

OBJECTIONABLE NOISE

Town of West Rutland

ARTICLE 1. Authority. This ordinance is adopted under authority granted in 24§ V.S.A. 2291 (14), and 24 V.S.A. Chapter 59.

ARTICLE 2. Purpose. The purpose of this ordinance is to protect, preserve and promote the health, safety, welfare, peace and quiet for the citizens of West Rutland 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 3. The following acts are declared to be loud, objectionable, and unnecessary noises, are therefore a public nuisance, and are prohibited by this ordinance.

a. Radios, other sound-producing devices. The use or operation of any radio, phonograph, musical instrument or other sound-making or sound-producing device in such manner as to disturb the quiet or repose of any person or persons in the vicinity thereof;

b. Defect in vehicle or operator of vehicle. The operation of any automobile, motorcycle or other type of 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;

c. Loudspeakers. The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles, unless issued a special use permit by the Town of West Rutland,

d. Exhausts. The discharge into the open air of the exhaust of any steam engine, internal combustion engine, motorboat or motor vehicle, except through a muffler or other device, which will effectively prevent loud or explosive noises therefrom:

e. Horns, signaling devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle except as a danger warning, the creation by means of any other signaling device or any unreasonably loud or harsh sound and the sounding of any device for unnecessary and/or unreasonable periods of time;

f. Construction noise. Noises emanating from the excavation, demolition, alteration or repair of buildings, structures, property or highways between the hours of 9 p.m. and 7 a.m., except for emergency repairs necessary to protect people or property.

g. Noise in general. Any noise which is deemed objectionable because of volume, frequency or beat and which is not muffled or otherwise controlled.

ARTICLE 4. The creation of, permitting or operation of any of the above 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 vehicle from which noise emanates shall be prima facie evidence of a nuisance and a violation of this ordinance.

ARTICLE 5. Exemption. Emergency vehicles properly operated by fire, police or rescue personnel are exempt.

ARTICLE 6. Enforcement and penalties. A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 et. seq. A civil penalty of not more than \$500 may be imposed for a violation of this civil ordinance, and the waiver fee shall be set at \$100 for the first offense, \$200 for the second offense within a six month period and \$ 500 for each subsequent offense within a six-month period. Each day of a violation shall constitute a separate violation of this ordinance.

ARTICLE 7. Severability . Each of the provisions of the 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.

ARTICLE 8. Effective date. This ordinance shall become effective 60 days after its adoption by the West Rutland Selectboard. If a petition is filed under 24 V.S.A. § 1973, the taking effect of this ordinance shall be governed by that statute.

ADOPTED THIS 10th DAY OF SEPTEMBER 2007.

Sean Bourgeois
Peter Brunicki
John H. H. S.
John H. H. S.
John H. H. S.
Selectboard, Town of West Rutland

ADOPTION HISTORY:

1. Agenda item at regular Selectboard meeting held on August 27, 2007.
2. Read and approved at regular Selectboard meeting on September 10, 2007 and entered in the minutes of that meeting which were approved on September 10, 2007.
3. Posted in public places on September 14, 2007.
4. Notice of adoption published in the Rutland Herald newspaper on September 17, 2007 with a notice of the right to petition.
5. Other action (petitions, etc.)