

TOWN OF WEATHERSFIELD, VERMONT

OBJECTIONABLE NOISE ORDINANCE

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ARTICLE I: AUTHORITY

This Ordinance is adopted under authority granted in Title 24, Section 2291(14), and Title 24, Chapter 59, of the Vermont Statutes Annotated.

ARTICLE II: PURPOSE

The purpose of this Ordinance is to protect, preserve and promote the health, safety, welfare, and peace and quiet for the citizens of Weathersfield 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 III: DEFINITIONS

For purposes of this ordinance, the following words and/or phrases shall apply:

- (A) “Decibel” shall mean a unit of measurement of the sound pressure level as prescribed by the American National Standards Institute;
- (B) “Emergency” shall mean any occurrence or set of circumstances involving actual or imminent physical injury or property damage;
- (C) “Emergency Work” shall mean any work performed for the purpose of preventing or alleviating the physical injury or property damage threatened or caused by an emergency;
- (D) "Instantaneous maximum dBA" shall mean either a single pressure peak or a single burst [multiple pressure peaks] that has duration of less than one (1) second;

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- (E) “ Plainly audible” shall mean 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;
- (F) "Property line" shall mean either:
- (1) A line dividing one lot from another or from a street or any public place;
 - (2) The vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling unit building; or
 - (3) On a multi-use property, the interface between the two (2) portions of the property on which different categories of activity are being performed [as an example, 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];
- (G) “ Receiving Property” shall mean the location that is receiving the sound in question;
- (H) “ Sound level” shall be determined in decibels, measured by a calibrated American National Standards Institute (ANSI) Type I or Type II sound level meter, using “ A” frequency weighting [expressed in dBA];

ARTICLE IV: STANDARDS

- (A) It shall be a violation of this Ordinance for anyone to create or allow the creation of noise in excess of the dBA sound limits during the stated time periods for noise specified in Table A below:

TABLE A

Time Period	Receiving Property	One (1) Hour Average dBA	Instantaneous Maximum dBA
6:00 A.M. to 10:00 P.M.	Industrial	75	90
6:00 A.M. to 10:00 P.M.	Residential	55 to 65	80
10:00 P.M. to 6:00 A.M.	Industrial	60	70
10:00 P.M. to 6:00 A.M.	Residential	45	60
6:00 A.M. to 10:00 P.M.	Other	65	80
10:00 P.M. to 6:00 A.M.	Other	60	70

- (B) All noise measurements shall be made at the property line.

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- (C) This standard shall not apply to unoccupied receiving properties.
- (D) 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.

ARTICLE V: EXEMPTIONS

Sounds from the following sources shall be exempt from the prohibitions specified in this ordinance and shall not be included in any measurements performed to determine compliance with Table A of Article IV:

- (A) Any vehicle and equipment owned by and operated by any governmental unit or a utility in the performance of its duties;
- (B) 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;
- (C) Construction or repair work which must be done to address an emergency health or safety concern and that can not be accomplished during daytime hours and which is not work which constitutes normal maintenance and repair.
- (D) 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 law enforcement, fire, and emergency medical services vehicle sirens, and backup alarms required by OSHA, VOSHA. or other Federal or State agency;
- (E) Noise associated with a bona fide response to an emergency situation that poses a threat to the public health, safety or welfare;
- (F) Musical, recreational, or athletic events conducted by and on the site of a school, educational facility, or Town facility, or is sponsored by the Town, State or Federal government;
- (G) Equipment for maintenance of lawns and grounds during the hours of 6:00 A.M. to 10:00 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;

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- (H) Motorized 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 laws;
- (I) Noise associated with commonly accepted silvicultural or agricultural business practices;
- (J) Sound created by bells, carillons, or chimes associated with specific religious observances, or a Town clock;
- (K) Vocal disturbances, whether or not electronically amplified, by spectators or participants in a political protest or rally, or an athletic event or assembly sponsored by a public or private school. .
- (L) The repair and maintenance of Town facilities, services or public utilities when such work must be accomplished outside of daytime hours.
- (M) Sport shooting ranges in existence as of May 5, 2006.

ARTICLE VI: ENFORCEMENT AND PENALTIES

- (A) This is a civil ordinance and shall be enforced by an enforcement officer in the Vermont Judicial Bureau in accordance with 24 V.S.A. §§ 1974a et seq. In addition to the enforcement procedures available before the Judicial Bureau, the Selectboard may commence civil action to obtain injunctive and any other appropriate relief authorized by law.
- (B) Any person who violates the provisions of this Ordinance shall be subject to the penalties and waiver penalties set forth below. Waiver penalties apply when an alleged violator pays the penalty without contesting the violation.
- (C) A civil penalty of not more than Five Hundred Dollars (\$500.00) may be imposed for a violation of this Ordinance.
- (D) The waiver fee shall be set at:
 - (1) Fifty Dollars (\$50.00) for the first offense;
 - (2) Seventy-five Dollars (\$75.00) for the second offense within a six (6) month period; and
 - (3) One Hundred Dollars (\$100.00) for each subsequent offense within a six (6) month period.
- (E) Each day of a violation shall constitute a separate violation of this Ordinance.

