

Town of Wallingford

Noise Ordinance

Revised Ordinances of Wallingford

Title 4: Health and Welfare

CHAPTER 6: OBJECTIONABLE NOISE

§4601. AUTHORITY

This ordinance is adopted under authority of 24 V.S.A. 2291 (14) and 24 V.S.A. Chapter 59.

§4602. PURPOSE

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

§4603. PROHIBITED NOISES

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 and 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;
- a. **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;
- a. **Loudspeakers.** The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising purposes unless issued a special use permit by the Town of Wallingford;

- a. **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;

- a. **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 of any unreasonably loud or harsh sound and the sounding of any device for unnecessary and/or unreasonable periods of time;

- 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 6:30 A.M., except for emergency repairs necessary to protect people or property.

- a. **Noise in General.** Any noise which is deemed objectionable because of volume, frequency, or beat and which is not muffled or otherwise controlled.

§4604. EVIDENCE.

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 150 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.

§4605. EXEMPTION.

Emergency vehicles properly operated by fire, police, or rescue personnel are exempt.

§4606. ENFORCEMENT AND PENALTIES.

A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 VSA 1974a and 1977 et. seq. A civil penalty of not more than \$500.00 may be imposed for a violation of this civil ordinance, and the waiver fee shall be set at \$50.00 for the first offense, \$75.00 for the second offense within a six month period, and \$100.00 for all subsequent offenses within a six month period. Each day of a violation shall constitute a separate violation of this ordinance.

§4607. 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.

§4608. EFFECTIVE DATE

This ordinance shall become effective sixty days after its adoption by the Wallingford Selectboard. If a petition is filed under 24 VSA 1973, the taking effect of this ordinance shall be governed by that statute.

Adopted 10/11/99

Wallingford Selectboard

Woodstock

Chapter 3. Noise Control

The Board of Village Trustees hereby amends the Village Ordinance Title 5, Chapter 3. Noise Control by deleting all existing language and replacing it with the following:

§5301. Protecting public tranquility; purpose

In consideration of neighbors and in order to balance the vitality of our village and to preserve the peace and promote civility and to prevent hearing loss, sleep loss and a general reduction in the quality of life, the Village of Woodstock will protect the public tranquility.

§5302. Definitions

(a) Plainly Audible: Any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the enforcement officer need not determine the title of the song, specific words or the artist performing the song. The detection of the rhythmic bass component of the music is sufficient to constitute a plainly audible sound.

(b) Residential Property or Receiver: Property used for human habitation or sleeping.

(c) Commercial/Industrial Property or Receiver: All other property, e.g. restaurants, schools, churches.

(d) Background Level: The composite of all sounds exclusive of the sound under evaluation.

(e) DBA: The sound pressure level measured using the weighting network as prescribed by the American National Standards Institute.

(f) Receiving Property: The location that is receiving the sound in question.

(g) Emergency: Any occurrence or set of circumstances involving reasonable expectation of actual or imminent physical trauma or property damage.

(h) Emergency Work: Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

(i) Noise: Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

§5303. Prohibitions; general prohibitions

No person shall make or continue any excessive, unnecessary, unreasonably loud noise or disturbance, or any noise which disturbs, destroys, or endangers the comfort, quiet, repose, health, peace, or safety of others within the immediate vicinity of the noise or disturbance. Without limitations, the commission of one or more of the following acts, if done in such manner, shall be deemed a violation of this [chapter]:

(a) Personal Mobile, or Portable Sound-producing Devices. The playing or use of a personal mobile, or portable sound-producing device in such manner or with such volume at any time and place so as to disturb, destroy or endanger the comfort, repose, or peace of persons. Evidence of such disturbance shall be the use of electronic sound producing devices that are operated in such a manner to be plainly audible at a distance of 50 feet in any direction from the operator.

(b) Vocal Disturbances. Yelling, shouting, whistling, singing or making any other loud vocal noise so as to disturb, destroy, or endanger the comfort, quiet, repose or peace of persons in the vicinity of the noise or disturbance.

(c) Devices to Attract Attention. The use of any drum, musical instrument, loud speaker, amplifier, or other instrument or device for the purpose of attracting attention to a store or event.

(d) 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 where such dog, cat or other animal is kept, by frequent or continued barking, howling, yelping or screaming.

(e) Construction and Maintenance Sounds: The excavation, erection, demolition, alteration, or repair of any buildings, structure, property or street between the hours of 9:00 P.M. and 7:00 A.M., on Sunday evening through Saturday morning and 9:00 P.M. Saturday Evening and 8:00 A.M. Sunday morning except for necessary emergency construction and maintenance to protect property or persons.

(f) Compression Brakes: The non-emergency use of compression brakes (also known as Jacob's brakes) by the trucks.

(g) Motor Vehicles: Sounding of vehicle horns, sirens, security alarm or other devices to attract attention that are not required in an emergency situation.

(h) Outside musical performances: Outside musical performances, either amplified or non-amplified, at a public or private event between the hours of 10:00 P.M. and 7:00 A.M. Sunday through Thursday and 11:00 P.M. and 7:00 A.M. Friday and Saturday.

§5304. Evidence of violation

For the purposes of subsections (a), (b), (c), (d) and (e) of §5302, a noise or disturbance of such magnitude so as to be plainly audible in another building or in another dwelling unit located in the same building, or in the street or public way shall be deemed prima facie evidence of a violation of this [chapter].

§5305. Mufflers

A motor vehicle, including a motorcycle, moped, snowmobile, all-terrain vehicle, or other vehicle equipped with and propelled by engine, whether operated on a public street or on private property, shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke. A person shall not remove, destroy or damage any of the baffles contained in the muffler, nor shall a person use a muffler cutout, bypass or similar device upon any such vehicle. Such vehicle shall at all times be equipped with a properly operating exhaust system which shall include a tail pipe and a resonator on a vehicle where the original design included a tail pipe and a resonator.

§5306. Landlord culpability

(a) A landlord who, after notice, fails to take reasonable steps to prevent subsequent violations of this [chapter] by the tenant shall be in violation of this [chapter] and subject to enforcement as enumerated in §5307 of this [chapter].

(b) Prior to issuing a ticket to a landlord, the landlord must receive written notice from the Village of Woodstock or its Police Department stating that the tenant has been issued a ticket for violation of [this chapter]. The landlord then has five days to issue a written warning to the tenant requesting that the tenant discontinue the violating behavior.

§5307. Enforcement

(a) No owner or occupier of premises, or any person who has been given lawful permission to use or control any premises, shall knowingly permit a violation of this [chapter] by another person on such premises.

(b) The first offense for any person violating the provisions of this [chapter], within a twelve month period, shall be punished as provided in Appendix B [of Title 1] of W.V.O.

(c) A second and subsequent offense for violating this [chapter], within a twelve month period, shall be punished as provided in Appendix B [of Title 1] of the W.V.O.

(d) Each time a police officer is called to a scene of a noise complaint shall be deemed to be a separate offense.

§5307a. Variances

Any person may apply to the Board of Village Trustees for a variance from the requirements of this chapter prior to doing those acts. The applicant shall provide a list of property owners within two hundred fifty (250) feet of the site(s) where the activity is to occur. Ten (10) days advance written notice of the Board of Trustees meeting shall be provided to the property owners and residents appearing on the list. For good cause shown, the Board of Village Trustees may, in its sole discretion, either grant or deny the variance. If the variance is granted, the Board of Village Trustees may impose reasonable conditions to it.

§5308. Exemptions

Sounds from the following sources shall be exempt from the prohibitions specified herein and shall not be included in any measurements performed to determine compliance with [this chapter]:

(a) 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 including but not limited to police, fire and medical/rescue vehicle sirens.

(b) The repair and maintenance of municipal facilities, services or public utilities when such work must be accomplished outside of daytime hours.

(c) Snow removal equipment operated within the manufacturer's specifications and in proper operating condition.

(d) Musical, recreational and athletic events conducted by and on the site of a school or education institution and municipal institutions.

(e) Events conducted by or permitted by the [Village]. Persons operating an event under the authority of an entertainment permit, parade, street event, or special use permit shall comply with all conditions of such permits with respect to noise control issues.

(f) Construction or repair work which must be done to address an emergency health or safety concern and that cannot be accomplished during daytime hours and which is not work which includes normal maintenance and repair.

(g) Equipment for maintenance of lawns and grounds during the hours of 7:00 A.M. to 9:00 P.M. Monday through Saturday, and between 8:00 A.M. to 9:00 P.M. on Sunday (including but not limited to lawn mowers, hedge trimmers, weed whackers, chain saws and leaf blowers).

(h) Vehicles that meet state standards on the public right-of-way.

(i) Normal noises that are part of everyday life for a household or commercial establishment, such as playing musical instruments, outdoor music, property and building maintenance etc. by the owner or occupant of a residence or an apartment until 10:00 P.M. on Sunday through Thursday and until 11:00 P.M. on Friday and Saturday.

(j) Normal and reasonable noise associated with refuse and recycling collection which occurs after 3:00 A.M. by commercial trash haulers licensed by the Town of Woodstock.

§5309. Notification by property owners of rental housing

Owners of rental housing shall be required to provide a copy of this [chapter] to a tenant at the start of the tenancy. However, the failure [of] an owner to provide a copy of the [chapter] shall not be a defense to a violation of this section.

Adopted: June 11, 2013 BOARD OF VILLAGE TRUSTEES:

Village of Woodstock

Effective: August 11, 2013 Candace Coburn, Chair

Burlington

Noise Pollution

Property owners of rental housing are required by ordinance to furnish a copy of the City noise control ordinance to tenants at the beginning of the rental term. Here are highlights of that regulation (this text is a summary; actual ordinance language applies):

The City noise ordinance applies 24 hours a day. There are also special "quiet hours" for the community from 10:00 pm to 7:00 am.

Unreasonable noise is prohibited. Noise is unreasonable when it is unreasonably loud given the time, place, and nature of the noise. Noise that is plainly audible between apartments or houses between the hours of 10:00 pm and 7:00 am is considered unreasonable. Sound systems, TVs, and radios cannot be played in an unreasonably loud manner.

Noise from parties and social gatherings have special regulations. Such gatherings are defined as situations where one or more participants are not residents. In the event of a noise disturbance, all of the residents at a premise are considered liable in addition to any other person engaged in making noise. Residents who may not have been involved in a disturbance may seek special consideration and should consult with the issuing officer and may also seek special consideration from the court in a judicial proceeding.

Machinery, power equipment, and construction noise are prohibited from between 9:00 pm and 7:00 am.

Certain exemptions apply: Approved emergency repair or construction work; authorized safety and emergency devices; approved utility and public facility work; snow removal equipment; and approved events by the municipality or by educational institutions.

Penalties for noise violations except parties: First violation- minimum \$200 for uncontested ticket. Second violation within 24 months- minimum \$300 for uncontested ticket. Note: Issuing officers may choose to reduce or waive the fines for first or second violations upon completion by the offender of a restorative justice program. In the event of a hearing for a first or second violation, a judge may impose up to a \$500 penalty. Third and subsequent offenses are criminal proceedings and carry a \$500 fine.

Penalties for noise from parties and social gatherings: First violation- each resident and other offender receives minimum \$300 plus 3 hours in a restorative justice program for an uncontested ticket. Second violation within 24 months- each resident and other offender receives minimum \$400 plus 3 hours in a restorative justice program for an uncontested ticket. In the event of a hearing a judge may

apply: (1) for first violations at least a \$200 fine and a required 15 hours of restorative and community service work; and (2) for second violations at least a \$300 fine and a required 18 hours of restorative and community service work. Third and subsequent offenses are criminal proceedings and carry a \$500 fine.

WILLISTON, VT TOWN CLERK'S OFFICE
Received Jun 16, 2020 12:30P
Recorded in VOL: 17 PG: 291- 299
Of Williston Land Records
ATTEST: Sarah Mason, Town Clerk

Town of Williston

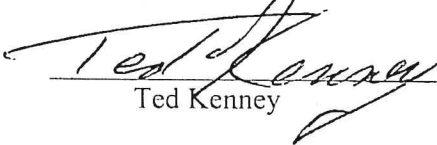
Noise Control Ordinance

Adopted October 25, 2004
Amended April 21, 2020

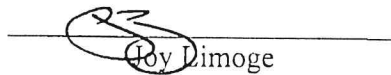
Williston Selectboard


Terry Macaig

Jeff Fehrs


Ted Kenney


Gordon St. Hilaire


Roy Dimoge

Noise Control Ordinance

1. **Authority:** This ordinance is adopted under authority of 24 V.S.A. § 2291 and 24 V.S.A. chapters 59.
2. **Purpose:** This ordinance is intended to protect, preserve and promote the health, safety, welfare, and peace and quiet for the citizens of the Town of Williston through the reduction, control and prevention of noise. This ordinance establishes controls that will eliminate and reduce unnecessary noises, which are physically harmful or otherwise detrimental to the enjoyment of life, property and maintenance of business.
3. **Definitions**
 - 3.1. "Average sound level" – A sound level during a given period of time (e.g. one hour) found by the general rule of combination of sound levels. Also called equivalent sound level.
 - 3.2. "Decibel" – Unit of measurement of the sound pressure level as prescribed by the American National Standards Institute.
 - 3.3. "Emergency" Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage.
 - 3.4. "Emergency Work" Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.
 - 3.5. "Instantaneous maximum sound" means either a single pressure peak or a single burst (multiple pressure peaks) that has duration of less than one second.
 - 3.6. "Plainly audible" means any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the enforcement officer need not determine the title of a song, specific words, or the artist performing the song. The detection of the rhythmic base component of the music is sufficient to constitute a plainly audible sound.
 - 3.7. "Property 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 (e.g., if the multi-use property is a building which is residential upstairs and commercial downstairs, then the property

line would be the interface between the residential area and the commercial area).

- 3.8. “Receiving Property” – The location that is receiving the sound in question.
- 3.9. “Residential Property” - Property used for human habitation or sleeping
- 3.10. “Sound level” – In decibels measured by a calibrated ANSI type I or type II sound level meter, using “A” frequency weighting (expressed in dBA)
- 3.11. “Sound measurement standards” – Sound shall be measured in accordance with standards specified by the American National Standards Institute (ANSI)
- 3.12. “Unoccupied Lands” – Lands without permanent structures used for human habitation or business.
- 3.13. “Unreasonable Noise” Any excessive or unusually loud sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensibilities within the Town of Williston. 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 zoning district within which the noise emanates, the time of the day or night the noise occurs, the duration of the noise, whether the noise is continuous or intermittent, and/OR whether alternate methods are available to achieve the objectives of the sound producing activity.

4. General Prohibitions

No person or persons shall make, cause to be made, assist in making or continue any excessive, unnecessary, unreasonably loud noise or disturbance, which disturbs, destroys, or endangers the comfort, health, peace, or safety 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 instrument, devices, vehicles or other noise source is plainly audible from the receiving property Boundary line.

- 4.1. Defect in vehicle or operation of vehicle: The operation of any automobile, truck, motorcycle, all-terrain vehicle, snowmobile or boat in such a manner as to create squealing, or squealing of tires, or loud and unnecessary grating, grinding, exploding-type, rattling, or other noises.
- 4.2. Dogs, cats, birds and other animals. The keeping of any dog, cat, bird or other animal, which shall become a nuisance to another person in the

vicinity where such dog, cat or other animal is kept, by frequent or continued barking, howling, yelping, screaming or other animal noise and vocalizations.

- 4.3. 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 persons in the immediate vicinity of the noise or disturbance. It shall be unlawful for any person in charge of a party or other social event to allow that party or event to produce unreasonable noise. A person shall be deemed to be in charge of a party or social event when that event occurs on private property and the person is present at the event and resides on the premises involved or is a person who lives in or on the premises involved and who has authorized the use of the premises for such event.
- 4.4. Construction related activities: Noises emanating from the road construction or from the excavation, demolition, alteration, construction, or repair of buildings, structures, property between the hours of 9:00 PM and 6:00 AM.
- 4.5. Loud speakers, amplifiers. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loud speaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising, attracting the attention of the public, or communicating to employees.
- 4.6. Horns, signaling devices, etc. The sounding of any horn or signal on any automobile, motorcycle, boat or other vehicle except as a danger warning; the creation, by means of any other signaling device, of any unreasonable loud or harsh sound; and. the sounding of any such device for unnecessary and/or unreasonable periods of time.
- 4.7. Radios, phonographs, etc. The using, operating or permitting to be played, used or operated of any radio or television receiving set, musical instrument, phonograph, or other machine or device for producing or reproducing of sounds in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such a machine or device is operated and who are voluntary listeners thereto.
- 4.8. Exhaust. The discharge into the open air of the exhaust of any steam engine, internal combustion engine, motorboat, or motor vehicle, except

through a muffler or other device that will effectively prevent loud or explosive noises therefrom.

- 4.9. Trash Removal. The removal of household and commercial trash by authorized commercial trash haulers utilizing mechanized conveyances within 500 feet from a residential property between the hours of 9:00 PM. and 6:00 A.M.
- 4.10. Mobile. Portable or Outdoor Electronic Sound-producing Devices. The playing or use of a mobile, portable or outdoor electronic sound-producing device in such manner or with such volume at any time and place as to disturb, destroy or endanger the comfort, repose or peace of persons.

5. Prohibitions for Non-Residential Uses

- 5.1. It shall be a violation of this Ordinance for anyone to create or allow the creation of noise not otherwise specified under General Prohibitions, in excess of the following stated limits during the stated time periods for noise generated on properties being used for other than residential purposes.
- 5.2. Noise measurements shall be made at the property line.
- 5.3. This standard shall not apply to unoccupied receiving properties.
- 5.4. Sound level measurements shall be taken with a sound level meter meeting the minimum American Standards Institute (ANSI) requirements for Type I or Type II accuracy, and shall use the fast response setting.
- 5.5. Nothing in this Ordinance shall limit the Board from imposing additional noise control measures beyond that needed to reach the limits set below.

<u>Time Period</u>	<u>Receiving Property</u>	<u>One hour Average dBA</u>	<u>Instantaneous Maximum dBA</u>
7:00 am to 10:00 pm	Industrial A	75	90
7:00 am to 10:00 pm	Residential	55 to 65	80
10:00 pm to 7:00 am	Industrial A	60	70
10:00 pm to 7:00 am	Residential	45	60
7:00 am to 10:00 pm	Other	65	50
10:00 pm to 7:00 am	Other	60	70

6. Exemptions and Exclusions

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

- 6.1. Any person or organization that has obtained a noise waiver from the Town of Williston. (i.e. parade, block party, fire works display, etc.)
- 6.2. Any vehicle and equipment owned by and operated by any governmental unit or a utility in the performance of its duties.
- 6.3. Noise associated with routine snow removal activities where customary practices and equipment are used and where the snow removal OR SNOW grooming equipment is operated within the manufacturer's specifications and in proper operating condition.
- 6.4. Any construction activity that has obtained approval of the Town of Williston to occur between the hours of 9:00 PM and 6:00 AM and that is deemed to be in the best interest of the public health, safety and welfare.
- 6.5. 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 including but not limited to police, fire and medical/rescue vehicle sirens, and backup alarms required by OSHA, VOSHA or other federal or state agency.
- 6.6. Noise associated with a bona fide response to an emergency situation that poses a threat to the public health, safety or welfare.
- 6.7. Musical, recreational and athletic events conducted by and on the site of a school or educational facility or municipal facility or is sponsored by the municipal, state or federal government.
- 6.8. Equipment for maintenance of lawns and grounds during the hours of 6:00 A.M. to 9:00 P.M. (including but not limited to lawn mowers, hedge trimmers, weed trimmers, chain saws, snow blowers and leaf-blowers) assuming they are properly muffled.
- 6.9. 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.
- 6.10. Noise associated with standard agricultural operations.
- 6.11. Sound created by bells, carillons, or chimes associated with specific religious observances or the Town Clock.
- 6.12. Natural phenomena including wind, rain, flowing water, and wildlife.

- 6.13. 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. For sport shooting uses permitted prior to January 1, 2005, the hours of operation shall be as follows:
- A. Regular Hours
 - Wednesday, 12:00 p.m. to dusk from April 1 – October 31
 - Sunday, 9:00 a.m. to 4:00 p.m.
 - B. Special Events
 - a. Special events may be held outside of regular hours on the condition that a representative of the shooting club notifies the Williston Police Department and the Williston Town Manager of such event by email. The shooting club will provide at least 96 hours' notice of special events when possible, but in no case less than 48 hours in advance thereof and provided further that the event occurs between the hours of 9:00 a.m. and 4:00 p.m.
 - b. "Special events" means shooting events held outside of the regular shooting schedule identified above.
 - c. The number of special events shall not exceed an average of sixteen (16) per calendar year, as averaged over a rolling 3-year period, with the calendar year 2020 as the first year of the rolling 3-year period. Notwithstanding the aforesaid, in no event shall special events exceed 20 in any calendar year, and no special events shall be held on the first Saturday of the month in June, July, August and September.
 - C. In addition to "special events," up to four (4) hunter safety courses per calendar year may be held, provided the course is certified by the Vermont Fish and Wildlife Department or successor state agency or department. Notwithstanding, no hunter safety courses shall be held the first Saturday of the month in June, July, August and September."
- 6.14. Vocal disturbances, whether or not it is electronically amplified, 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.

7. Variance

- 7.1. Residential Sources - Any person may apply to the Selectboard for a variance from the requirements of this Ordinance prior to doing acts prohibited by this ordinance. The applicant shall provide a list of property owners within two hundred fifty (250) feet of the site(s) where the activity

is to occur. Ten (10) days advance written notice of the Selectboard meeting shall be provided to the property owners and residents appearing on the list. For good cause shown, the Selectboard may, in its sole discretion, either grant or deny the variance. If the variance is granted, the Selectboard may impose reasonable conditions to it. For noise events lasting less than a 12-hour period, the Board may waive or reduce the ten-day advance written notice of the Selectboard meeting.

- 7.2. Non-Residential Sources – An application for variance from the provisions of this Ordinance may be submitted to the Selectboard. Information the Selectboard may require includes:
- Information on the nature and location of the facility or process for which such application is made;
 - The reason for which the variance is required;
 - A description of the interim noise control measures to be taken by the applicant to minimize the impact caused by the noise;
 - A statement of the length of time a variance will be required; and
 - Any other relevant information requested by the Selectboard to make a determination regarding the application.
 - Information on ambient sound levels.
- 7.3. Delegation of Authority – The Selectboard may delegate its authority to grant variance requests for events lasting less than a 12-hour period, if it so chooses, by a majority vote of the Board.

8. Enforcement

- 8.1. Enforcement - Any certified Vermont Law Enforcement officer shall be the designated enforcement officer. Such Officer may issue complaints and may be the appearing officer at any hearing.
- 8.2. An Enforcement officer may issue a Vermont Civil Violation Complaint to the individual responsible for any sound in violation of this ordinance including the driver of a motor vehicle, or the first registered owner of the vehicle, the owner of record or a resident of a single family home, or apartment, the proprietor of a business or the person who is in physical control of the sound emitting device or animal responsible for the unreasonable or excessive noise.
- 8.3. Violations - 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 Sections 9.1 and 9.2 below. Each day a violation continues shall constitute a separate offense.

- 8.4. Initial Administrative Appeal – Anyone in found in violation of this ordinance shall have the right to appeal any waiver fee to the Police Chief. An appeal must be filed within 14 days of receipt of the fee or violation notice. The decision of the Police Chief may be appealed to the Williston Selectboard within 10 days of receipt of the Chief’s decision. In the event such appeal is not satisfactorily resolved before the Selectboard, the Town pursuant to 24 V.S.A. § 1974(a) may bring civil enforcement proceedings.

9. Penalties

- 9.1. 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*). The waiver fine shall be one hundred dollars (*\$100.00*).
- 9.2. 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*). The waiver fine shall be two hundred dollars (*\$200.00*). Each subsequent offense shall be deemed a civil violation and shall be punishable by a fine of five hundred dollars (*\$500.00*). The waiver fine shall be four hundred dollars (*\$400.00*).
- 9.3. 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.
- 9.4. Each day on which a violation occurs or continues after receiving a violation complaint shall be considered a separate violation of this Ordinance.

10. 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.

11. Effective Date:

This Ordinance was adopted October 25, 2004 and shall take effect on January 1, 2005.

END OF DOCUMENT

**TOWN OF CASTLETON, VERMONT
NOISE ORDINANCE**

SECTION 1. AUTHORITY. This ordinance is adopted by the Selectboard of the Town of Castleton under authority granted in 24 V.S.A. §§ 2291 (14), (15), and 24 V.S.A. Chapter 59.

SECTION 2. PURPOSE. The purpose of this ordinance is to protect, preserve and promote the health, safety, welfare, and peace and quiet for persons of the Town of Castleton through the reduction, control and prevention of unreasonable noise.

SECTION 3. PROHIBITION. It shall be unlawful for any person to make or cause to be made any unreasonable noise. An unreasonable noise shall be any noise that disturbs, injures or endangers the peace or health of another or when it endangers the health, safety or welfare of the community. The following acts, which enumeration shall not be deemed to be exclusive, are declared to an unreasonable noise:

- a. The operation or permitting the use or operation of any musical instrument, radio, television, stereo, or other device for the production or reproduction of sound in such a manner as to be audible through walls between units within the same building, from another property, or from the street between the hours of 11:00 p.m. and 7:00 a.m. or in such a manner as to unreasonably disturb the peace, quiet or comfort of the public.
- b. The operation or permitting or directing the operation of any power equipment or machinery outdoors between the hours of 9:00 p.m. and 7:00 a.m. except in emergency situations.
- c. The excavation, demolition, erection, construction, alteration or repair of any premises or structure between the hours of 9:00 p.m. and 7:00 a.m. except in emergency situations.
- d. The use of loudspeakers or other sound amplification equipment upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or site.
- e. The operation or permitting the operation of any radio, stereo or other sound amplification equipment from a car, truck, or motorcycle that is audible at twenty-five (25) feet from such vehicle.

Any unreasonable noise shall be considered a public nuisance.

SECTION 4. SOCIAL EVENTS. It shall be unlawful for any resident of a premises to allow a social event occurring in or about the premises to produce unreasonable noise. There is a rebuttable presumption that all residents of the premises have allowed such social event to occur in or about the premises. All residents of the premises are responsible for such unreasonable

noise, each having joint and several liability. A social event means a gathering upon the premises of one or more persons not residing at the premises.

SECTION 5. EXEMPTIONS. Noise from the following sources shall be exempt from the prohibitions specified herein:

- a. 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, including, but not limited to, police, fire and emergency rescue vehicle sirens.
- b. The repair and maintenance of municipal facilities, services or public utilities when such work must be accomplished outside daytime hours.
- c. Snow removal equipment operated within the manufacturer's specifications and in proper operating condition.
- d. Construction or repair work which must be done to address an emergency health or safety concern and that cannot be accomplished during daytime hours and which is not work which includes normal maintenance and repair.

SECTION 6. ENFORCEMENT. The violation of this ordinance shall be a civil matter enforced in the Vermont Judicial Bureau. If the penalty for all continuing violations is greater than \$500.00 or injunctive relief is sought, the action shall be brought in Rutland County Superior Court.

A civil penalty of not more than \$150 per violation (*Note: may be up to \$500 per violation*) may be imposed for violation of this ordinance. The waiver fee shall be \$50 for the first offense, \$100 for the second offense, and \$150 for each subsequent offense. Each day that a violation continues shall constitute a separate violation of this ordinance.

Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 et seq. For purposes of enforcement in the Judicial Bureau, any Town [*constable, police officer, or other law enforcement officer, town manager,*] shall be the designated enforcement officer(s). The enforcement officer shall issue tickets and may be the appearing officer at any hearing.

Violations enforced in the Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. The Town of Castleton may pursue all appropriate injunctive relief.

SECTION 7. OTHER LAWS. This ordinance is in addition to all other ordinances of the Town of Castleton and all applicable laws of the State of Vermont.

SECTION 8. SEVERABILITY. If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this ordinance.

SECTION 9. EFFECTIVE DATE. This ordinance shall become effective 60 days after its adoption by the Town of Castleton Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

John Elton
Jim Barry
Patrick H. Eay

12-14-09
DATE

SIGNATURES

Adoption History

1. Agenda item at regular selectboard meeting held on 12/14/09.
 2. Read and approved at regular selectboard meeting on 12/14/09 and entered in the minutes of that meeting which were approved on 12/28/09.
 3. Posted in public places on 12/21/09.
 4. Notice of adoption published in the Rutland newspaper on 12/26/09 with a notice of the right to petition. Herald
 5. Other actions [petitions, etc.]
- Effective: February 12, 2010

Public Nuisance Ordinance



southu**rburlington**
VERMONT

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The Council of the City of South Burlington hereby ordains:

1. Purpose and Authority

This Ordinance is enacted pursuant to the authority granted to the City to promote the public health, safety, welfare, and convenience contained in 24 V.S.A. Section 2291, and Section 104 of the South Burlington City Charter. It is the purpose of this Ordinance to preserve the public health, safety, and welfare by prohibiting general nuisance behavior which is unreasonable or unsuitable for a particular time and place, and which, consequently, is detrimental to the peace and good order of the community. It is the goal of this Ordinance to allow all persons of South Burlington to peacefully coexist in a manner which is mutually respectful of the interests and rights of each other. Typically, nuisance behavior disrupts the public peace and affects the quality of life within the community. This Ordinance shall be a civil ordinance within the meaning of 24 V.S.A. Chapter 59.

2. General Definitions

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City The City of South Burlington and/or its duly authorized agents or employees.

Person Any natural person, corporation, municipality, the state of Vermont, or any department, agency or subdivision of the state, and any partnership, unincorporated association or other legal entity.

Public place A place where a governmental entity has title to or which the public or a substantial group of persons has access, including but not limited to any street, highway, parking lot, plaza, transportation structure, facility or vehicle, school place of amusement, park, playground or sidewalk or to the doorways and entrances to buildings or dwellings, or grounds enclosing them thereupon.

3. Excessive Noise

(A) The purpose of this section is to preserve the public health, safety, and welfare by prohibiting excessive and disturbing noise and to prevent noise which is prolonged or unsuitable for the time and place and which is detrimental to the peace and good order of the community. It is the goal of this section to allow all persons of our city to peacefully coexist in a manner which is mutually respectful of the interests and rights of others.

(B) General Prohibition. It shall be unlawful for any person to make or cause to be made any loud or unreasonable noise. Noise shall be deemed to be unreasonable when it disturbs, injures or endangers the peace or health of a person or when it endangers the health, safety or welfare of the community. Any such noise shall be considered to be a noise disturbance and a public nuisance.

(C) Express Prohibitions. The following acts, which enumeration shall not be deemed to be exclusive, are declared to be noise disturbances:

(1) Operating or permitting the use or operation of any musical instrument, radio, television, phonograph, or other device for the production or reproduction of sound in such a manner as to be plainly audible through walls or floors between units within the same building, from another property or from the street between the hours of 10:00 p.m. and 7:00 a.m. or in such a manner as to unreasonably disturb the peace, quiet or comfort of the public.

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- (2) The operation or permitting the operation of any radio, stereo or other sound amplification equipment from a motor vehicle that is audible at twenty-five (25) feet from such vehicle. The term "motor vehicle" shall mean any car, truck or motorcycle.
- (3) Notwithstanding section (3)(B), it shall be unlawful for any person who is participating in a party or other social event to actively make unreasonably loud noise. A "party or other social event" is defined as a gathering upon the premises of one or more persons not residing at the premises. Unreasonably loud noise is noise that unreasonably interferes with the peace or health of members of the public or is plainly audible between the hours of 10:00 p.m. and 7:00 a.m. through the walls between units within the same building, from another property or from the street. It shall also be unlawful for any resident of a premises under his or her control to allow a party or other social event occurring in or about the premises to produce unreasonably loud noise. There is a rebuttable presumption that all residents of the premises have allowed such party or other social event to occur in or about the premises. All residents of the premises are responsible for such unreasonable noise made, each having joint and several liability.
- (4) Operating or permitting or directing the operation of any power equipment or machinery outdoors between the hours of 9:00 p.m. and 7:00 a.m., except in emergency situations or by permission of the City Manager.
- (5) Noise resulting from the excavation, demolition, erection, construction, alteration or repair of any premises or structure between the hours of 9:00 p.m. and 7:00 a.m., except in emergency situations or by permission of the City Manager.
- (6) The use of loudspeakers or other sound amplification equipment upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or site.
- (7) Persons keeping or harboring any dog or cat which by frequent or long continued noise disturbs the comfort or repose of persons in the vicinity.
- (8) Noise related to trash pick-up and removal between the hours of 8:00 p.m. and 7:00 a.m. in residential areas.
- (D) Noise from the following sources shall be exempt from the prohibitions specified herein:
- (1) 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, including, but not limited to, police, fire and rescue vehicle sirens.
- (2) The repair and maintenance of municipal facilities, services or public utilities when such work must be accomplished outside daytime hours.
- (3) Snow removal equipment operated within the manufacturer's specifications and in proper operating condition.
- (4) Musical, recreational and athletic events conducted by and on the site of a school, educational institution, park, or recreational area.
- (5) Events and activities conducted by or permitted by the City. Persons operating an event or activity under authority of an entertainment permit, parade/street event permit, or parks special use permit shall comply with all conditions of such permits or licenses with respect to noise control issues.
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(6) Construction or repair work which must be done to address an emergency health or safety concern and that cannot be accomplished during daytime hours and which is not work which includes normal maintenance and repair.

(7) Any other specific function as approved by the City Manager.

(E) The City may notify the owner of any property upon which a violation of this section has occurred and a person has been issued a municipal complaint pursuant thereto that such complaint has been issued.

4. Urination and Defecation

No person shall urinate or defecate on any street, in a park or other public place, except in facilities specifically provided for this purpose. Such practice is hereby declared to be a public nuisance.

5. Defacing Buildings, Structures and Signs

Defacing buildings, structures and signs prohibited. No person shall apply or cause to be applied any paint, varnish, lead, crayon, wax, ink, dye or other indelible substance, nor shall any person carve, chisel or write any figure or letter on the exterior or interior walls or on the windows of any building or structure or deface any sign without having first secured authority from the owner of such building or his duly authorized agent to do so. Such practice is hereby declared to be a public nuisance.

6. Improper Use of Privately Controlled Waste Containers

The dumping of household, construction, or other forms of waste in privately controlled waste containers shall be a violation of this section.

7. Enforcement

(A) Any person who violates a provision of this Ordinance shall be subject to a civil penalty of up to \$800 for each violation. Each day the violation continues shall constitute a separate offense. Police Officers of the City of South Burlington shall be authorized to act as Issuing Municipal Officials to issue and pursue before the Judicial Bureau a municipal complaint. A municipal complaint may, at the discretion of the Issuing Official, be dismissed or a civil penalty or waiver fee may be reduced, upon the successful completion of a reparative justice program through the South Burlington Community Justice Center .

8. Civil Penalty; Waiver Fee

An Issuing Municipal Official is authorized to recover civil penalties in the following amounts for each violation:

First offense	\$160
Second offense	\$320
Third offense	\$480
Fourth offense	\$640
Fifth and subsequent offenses	\$800

An Issuing Municipal Official is authorized to recover a waiver fee, in lieu of a civil penalty, in the following amount, for any person who declines to contest a municipal complaint and pays the waiver fee:

First offense	\$100
Second offense	\$250
Third offense	\$400
Fourth offense	\$550
Fifth and subsequent offenses	\$700

9. Other Relief

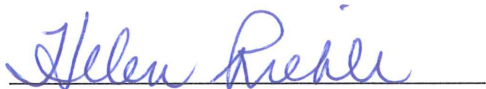
In addition to the enforcement procedures available before the Judicial Bureau, the City Manager is authorized to commence a civil action to obtain injunctive relief and other appropriate relief, or to pursue any other remedy authorized by law.

10. Severability

If any portion of this Ordinance is held to be invalid by a court of competent jurisdiction, such finding shall not invalidate any other part of this Ordinance.

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SOUTH BURLINGTON CITY COUNCIL



Helen Riehle, Chair



Meaghan Emery, Vice-Chair



Tim Barritt, Clerk



Thomas Chittenden



David Kaufman

Received and recorded this 22 day of May, 2018.



Donna Kinville, City Clerk

* effective date is May 21, 2018

