

# NOISE ORDINANCE TOWN OF SOUTH HAMPTON

## 1. PURPOSE AND INTENT

It is declared to be the intent of the Town of South Hampton to promote an environment free from excessive noise which unnecessarily jeopardizes the health and welfare of the citizens of the Town of South Hampton and degrades the quality of life in this community, without unduly prohibiting, limiting or otherwise regulating the function of certain noise producing equipment which is not amenable to such controls yet is essential to the economy and quality of life of the community. Under the authority granted to the Town pursuant to RSA 31:39, the Town adopts the Noise Ordinance to achieve these goals. This Ordinance promotes inspection and enforcement by defining offenses and penalties.

## 2. PROHIBITED SOUNDS

Because the creation and/or maintenance of loud, unnecessary or unusual noises, within the Town of South Hampton, which are prolonged, unusual and unnatural in their time, place and use, detrimentally affects public health, comfort, convenience, safety, welfare and prosperity of Town citizens, the Town deems it necessary and appropriate to enact the following provisions and prohibitions which are declared NOISE DISTURBANCES PROHIBITED BY THIS ORDINANCE:

### a. Loud Noises

Making loud or unreasonable noises in a public place, or making loud or unreasonable noises in a private place that can be heard in a public place or other private places which can disturb, **a person of average sensibilities.**

Disrupting the orderly conduct of business in any public or governmental facility.

Disrupting any lawful assembly or meeting of persons without lawful authority.

Creating any sound that endangers or injures the safety or health of a person or annoys or disturbs a reasonable person of normal sensitivities or that can cause one or more of the following effects:

1. Temporary or permanent hearing loss in persons exposed.
2. Injury to or tendency to injure.
3. Unreasonable interference with the comfortable and reasonable enjoyment of life or property or interference with the conduct of business.
4. Exceeding the limits or restrictions established herein or pursuant to the granting of any permit by the Town.

### b. Radios, Stereos, Musical Instruments, PA Systems, etc.

The using, operating or permitting to be played of any radio receiving set, musical instrument, stereo, public address system, or other machine, device or computer for the producing or reproduction of sound in such a manner as to disturb the health, safety and welfare of the neighboring inhabitants **at any time** and in such a manner as to be **louder than normal conversation at the property line or fifty feet from an individual or vehicle on any public or private way or property.**

### c. Construction and/or Repairing of Buildings or Property.

The erection (including excavation), demolition, blasting (demolition using explosives), alteration or repair of any building or property that generates noise ***other than between the hours of 7:00AM and 8:00PM***, except in the cases of an emergency in the interest of public health and safety. All equipment used for construction shall have properly installed and maintained silencing systems as originally furnished by the equipment manufacturer. This ordinance forbids the use of unmuffled exhaust or intake systems on mobile or stationary equipment.

**d. Yelling, Shouting and the like.**

Yelling, shouting, hooting, whistling, singing that ***is louder than normal conversation at the property line or fifty feet from an individual or vehicle on any public or private way or property*** so as to ***annoy or disturb*** the quiet, comfort or repose of persons in any office, or dwelling, or other type of residence, or of any persons in the vicinity.

**e. Animals, Birds and the like.**

The keeping of any animal, bird or pet which by causing frequent noise ***lasting more than 30 minutes continuously or 45 minutes total in any given day***, or if it makes noise during the night hours so as to disturb the peace and quiet of the neighborhood or area, shall be considered to be disturbing the comfort and repose of any person in the vicinity.

**f. Fireworks.**

Use in accordance with ***RSA 160-B:1-23*** is ***allowed between sunset and 10:00 PM*** three days before July 4, July 4, and 3 days after July 4 and New Year's Eve. Use outside permitted times will be prima facie evidence that the user has violated this ordinance. Law Enforcement Officers may confiscate any and all remaining fireworks on-site.

**a. Firearms.**

Firearms may not be discharged under the circumstances prohibited by ***RSA 207:37a, RSA 208:8 and RSA 644:13, and/or any rules and regulations governed by NH Fish and Game Authority.***

**h. Misuse of Power/Loud, Unusual or Other Unnecessary Noise.**

Any noise occasioned by any one or more of the following actions of the operator of any on road or off road vehicle including trucks, tractor trailers, :

1. Misuse of power exceeding tire traction limits in acceleration, sometimes known as "laying down rubber" or "peeling rubber", or;
2. Misuse of braking power exceeding tire traction limits in deceleration where there is no emergency or;
3. Rapid acceleration by means of quick upshifting of transmission gears with either a clutch and manual transmission or an automatic transmission, or;
4. Rapid deceleration by means of quick downshifting of transmission gears with either a clutch and manual transmission or an automatic transmission or;
5. Racing an engine by manipulation of the accelerator, gas pedal, carburetor, or gear selection whether the vehicle is either in motion or standing still, or;

6. The blowing of any horn except as a warning signal or the use of any other noise-making device, whether the vehicle is in motion or standing still.
7. No trucks, tractor trailers or other motor vehicles (excluding passenger vehicles) shall be started or idled between the hours of 8 pm and 7 am.
8. Use of inadequately muffled Jake (compression) brakes is not allowed except in emergency.

**EXEMPTIONS - THIS ORDINANCE SHALL NOT APPLY TO NOISE EMITTED OR RELATED TO THE FOLLOWING:**

1. Persons operating vehicles, machinery or equipment while engaged in snow clearance or snow removal operations so long as such operations are performed within 3 days of the cessation of a winter storm resulting in the accumulation of at least 3 inches of snow within the Town's limits.
2. Noise created by emergency vehicles in response to or relating to an emergency.
3. Noise from domestic power equipment operated between the hours of 7:00AM and 8:00PM.
4. Noise created to perform emergency work to restore property to a safe condition following an emergency or work required to protect persons or property from exposure to imminent danger of damage. This includes noise from power generating equipment.
5. The existing Gun Club in accordance with RSA 159-B.
6. The legal use of firearms.

**ENFORCEMENT AND PENALTIES**

**Penalty:** Any person violating any of the provisions of this ordinance shall result in a written warning **OR** a fine of either \$50.00 for the first offense, \$100.00 for the second offense or \$150.00 for a third or subsequent offenses. The fine shall be paid within ten (10) business days of its issuance, and any person failing to make payment within the said ten (10) business days shall be charged interest at the rate of eighteen (18) percent per annum.

**Manner of Enforcement:** Town Officials and Agents shall serve violations of this ordinance in the same manner as other violations of other ordinances of the Town of South Hampton are currently dealt with. The Police Department, the Building Inspector, The Board of Selectmen of the Town of South Hampton, or their Agents, may bring forward and prosecute complaints regarding non-compliance with the provisions of this ordinance. Town Officials and Agents are empowered to seek any and all relief available under the law, including but not limited to fines, fees, reimbursement of attorney's fees and injunctive relief.

**SEVERABILITY**

The provision of this ordinance are severable. If any provision of the ordinance or its application to any person or circumstance is held invalid, such invalidity will not affect other provision or applications of the ordinance which can be given effect without the invalid provisions or application.

**DEFINITIONS OF WORDS USED IN THIS ORDINANCE**

**Construction:** means any and all physical activity necessary or incidental to the erection, placement, demolition, assembling, altering, cleaning, repairing, installing or equipping of buildings and other structures, public or private highways, roads, premises, parks, utility lines or other property and shall include land clearing, grading excavation, filling and paving.

**Demolition:** means any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.

**Domestic Power Equipment:** means power equipment intended for use in residential areas by homeowners. Examples include, but are not limited to, chain saws, log-splitters, power saws, drills, grinders, lawn and garden tools, power generating equipment and off road vehicles.

**Emergency:** means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage that demands immediate action.

**Fireworks:** means any composition or device designed to produce a visible or an audible effect by combustion, deflagration, or detonation, as defined in 27 C.F.R. section 555:11 or as otherwise defined by RSA 160 - C:1

**Muffler:** means a device consisting of a series of chambers or baffle plates or other mechanical design for the purposes of receiving exhaust gases and effectively reducing noise. RSA 259:66

**Noise Disturbance:** means causing a breach of the peace, public inconvenience, annoyance or alarm, or recklessly creates a risk thereof.

**Night:** means the period between sunset and sunrise.

**Person:** means an individual, partnership, association, firm, syndicate, company, trust, corporation, department, bureau or agency or any other entity recognized by law as having rights and duties.

**Tractor-Trailer:** means any truck, tractor and semi-trailer. RSA 257:109.

**Truck:** means every motor vehicle designed, used or maintained primarily for the transportation of property. RSA 259:115-b

**Radio, Loudspeakers, Phonographs, Amplifiers, Computers and the like:** means any radio, receiver, musical instrument, phonograph, loudspeaker, sound amplifier, computer or other machine or device for the production or reproduction of sound.