

TOWN OF HINSDALE, NEW HAMPSHIRE NOISE ORDINANCE

POLICY STATEMENT

It is declared to be the intent of the Town of Hinsdale to promote an environment free from excessive noise which unnecessarily jeopardizes the health and welfare of the citizens of the Hinsdale and degrades the quality of life in this community, without unduly prohibiting, limiting or otherwise regulating the function to certain noise-producing equipment which is not amenable to such controls yet is essential to the economy and quality of life of the community. The purpose of this Section is to establish standards for the control of noise and noise disturbances in the Town by prohibiting specific activities during designated times and by setting maximum permissible sound levels within the Town.

In accordance with the foregoing statement of intent, it shall be unlawful for any person to make, continue, or cause to be made or continued, any excessive, unnecessarily loud noise, or any noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others within the Town as follows:

DEFINITIONS

For the purposes of this Section, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

Intra-Property Real Property Division: shall mean the ceilings, walls, floors, doors and windows of any duplex, multi-family or condominium dwelling or structure which separate the real property leased or owned by one person from that owned or leased by another person.

Person: any individual, association, partnership, or corporation, and including any officer, employee, department, agency or instrumentality of a state or any political subdivision of a state.

Public Right-of-Way: any street, avenue, boulevard, highway, sidewalk or alley or similar place, which is owned or controlled by a governmental entity.

Public Space: any real property or structure thereon which is owned or controlled by a governmental entity.

Real Property Boundary: any imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person.

Noise Disturbance: any sound created or allowed to continue within a real property boundary or intra-building real property division or public right-of-way or public space, which can be heard across said boundary or intra-building real property division in the confines of another or adjacent real property boundary or intra-building real property division or a public right-of-way or public space which annoys or disturbs a reasonable person of normal sensitivities.

NOISE DISTURBANCES PROHIBITED TIME RESTRICTIONS

It shall be unlawful to cause a noise disturbance as defined herein.

1. Between 10:00 P.M. and 6:00 A.M. - created by:

- (a) loading, unloading, opening, closing, or otherwise handling boxes, crates, containers, building material, trash -cans, dumpsters or similar objects.
- (b) The operation or use of agricultural equipment to include, but not limited to tedders,

bailers and tractors.

2. **Between 10:00 P.M. and 7:00 A.M. (Monday through Saturday) and 10:00 P.M. and 8:00 A.M. (Sunday)** - created by:

(a) The operation or use of construction vehicles to include, but not limited to bulldozers, graders, dump trucks, backhoes, earth moving equipment, front end loaders and log skidders on the job site,

(b) The operation or use of tools, or construction equipment to include but not limited to, cement mixers, hammers, staple or nail guns, power tools (i.e. saws, drills, grinders, sanders), chain saws, lawnmowers, electric hedger trimmers, lawn-edgers and jack hammers,

3. **Between 10:00 P.M. and 7:00 A.M.** - created by operating, playing or using of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which amplifies sound or by the display of permissible fireworks.

UNNECESSARY NOISE FROM MOTOR VEHICLES

1. A person operating in or in control of a parked or moving motor vehicle shall not operate or permit the operation of an electronically amplified sound system in or on the motor vehicle so as to produce sound that is clearly audible in a public right-of way of way or public space more than 50 feet from the motor vehicle except as otherwise authorized.

2. A person shall not operate a motor vehicle so as to make any loud, unusual, or unnecessary noise occasioned by any one or more of the following actions by the operator:

(a) Misuse of power - exceeding tire traction limits in acceleration, sometimes known as “laying down rubber” or “peeling rubber”, or excessive acceleration where there is no emergency.

(b) Misuse of braking power exceeding tire traction limits in deceleration where there is no emergency.

(c) Rapid acceleration by means of quick up-shifting of transmission gears with either a clutch of manual transmission or automatic transmission.

(d) Rapid deceleration by means of quick downshifting of transmission gears with either a clutch or manual transmission or an automatic transmission.

(e) Racing of engines by manipulation of the accelerator, gas pedal, carburetor, or gear selection whether the vehicle is either in motion or standing still.

(f) Misuse of air brakes or “jake-brakes” by using them when there is nothing in tow behind the vehicle equipped with said air brakes or “jake-brakes”.

EXEMPTIONS

The following uses and activities shall be exempt from noise level regulations:

1. Noise of safety signals, warning devices and emergency pressure relief valves.
2. Noises resulting from any authorized vehicle, when responding to an emergency call or acting in time of emergency, training exercises and maintenance.
3. Noises resulting from emergency maintenance work as performed by the Town, State or public utility companies, to include snow removal operations.
4. Municipal maintenance work where the abutters to the work site have been given prior notice of the project.
5. Any other noise resulting from activities of a temporary duration permitted by law or for which a license or permit therefore has been granted by the Town.
6. Snow blowers and other types of private or commercial snow removal operations.
7. Parades and public gatherings for which the Town has issued a permit.
8. Bells, chimes or carillons, while being used for religious purposes, or in conjunction with religious services, and those bells, chimes or carillons that are presently installed and in use for any other purpose.
9. The un-amplified human voice, except where otherwise prohibited by the provisions of this Section

TEMPORARY SPECIAL PERMIT

The Police Chief or his/her designee is hereby authorized to issue special permits for periods not exceeding thirty (30) days to persons wishing to exceed those limits provided for herein, based upon a demonstration as follows:

1. Activity sought to be engaged in is in furtherance of a substantial public interest or benefit and will not be inconsistent with the statement of purpose.
2. Activity sought to be engaged in is necessary in order to avoid undue hardship and will not be inconsistent with the statement of purpose.

PENALTY

Any person, firm, or corporation who violates the provisions of this Chapter shall be guilty of a violation for each offense and shall be subject to a fine of one hundred (\$100.00) dollars for each offense.

ENHANCED PENALTY

Any person, firm, or corporation who violates the provisions of this Section three (3) or more times in a year shall be subjected to the provision of an enhanced penalty and shall be subject to a fine of no less than five hundred (\$500.00) dollars for each offense.

SEVERABILITY

If any provisions of this Section or the application of such provisions to any person or circumstances shall be held invalid, the validity of the remainder of this Section and applicability of such provisions to other persons or circumstances shall not be affected thereby.