

**Town of Dunbarton
Ordinance**

Noise Ordinance

**ADOPTED: MAY 27, 2004
DUNBARTON BOARD OF SELECTMEN**

Town of Dunbarton

Noise Prevention Ordinance General Prohibitions

- I. It shall be unlawful for any person to make, continue, cause or allow to be continued, any loud, unnecessary, unusual or unreasonable noise, or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the Town of Dunbarton.
- II. It shall be unlawful for any person to make, cause or allow to be made or continued, any unnecessary, unusual or unreasonable noise in a public place, or in a private place which noise can be heard in a public place or in other private places, which noise would disturb a person of average sensibilities.
- III. Exceptions:
 - A. These provisions shall not apply to persons operating vehicles, equipment or machinery while engaged in snow clearance or snow removal operations, provided such operations are conducted within seventy-two (72) hours of cessation of a snowstorm with an accumulation of at least three (3) inches of snow as recorded by the U.S. Weather Service.
 - B. These provisions shall not apply to police, fire, emergency service providers, public works departments while on duty, nor shall they apply to public utility companies actively engaged in emergency repair or restoration of service activities.

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Noise Prevention Ordinance (see RSA 47:17 (II))

Purpose

- I. It is found and declared that the Town of Dunbarton must act to prevent and control the creation and making of loud, unnecessary, unusual or unreasonable noise which continues to increase in extent and volume.
- II. The making, creation or maintenance of such loud, unnecessary, unnatural, unusual or unreasonable noises which are prolonged (generally longer than 30 minutes), unusual or unreasonable in their time, place and manner of use are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the Town's residents and should be strictly controlled.
- III. The provisions and prohibitions hereinafter contained and enacted are designed to promote the public policy of controlling noise which has a detrimental effect on life in the Town and are in pursuance of, and for the purposes of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the Town and its inhabitants.

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Specific Violations Enumerated

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this chapter, but the enumeration shall not be deemed to be exclusive, namely:

1. Horns, signaling devices, etc.

The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public place in the Town, except as a danger warning.

- a. The creation by means of any such signaling device of any unreasonable noise for an extended period of time.
- b. The use of any signaling device except one operated by hand or electricity.
- c. The use of any horn, whistle or other device operated by engine exhaust.
- d. The use of any such signaling device when traffic is, for any reason, held up.

2. Radios, Phonographs, Etc.

- a. The using, operating, or permitting to be played used or operated, any radio, receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or any time with louder volume than is necessary for 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 thereto.
- b. The operation of any such set, instrument, phonograph, machine or device by a commercial establishment between the hours of 11:00 P.M. and 7:00 A.M. in such a manner as to be plainly audible at a distance of fifty feet (50') from the lot line, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.
- c. The same shall be true for operation of these devices inside a residence when said machine or device is plainly audible in public or

private places nearby and the noise therefore would disturb a person of average sensibilities.

3. Loudspeakers and Amplifiers for Advertising

- a. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purposes of commercial advertising or attracting the attention of the public to any building, structure, or vehicle in such a manner that the peace and good order of the neighborhood is disturbed; or that persons, owning, using or occupying property in the neighborhood are disturbed or annoyed.

4. Yelling, Shouting, Etc.

- a. Yelling, shouting, whistling, or singing on the public streets, particularly between the hours of 11:00 P.M. and 7:00 A.M. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling or other type of residence, or of any persons in the vicinity.

5. Animals

- a. The keeping of any animals which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity.

6. Schools, Courts, Churches.

- a. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use: session which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys.

7. Construction Equipment, Heavy Equipment, etc.

- a. The operation of any construction equipment, heavy equipment, machinery etc. after dusk and before 7:00 A. M. in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants.
- b. Use of heavy equipment such as generators during emergencies is exempt.

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Noise Prevention Ordinance Penalties

- I. Any person violating any of the provisions of this Article shall be guilty of a violation and, upon conviction thereof, shall be liable for a penalty of not more than one hundred dollars (\$100.00) for the first offense and up to the maximum penalty allowed by law for each subsequent offense.

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Noise Prevention Ordinance Validity

- I. If any section or part of a section or paragraph of this Article is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or sections, or part of a section or paragraph of this Article.