grounds.

10. Vehicles or aircraft that meet state and federal standards operating on the public right-of-way or air space and operated in a manner consistent with state and federal law.

11.Noise associated with standard agricultural operations.

12.Sound created by bells, carillons, chimes or services held at established religious sites.

13. The use of firearms when used for hunting in accordance with state Fish and Wildlife laws or when used for sport shooting consistent with any permitting conditions placed on such use.

Article IV Noise Permits

1. Any property owner may apply to the Selectboard for a noise permit prior to doing acts prohibited by this Ordinance.
2. The applicant shall apply for a noise permit in writing at least 30 days before the Selectboard meeting at which they wish their request to be considered.
3. The applicant shall provide a list of property owners within two hundred fifty feet of the site(s) where the activity is to occur. The Administrative Assistant to the Selectboard shall send notice to these property owners and to the applicant indicating the time and place that the meeting shall be held in which the request for a permit shall be considered.
4. In the written application, the applicant shall provide information as to the date and time for which the permit is needed, the length of time the permit is needed, the reason for which the permit is required, any noise control measures that the applicant will take, a map of site including layout of property, placement of noise & activity sources, proximity to neighbors' homes, any information which demonstrates that the ordinance criteria would constitute an unreasonable hardship, and any other information that would assist the Selectboard in making a decision. The application fee shall be Ten Dollars (\$10.00).
5. For good cause shown, the Selectboard may grant a noise permit. The Selectboard shall consider the reason for event, the day of week of event, the length of event, the time of event, noise control measures to be taken, location of noise and activities, noise levels, and the impact on neighbors in evaluating the request for a noise permit. The Selectboard may impose reasonable conditions to the permit.

Article V Enforcement

1. Any certified Vermont Law Enforcement officer shall be permitted to enforce this Ordinance. Such officer may issue complaints and may be the appearing officer at any hearing.
2. The officer may issue a Vermont Civil Violation Complaint to the individual responsible for any sound in violation of this Ordinance. The individual responsible may include the driver of a motor vehicle, the registered owner of a vehicle, the owner of record or a resident of a property, single family home or apartment, the proprietor of a business, or the person who is in physical control of the device or responsible for the unreasonable noise.
3. A violation of this Ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. § 1974a and § 1977 et seq. Anyone convicted of a violation or failure to comply with any of the provisions of this Ordinance, including the failure to make a required report or to pay any fee, may be subject to a civil penalty of not more than \$500 in addition to the waiver fees outlined in Article VI. Each day a violation continues shall constitute a separate offense.
4. Anyone in found in violation of this Ordinance shall have the right to be heard before the Greensboro Selectboard. A request for a hearing must be made in writing within 14 days of the violation notice. In the event the Selectboard find the person responsible, the Town may bring civil enforcement proceedings pursuant to 24 V.S.A. § 1974a.

Article VI Penalties

1. First offense. A first offense of any provision of this Ordinance by a person shall be deemed a civil violation and shall be punishable by a fine of one hundred fifty dollars (\$150.00).
2. Second and subsequent offenses. A second offense during a twelve month period from the date of the first offense, shall be deemed to be a civil violation and shall be punishable by a fine of two hundred fifty dollars (\$250.00). Each subsequent offense shall be deemed a civil violation and shall be punishable by a fine of five hundred dollars (\$500.00).
3. Payment Deadline. All fees must be paid within thirty (30) days of receipt of notice. If fees are paid after thirty days, an additional fee of \$10.00 will be charged per month.
4. Each day on which a violation occurs or continues after receiving a violation complaint shall be considered a separate violation of this Ordinance.

Article VII Severability

If any section, sentence, or phrase of this Ordinance shall for any reason be held invalid or unconstitutional by a decree or decision of any court of competent jurisdiction, such decree or decision shall not affect or impair the validity of any other section or remaining portion of this Ordinance.