

## TOWN OF HUNTINGTON NOISE ORDINANCE

**ARTICLE 1. Authority.** This ordinance is adopted under authority granted in 24 V.S.A. § 2291(14) and 24 V.S.A. Chapter 59.

**ARTICLE 2. Purpose.** The purpose of this ordinance is to protect and preserve the health, safety and welfare of the citizens of Huntington by prohibiting persistent, disturbing or excessive noise through reduction, control and prevention. The intent of this ordinance is to establish standards which will eliminate or reduce unnecessary noises which are physically harmful or otherwise detrimental to the enjoyment of life, property and maintenance of business. This ordinance will come into effect after the failure of less formal intervention such as, but not limited to, citizen to citizen contact, verbal warning, mediation between parties, etc.

### **ARTICLE 3. Prohibited Noise Offense.**

1. **General prohibition.** It shall be unlawful for any person to make or cause to be made any loud or unreasonable noise on a daily or recurring basis or for an excessive period of time. Noise shall be deemed to be unreasonable when upon investigation by a Municipal Official it is found to disturb, injure or endanger the peace, health, safety or welfare of another or to disturb, injure or endanger the peace, health, safety or welfare of the community. Any such noise shall be considered to be a noise disturbance and a public nuisance.
2. **Express prohibitions.** The following acts, not deemed to be exclusive, are declared to be loud, objectionable, and unnecessary noises, are therefore a public nuisance, and are prohibited by this ordinance:
  - a. **Construction noise.** Noises emanating from the excavation, demolition, alteration or repair of buildings, structures, property or highways between the hours of 9:00 p.m. and 7:00 a.m., except for emergency repairs necessary to protect people or property;
  - b. **Defect in vehicle or operation of vehicle.** The operation of any automobile, motorcycle or other type of motor vehicle in such a manner as to create squealing of tires or loud and unnecessary grating, grinding, exploding, rattling or other types of noises;
  - c. **Dogs, cats and other animals.** The keeping of any dog, cat or other animal which shall become a nuisance to another person in the vicinity by frequent or continued barking, howling, yelping or screaming. Customary agricultural activities are exempt;
  - d. **Exhausts.** The discharge into the open air of the exhaust of any steam or internal combustion engine, or any motorized vehicle, except through a muffler or other device which effectively prevents loud or explosive noises there from;
  - e. **Horns, signaling devices, etc.** The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle except as a danger warning, the creation by means of any other signaling device or any unreasonably loud or harsh sound and the sounding of any device for unnecessary and/or unreasonable periods of time;

- f. **Sound-producing devices.** The use or operation of any amplifier, loudspeaker, musical instrument, phonograph, radio or other sound-making or sound-producing device in such manner as to disturb the quiet or repose of any person or persons in the vicinity thereof, unless issued a special use permit by the Town of Huntington;
- g. **Vocal disturbances.** Yelling, shouting, whistling, singing or making any other loud vocal disturbance so as to disturb, destroy or endanger the peace of persons in the immediate vicinity of the noise or disturbance. This section shall not be construed to prohibit a vocal disturbance by spectators or participants in a political protest or rally, an athletic event or assembly sponsored by a public or private school or recognized organized recreational activities;
- h. **Noise in general.** Any noise which is deemed objectionable because of volume, frequency or beat and which is not muffled or otherwise controlled;

**ARTICLE 4. Exemptions and Exclusions.** Sounds from the following sources shall be exempt from the prohibitions specified in this ordinance:

1. Any person or organization may appear before the Huntington Selectboard to request a temporary waiver of a specific section(s) of the ordinance (i.e. parade, block party, fire works display, etc.);
2. Any siren or other warning device used for public safety;
3. Any vehicle or equipment owned by and operated by any governmental body or a utility in the performance of its duties;
4. Emergency vehicles operated by fire, police or rescue personnel;
5. Any government or utility emergency repair. Any construction activity, other than government or utility emergency repairs, that has obtained approval of Town Officials to occur between the hours of 9:00 p.m. and 7:00 a.m. and that is deemed to be in the best interest of the public health, safety and welfare;
6. Musical, recreational and athletic events conducted by and on the site of a school or educational facility or municipal facility or are sponsored by the municipal, state or federal government;
7. Noise associated with routine snow removal or snow grooming activities where customary practices and equipment are used and are operated within the manufacturer's specifications and in proper operating condition;
8. Noise associated with standard agricultural operations;
9. Sound created by bells, carillons or chimes associated with specific religious observances;

**ARTICLE 5. Process.** A complaint is lodged with the Town Administrator. The citizen(s) provides a written description of the disturbance and a history of attempts to mitigate the problem. After review of the documentation and discussion with the Selectboard, the Town Administrator will notify the party creating the disturbance that a complaint has been made. If within 14 days the disturbance remains unresolved, the Selectboard will direct that an attempt be made utilizing the less formal interventions as mentioned in Article 2. If unsuccessful, a written notice will be issued by the Town Administrator followed by notice of violation (outlined in Article 6) if necessary.

**ARTICLE 6. Enforcement and penalties.** 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. Following a written notice for a first offense, a civil penalty of not more than \$500 may be imposed for a violation of this civil ordinance, and the waiver fee shall be set at \$100 for the first offense, \$150 for the second offense within a six-month period and \$200 for each subsequent offense within a six-month period. Each day of a violation shall constitute a separate violation of this ordinance.

**ARTICLE 7. Severability.** Each of the provisions of the ordinance is severable and, if any provision is held invalid for any reason, the remaining provisions shall not be affected but shall remain in full force and effect.

**ARTICLE 8. Effective date.** This ordinance shall become effective 60 days after its adoption by the Town of Huntington Selectboard. If a petition is filed under 24 V.S.A. § 1973, the taking effect of this ordinance shall be governed by that statute.

ADOPTED THIS 4<sup>th</sup> DAY OF JANUARY, 2010: Selectboard, Town of Huntington

  
Edmund Booth, Chair

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Joe Segale, Vice-Chair

  
Jim Hildebran

  
Jim Christiansen

  
Wayne Curley

**ADOPTION HISTORY:**

1. Agenda item at regular Selectboard meeting held on \_\_\_\_\_.
2. Read and approved at regular Selectboard meeting on \_\_\_\_\_ and entered in the minutes of that meeting which were approved on \_\_\_\_\_.
3. Posted in public places on \_\_\_\_\_.
4. Notice of adoption published in the \_\_\_\_\_ newspaper on \_\_\_\_\_ with a notice of the right to petition.
5. Other actions [petitions, etc.].