

## TOWN OF PLAINFIELD NOISE ORDINANCE

### Section I: Authority

This ordinance is adopted under authority of 24 VSA Sec 2291 (14) and 24 VSA Chapter 59.

### Section II: Purpose

This ordinance is enacted to protect, preserve and promote the health, safety, welfare, peace and quiet for the citizens of Plainfield 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.

### Section III: Prohibitions Generally

No person shall make or continue any excessive, unnecessary, unreasonably loud noise, or disturbance which disturbs, destroys or endangers the comfort, quiet, repose, health, peace or safety of others within the immediate vicinity of the noise or disturbance.

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

1. **Electronic sound-producing devices:** The playing or use of an electronic sound-producing device in such a manner or with such volume at any time or place so as to disturb, destroy or endanger the comfort, repose, peace of persons in the immediate vicinity of the noise or disturbance. For purposes of this subsection the term "electronic sound producing devices" shall include any radio, stereo, television, amplified musical instrument, loudspeaker, tape, CD or DVD player or any other similar device.
2. **Vocal disturbances:** Yelling, shouting, whistling, singing or making any other loud vocal disturbance as to disturb, destroy or endanger the comfort, quiet, repose or peace of persons in the immediate vicinity of the noise or disturbance. This section shall not be construed to prohibit a vocal disturbance, whether or not it is electronically amplified, by spectators or participants in an athletic event or other public assembly sponsored by a school or community organization.
3. **Defects in vehicle and/or operation of vehicle:** The operation of any automobile, motorcycle, ATV, snowmobile, or other off road 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.
4. **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 habitual barking, howling, yelping or screaming that last for 15 minutes or longer regardless if the animal is inside or outside any structure of its owner/s.
5. **Construction noises:** The excavation, erection, demolition, alteration or repair of any building, structure, property or street between the hours of 9:00pm and 7:00am, except for necessary emergency repairs to protect persons or property, when such activities utilizes motorized or powered tools or equipment.
6. **Devices to attract attention:** The use of any drum, musical instrument, loudspeaker, amplifier or other instrument or device for the purpose of attracting attention. This section shall not be construed to prohibit the playing of musical instruments by students practicing or performing in a school band or event, or other persons participating in an authorized parade or assembly in a public place, nor shall this section be construed to prohibit the sounding of any signaling device under the control of the town, religious institution, or school.
7. **Noise in general:** Any noise which is deemed objectionable because of volume, frequency or beat that is not muffled or otherwise controlled.

Section IV: Standard

The creation of, permitting or operation of any of the sets, instruments, devices or vehicles causing said noise in such a manner as to be plainly audible at a distance of 50 feet from a building, structure or device from which noise emanates shall be prima facie evidence of a nuisance and a violation of this ordinance.

Section V: Exemptions

Noise from the following sources shall be exempt for 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 medical/rescue vehicles.
2. Snow removal equipment operated within the manufacturer's specifications and in proper operating condition.
3. Musical, recreational and athletic events conducted by or on the site of an educational, religious, or municipal institution.
4. Events conducted by or permitted by the Town of Plainfield. 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.
5. 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 not work which includes normal maintenance and repair.

Section VI: Variances

Any person may apply to the Selectboard for a variance from the requirement of this ordinance prior to doing those acts. The applicant shall provide a verifiable list of residences within two hundred fifty (250) feet of the site(s) where the activity is to occur. Ten (10) days written notice of the Selectboard meeting shall be provided to the residents and property owners 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.

Section VII: 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:

First violation of this ordinance	\$ 40
Second violation of this ordinance	\$ 80
Third and subsequent violations of this ordinance	\$120

For the purposes of calculating the forgoing penalties the oldest violation will be deleted from the record of the offender after successful completion of twelve (12) violation free months.

In cases where violations of this ordinance are brought to the Judicial Bureau and where the violation is admitted or not contested, in lieu of the above the following waiver penalties are imposed:

First violation of this ordinance	\$ 36
Second violation of this ordinance	\$ 72
Third and subsequent violations of this ordinance	\$108

Section VIII: Severability

Each of the provisions of this 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.

Section IX: Other laws

This ordinance shall not be construed as waiving the Town's rights of enforcement with regard to any State statute that regulates the control of nuisance or unnecessary noise. This ordinance is in addition to, and not a substitution for any such statutes.

Duly adopted at a warned meeting of the Plainfield Select Board October 25, 2000.

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Janet Steward

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