

TOWN OF WASHINGTON

NOISE ORDINANCE

MARCH 12, 2002

THIS ORDINANCE WAS APPROVED BY THE MAJORITY OF THE VOTERS PRESENT AND VOTING AT THIS LEGAL MEETING OF THE TOWN OF WASHINGTON, HELD ON THIS 12TH DAY OF MARCH IN THE YEAR 2002.

THIS ORDINANCE IS ADOPTED IN ACCORDANCE WITH THE AUTHORITY AS GRANTED IN NEW HAMPSHIRE RSA 31:39 AND RSA 644:2.

THIS ORDINANCE SHALL HEREAFTER BE TERMED THE, "TOWN OF WASHINGTON, N.H. NOISE ORDINANCE OF 2002."

NOISE

This ordinance is enacted pursuant to RSA 31:39 and RSA 644:2

#204-1 Findings; Intent

The creation of excessive and unreasonable noise within the Town of Washington is a detriment to the comfort, convenience, safety, health and welfare of the citizens of the town. Persons within the town are entitled to have noise levels maintained which are not a detriment to life, health, welfare and enjoyment of property. Therefore, it is the intent of this ordinance to prohibit all excessive and unreasonable noise in order to preserve, protect and promote health, safety and welfare and the peace, quiet, comfort and repose of persons within the town.

#204-2 Noise Reduction

It shall be unlawful to project a sound or noise from a public or private place into another public or private place within the Town of Washington which exceeds, at the point of perception the limits on noise levels set forth in this Article.

#204-3 Decibel Levels . The following maximum noise levels are established.

- A. Between the hours of 7 AM and 7 PM the limit shall be 65 dB subject to subsection D. below;
- B. Between the hours of 7 PM and 10 PM and 6 AM and 7 AM, the limit shall be 55 dB, subject to subsection D, below;
- C. Between the hours of 10 PM and 6 AM the limit shall be 30 dB.
- D. If the noise is judged by the selectmen to be of a periodic character, such as hammering, or to be of an impulsive character, such as a hum or screech, or to be otherwise than smooth and continuous a reduction of 5 dB shall be made in the levels listed above.

#204-4 Exemptions

The following uses and activities shall be exempt from provisions of this Ordinance:

1. Warning devices
2. Activities performed by or for any federal, state, county or town governmental agency.
3. Unamplified human voices and crowd noises generated at gatherings open to the public.

4. Bells used for religious purposes or in conjunction with religious services.
5. Periodic vehicle traffic.
6. Power tools, including lawn mowers, snow blowers and chain saws.
7. Home generators
8. Seasonal use of agricultural equipment
9. Any other noise resulting from activities of temporary duration permitted by law for which a license or permit therefore has been granted by the Town.

#204 - 5 Special Exceptions.

- A. The Zoning Board of Adjustment may grant special exceptions for uses which produce noise levels in excess of those shown in section 204-3,.
- B. When a special exception is granted, the Zoning Board of Adjustment shall as a condition of the special exception, establish the maximum permissible noise levels for the use.

#204 - 6 Measurement.

For purposes of testing to determine compliance with this ordinance:

1. Continuous noise shall be measured, at the boundary line of the property on which the noise is generated, using a sound level meter having an A-weighted filter constructed in accordance with specifications of the American National Standards Institute (A.N.S.I.)
2. Impact noise shall be measured at the point on the other property where the noise is reported to be an annoyance to others, using the fast response of a sound level meter constructed in accordance with A.N.S.I. specifications. For this purpose, impact noises are intermittent sounds such as blasting, release of compressed air or gases, etc.
3. The town may, at its expense, take sound level measurements at anytime. Upon complaint from any citizen or group of citizens, the zoning official, after written notice to the owner or occupant of the property from which the noise is coming, may cause sound level measurements to be made. In the event the sound level measurements exceed those shown in section 204-3, the cost of such measurements shall be paid by the owner or occupant.

#204-7 Compliance

In the event any sound level measurement, whether conducted independently by the town or at the expense of the owner or occupant, indicate that noises are being generated which exceed those shown in section 204-3, the zoning official shall issue a cease and desist order to the owner or occupant. If that order is not obeyed, the matter shall be referred to the town attorney for legal action and the full cost of such enforcement action shall be paid by the owner or occupant.

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

It shall be the responsibility of the Town Selectmen or their designee to enforce noise restrictions.

#204 - 8 Explanations

Noise intensity is measured in decibel units. The decibel scale is logarithmic; each 10 - decibel increase represents a tenfold increase in noise intensity. Perception of loudness also conform to a logarithmic scale; a 10 - decibel increase is perceived as roughly a doubling of loudness. Thus, 30 decibels is 10 times more intense than 20 decibels and sounds twice as loud; 40 decibels is 100 times more intense than 20 and sounds 4 times as loud. Distance diminishes the effective decibel level reaching the ear. Thus moderate auto traffic at a distance of 100 ft rates about 50 decibels. A five decibel reduction represents a 50% reduction in acoustical energy and sounds half as loud.

It is also important to have an understanding of the way noise decreases with distance. The decrease in sound level from any single noise source normally follows the "inverse square law." That is, SPL changes in inverse proportion to the square of the distance from the sound source. At a distance greater than 50 feet from a sound source, every doubling of the distance produces a 6 decibel reduction in the sound. Therefore, a sound level of 70 decibels at 50 feet would have a sound level of approximately 64 decibels at 100 feet. At 200 feet that same sound source would be perceived at a level of approximately 58 decibels

Comparisons

Car engine 50 feet away averages 70 dB

A power lawn mower 50 feet away averages 90 dB

Revised January 8, 2002

A diesel truck 50 feet away averages 80 dB

A train 50 feet away averages 85 dB

Conversation at home averages 50 dB

Quiet rural area averages 30 dB.

#209 - 9 Severability

If any section or provision of this Ordinance is for any reason held to be unconstitutional or illegal, such invalidity shall not affect the remaining portions of this Ordinance.

#209 - 10 Amendments

This Ordinance may be amended as prescribed in RSA Chapter 675.

#209 - 11 Effective Date

This Ordinance shall take effect immediately upon its passage at a Town Meeting.

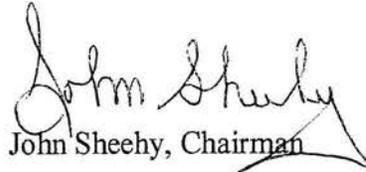
Town of Washington
Noise Ordinance

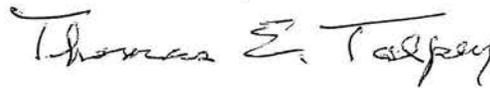
Effective Date

The effective date of this ordinance shall be March 12, 2002.

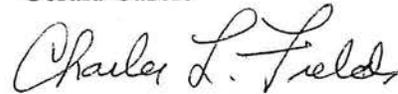
Certification

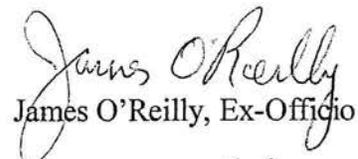
Certified to be a true copy, attest:

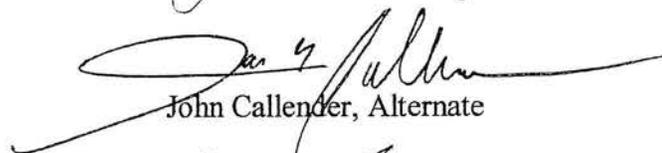

John Sheehy, Chairman


Thomas Talpey, Secretary


Gerald Cascio


Charles Fields


James O'Reilly, Ex-Officio


John Callender, Alternate


Marvin Jager, Alternate