

CHAPTER XIII

NOISE CONTROL ORDINANCE

SECTION 1. PURPOSE

The purpose of this section is to preserve the public health, safety, and welfare by prohibiting excessive and disturbing noise and to prevent noise which is prolonged or unsuitable for the time and place and which is detrimental to the peace and good order of the community. It is the goal of this section to allow all residents of our city to peacefully coexist in a manner, which is mutually respectful of the interests and rights of others.

SECTION 2. PROHIBITED NOISE OFFENCES

1. **General prohibition.** It shall be unlawful for any person to make or cause to be made any loud or unreasonable noise. Noise shall be deemed to be unreasonable when upon investigation by a Municipal Official it is found to disturb, injure, or endanger the peace, health, safety, or welfare of another or to disturb, injure, or endanger the peace, health, safety, or welfare of the community. Any such noise shall be considered to be a noise disturbance and a public nuisance.
2. **Express prohibitions.** The following acts, which are enumerated shall not be deemed to be exclusive, are declared to be noise disturbances:
 - a. **Radios, Television sets, musical instruments, phonographs and similar devises.** The operation or permitting the use or operation of any musical instrument, radio, television, phonograph, or other devise for the production or reproduction of sound in such a manner so as to create unreasonable noise audible from another property, or from the street.
 - b. **Motor vehicle sound equipment.** The operation or permitting the use or operation of any radio, stereo, or other sound amplification equipment from a motor vehicle that is audible at twenty-five (25) feet from such vehicle so as to create unreasonable noise. The term motor vehicle shall mean any car, truck, or motor cycle.
 - c. **Parties and other social events.** It shall be unlawful for any person in charge of a party or other social event to allow that party or event to produce noise in a loud or offensive manner such that the noise interferes with the peace or health of members of the public or in such a manner so as to create unreasonable noise audible from another property or from the street. A person shall be deemed to be in charge of a party or social event when that event occurs on private property

and the person is present at the event or resides on the premises involved and who has authorized the use of the premises for such event.

- d. **Machinery.** The operation or permitting or directing the operation of any power equipment or machinery outdoors between the hours of 9:00 p.m. and 7:00 a.m. except in emergency situations.
 - e. **Construction noise.** The excavation, demolition, erection, construction, alteration, or repair of any premises or structure between the hours of 9:00 p.m. and 7:00 a.m. except in emergency situations.
 - f. **Loudspeakers.** The use of loudspeakers or other noise amplification equipment upon public streets for the purpose of commercial advertising or attracting the attention of the public to any building or site.
 - g. **Defect in vehicle or operation 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.
 - h. **Exhausts.** The discharge into the open air of the exhaust of any steam engine, internal combustion engine, motor boat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
 - i. **Horns, signaling devises, 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 devise or any unreasonably loud or harsh sound and the sounding of any device for unnecessary and/or unreasonable periods of time.
3. **Exemptions.** Noise from the following sources shall be exempt from the prohibitions specified herein:
- a. All safety signals and warning devices or any other device used to alert persons to any emergency or used during the conduct of emergency work, including, but not limited to, police, fire, and rescue vehicle sirens.
 - b. The repair and maintenance of municipal facilities, services, or public utilities when such work must be accomplished outside daytime hours.

- c. Snow removal equipment operated within the manufacturer’s specifications and in proper operating condition.
- d. Musical, recreational and athletic events conducted by and on the site of a school or educational institution.
- e. Events and activities conducted by or permitted by the city. Persons operating an event or activity under authority of an entertainment permit parade/street event permit, solid waste license, or parks special use permit shall comply with all conditions of such permits or licenses with respect to noise control issues.
- f. Construction or repair work which must be done to address an emergency health or safety concern and that cannot be accomplished during daytime hours and which is not work which includes normal maintenance and repair.

4. Enforcement. Any person who violates a provision of this civil ordinance shall be subject to a civil penalty of up to \$500 per day for each day that such violation continues. Police officers of the City of Vergennes shall be authorized to act as issuing Municipal Officials to issue and pursue before the Judicial Bureau a municipal complaint.

5. Waiver Fee. An Issuing Municipal Official is authorized to recover a waiver fee, in lieu of a civil penalty, in the following amount for any person who declines to contest a municipal complaint and pays the waiver fee:

| | |
|-------------------------------|----------|
| First offense | \$50.00 |
| Second offense | \$125.00 |
| Third offense | \$200.00 |
| Forth offense | \$275.00 |
| Forth and subsequent offenses | \$350.00 |

Offenses shall be counted on a calendar year basis.

6. Civil Penalties. An issuing Municipal Official is authorized to recover civil penalties in the following amounts for each violation:

| | |
|-------------------------------|----------|
| First offense | \$100.00 |
| Second offense | \$200.00 |
| Third offense | \$300.00 |
| Forth offense | \$400.00 |
| Fifth and subsequent offenses | \$500.00 |

Offenses shall be counted on a calendar year basis.

7. Other Relief. In addition to the enforcement procedures available before the Judicial Bureau, the City Manager is authorized to commence a civil action to obtain injunctive and other appropriate relief or to pursue any other remedy authorized by law.