

ANTI-NOISE REGULATIONS

§189-1

- A. It shall be unlawful for any person or persons to cause or allow any noise which emanates from any building, boat, structure, vehicle or premises, which is plainly audible at a distance of one hundred and fifty (150) feet from any such building, boat, structure, vehicle or premises. The fact that the noise is plainly audible at a distance of one hundred fifty (150) feet from the building, structure, vehicle, boat or premises in which or from which it originates shall constitute prima facie evidence of a violation of this section. Any person violating this shall be, first, issued a written warning. If such warning is ignored, the violator shall be subject to a fine of one hundred and fifty dollars (\$150.00) for each offense. Each such act, which constitutes a violation of this section, which either continues or is reported more than thirty (30) minutes after the issuance of a warning to cease said activities, shall be considered a separate offense and shall be prosecuted as a separate offense in accordance with this by-law.
- B. Any person shall be deemed in violation of this by-law, who shall make or aid in, cause or suffer or countenance or assist in the making of the aforesaid and described improper noises, disturbance, breach of the peace or a diversion tending to a breach of the peace and the presence of any person or persons in or about the building, dwelling, boat or conveyance or any part thereof during a violation of this by-law shall constitute prima facie evidence that they are a countenancer to the violation. Any person violating this by-law shall be punished by a fine of one hundred and fifty dollars (\$150.00) for each offense.
- C. For the purposes of this by-law, noises which disturb the reasonable quiet, comfort, repose or health of others include but are not limited to: 1) loading or unloading activities, 2) use of power tools, 3) use of radios, 4) use of televisions, 5) use of amplifiers, 6) use of musical instruments, 7) use of lawn or landscaping equipment, 8) loud outcries or 9) other loud or boisterous noises not specifically exempted by section 189(E), any of which are plainly audible at a distance of 150 feet from their source between 10:00 p.m. and 7:00 a.m.
- D. Procedure upon violation. It shall be deemed a breach of the peace and it shall be the duty of any police officer of this town to order any person or persons so acting as to violate the provisions of this by-law to cease any prohibited activities specified in this by-law, and if the person or persons so ordered does not forthwith obey, the officer may seek enforcement by criminal complaint or the officer may issue a non-criminal citation for the violation.
- E. Exemptions. The following uses and activities shall be exempt from the noise level regulations:
1. Noises of safety signals, warning devices and emergency pressure relief valves during public emergencies.

2. Noises resulting from any authorized vehicle(s) responding to an emergency call or acting in time of emergency.
3. Noise resulting from emergency and maintenance work performed by the town or its agents, by the state or by public utility companies or their agents.
4. Noises resulting from activities of a temporary duration permitted by law and for which a license or permit has been granted by the town.
5. Parades and public gatherings for which the Selectmen have issued a permit.
6. Bells, chimes or carillons.
7. Noises for which the Board of Selectmen under section 189(F) has granted a special permit.

F. Application for Special Permit. Application for a permit for relief from the noise level designated in this chapter on the basis of undue hardship may be made to the Board of Selectmen. Any permit granted by the Selectmen shall set forth all conditions pertaining to the specified noise and a reasonable time limit for its abatement.

G. Severability Clause. If any part of this by-law is deemed to be contrary to State or Federal law by the Attorney General, that part can be severed without affecting any other part of this by-law.