

## TOWN of WASHINGTON - NOISE ORDINANCE

Pursuant to the authority conferred by New Hampshire Revised Statutes Annotated, Chapter 31:39, 1(n), in order to promote the general welfare of the citizens of the Town of Washington, the following ordinance is hereby enacted:

### **1. GENERAL PROVISIONS:**

It is the intent of this ordinance to prohibit all excessive and unreasonable noise during day and nighttime hours, in order to preserve, protect and promote health, safety and welfare and the peace, quiet, comfort and repose of persons within the town.

No person owning, leasing or controlling any property or any source of sound shall willfully, negligently, or through failure to provide necessary equipment, service or maintenance or to take adequate precautions, cause a breach of the peace, public inconvenience, annoyance or alarm, or create a risk thereof by making loud or unreasonable noises in a public place, or making loud or unreasonable noises in a private place which can be heard in a public place or other private places, which noises would disturb a person of average sensibilities.

### **2. NOISE VIOLATIONS:**

Between 10:00 PM and 7:00 AM it shall be unlawful to:

1. Operate or use tools or construction equipment to include but not be limited to cement mixers, hammers, staple or nail guns, power tools, i.e.: saws, drills, grinders, sanders, chain saws, lawn mowers, electric hedger trimmers, lawn edgers, and jack hammers, with the exception of snowblowers; or
2. Operate or use construction vehicles to include but not be limited to bulldozers, graders, dump trucks, backhoes, earth moving equipment, front end loaders and log skidders; or
3. Make loud or unreasonable noise by unloading, opening, closing, or otherwise handling boxes, crates, containers, building materials, trash cans, dumpsters, or similar objects; or
4. Operate any motor vehicle within the Town so as to make excessive noise by any of the following means:
  - a. Misuse of power, acceleration or traction so as to spin the wheels in the manner commonly known as "laying rubber";
  - b. Misuse of brake and stopping power in the deceleration of a motor vehicle where no emergency exists, commonly know as use of "jake brakes";
  - c. Misuse of power, acceleration or traction by means of rapid upshift or downshift of transmission gears;
  - d. Racing of engine by means of the accelerator, carburetor, gear selector, either when the motor vehicle is in motion or stationary.
5. Operate any mechanically-powered vehicle, including off-highway recreational vehicles as defined in RSA 215-A, in a continuing or repetitious manner, either back and forth or in laps around a looped course, whether for purposes of racing or otherwise; or
6. Operate, play or use any radio, receiver, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the production or reproduction of sound in such a manner as to disturb the peace, quiet, and comfort of neighboring inhabitants or any time with louder volume than is necessary for

## TOWN of WASHINGTON - NOISE ORDINANCE

the reasonable hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners; or

7. Shoot off fireworks or explosives unless permitted by the Selectmen as provided in Section 4, herein.
8. Make any loud or unreasonable noise from any other source.

**3. EXEMPTIONS:** The following uses and activities shall be exempt from these regulations:

1. Noises of safety signals and warning devices, when used for the purpose for which they were intended, and emergency pressure relief valves;
2. Noises resulting from any authorized vehicles, when responding to an emergency call or acting in time of emergency;
3. Noises resulting from emergency and maintenance work as performed by the Town, State of New Hampshire, or Public Utility Companies, noises resulting from the provision of municipal services; noises resulting from emergency maintenance work performed by a homeowner to restore property to a safe condition following a public calamity or protect persons or property from an imminent danger, noises resulting from private snowplowing services;
4. Municipal maintenance work where the abutters to the work site have been given prior notice of the project;
5. Parades and public or private gatherings for which the Town has issued a permit;
6. Bells, chimes or carillons associated with public or religious buildings such as churches and schools that are presently installed and in use for any purpose;
7. Agricultural operations under RSA 21:34-a;
8. Generators during power outages;
9. Any other noise resulting from activities of a temporary duration permitted by law and for which a license or permit thereof has been granted or issued by the Town.

**4. APPLICATION FOR SPECIAL PERMISSION:** Prior to the commencement of activity, which may violate this ordinance, application for a special permission for relief from this ordinance on the basis of undue hardship may be made in writing to the Board of Selectmen. Any permission granted by the Selectmen must be in writing and set forth all conditions pertaining to the specified noise and a reasonable time limit for its abatement.

**5. PENALTY:** It shall be the responsibility of the Town Selectmen or their designee to enforce noise restrictions. No person will be summoned for a violation of this ordinance until he or she has been warned, either verbally or in writing.

After one warning, anyone who violates the provisions of this ordinance shall be subject to a fine not to exceed One Hundred Dollars (\$100) for the first offense. An enhanced penalty shall be assessed for not less than Three Hundred Dollars (\$300) for a second violation, with no more than Five Hundred Dollars (\$500) being assessed for three or more violations of the provisions within a six-month period.