

OBJECTIONABLE NOISE

Town of _____

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, preserve and promote the health, safety, welfare, peace and quiet for the citizens of _____ through the reduction, control and prevention of noise. The intent of this ordinance is to establish standards which will eliminate and reduce unnecessary noises which are physically harmful or otherwise detrimental to the enjoyment of life, property and maintenance of business.

ARTICLE 3. The following acts are declared to be loud, objectionable, and unnecessary noises, are therefore a public nuisance, and are prohibited by this ordinance.

- a. **Radios, other sound-producing devices.** The use or operation of any radio, phonograph, musical instrument 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;
- b. **Defect in vehicle or operator 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. **Loudspeakers.** The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles, unless issued a special use permit by the Town of _____.
- d. **Exhausts.** The discharge into the open air of the exhaust of any steam engine, internal combustion engine, motor boat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;
- 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. **Firearms.** The use or discharge of a firearm within the Town of _____
 1. An exception shall be made for the use and operation of firearms on a shooting range located in the Town if an agreement between the municipality and the shooting range is reached. Conditions of such agreement between the Town and the owners and operators of the shooting range shall be:
 - (a) There shall be no more than four persons using and discharging rifles and/or guns at any one time. ("Any one time" means as within every 30 seconds.)
 - (b) The hours of operation for the _____ shooting range shall be from

9 a.m. to 4 p.m., seven days a week.

(c) Notice of the agreement and of scheduled events for the shooting range shall be posted at least two weeks in advance of their occurrence in two public places in the Town of _____ . Notice shall also be posted at the shooting range.

(d) Warning shall be posted, giving notice to the public of the _____ shooting range in the Town of _____ .

2. An exception shall be made for the use and operation of firearms while legally hunting in the town of _____ .

g. Construction noise. Noises emanating from the excavation, demolition, alteration or repair of buildings, structures, property or highways between the hours of 9 p.m. and 7 a.m., except for emergency repairs necessary to protect people or property.

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. The creation of, permitting or operation of any of the above sets, instruments, devices or vehicles causing said noise in such a manner as to be plainly audible at a distance of ___ feet from a building, structure or vehicle from which noise emanates shall be prima facie evidence of a nuisance and a violation of this ordinance.

ARTICLE 5. Exemption. Emergency vehicles property operated by fire, police or rescue personnel are exempt.

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. 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 \$____ for the first offense, \$____ for the second offense within a six-month period and \$____ 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 _____ 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 _____ DAY OF _____, 20__.

Selectboard, Town of _____

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.]