

TOWN OF HYDE PARK

2007 NOISE ORDINANCE

Section 1: Authority

This Ordinance is adopted under authority of 24 V.S.A. 2291 (14) and 24 V.S.A. Chapter 59

Section 2: Purpose

This Ordinance is enacted to protect, preserve and promote the health, safety, welfare, peace and quiet for citizens of the Town of Hyde Park 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.

Section 3: Definitions

A "plainly audible" means any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the enforcement officer need not determine the title of a song, specific words, or the artist performing the song. The detection of the rhythmic base component of the music is sufficient to constitute a plainly audible sound.

Section 4: The following acts are declared to be loud, objectionable, and unnecessary noises, are therefore a public nuisance, and are prohibited by this Ordinance:

- A. Defect in Vehicle or Operation of Vehicle:** The operation of an automobile or motorcycle which creates squealing, squealing of tires, loud and unnecessary grating, grinding, exploding-type noises, rattling or other noises.
- B. Loud Speakers, Amplifiers for Advertising, Radios, Phonographs, etc.:** The use, operation, or permitting the use or operation of any radio or television receiving set, musical instrument, phonograph, loud speaker, amplifier, or other device for the production or reproduction of sound which may or may not be cast upon the public streets in such a manner as to disturb the peace, quiet, and comfort of neighboring inhabitants at any time with louder volume than is necessary for convenient 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.
- C. 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 other signaling device, of unreasonably loud or harsh sound; and the sounding of any such device for unnecessary and/or unreasonable periods of time.

- D. Construction Noise:** Noises emanating from the excavation, demolition, alteration or repair of buildings, structures, property or highways between the hours of 9:00 PM and 6:00 AM, except for emergency repairs necessary to protect people or property.
- E. Vocal Disturbances, Parties and Other Social Events:** Loud or offensive noises caused by a person attending and/or caused or permitted by a person in charge of a party or social event which are plainly audible from another property or street. Yelling, shouting, whistling, singing or making any other loud vocal disturbance so as to disturb, destroy, or endanger the peace of persons in the immediate vicinity of the noise disturbance. A person shall be deemed to be in charge of a party or social event when the event occurs on private property and the person is present at the party or social event, resides at the premises involved and has authorized the use of the premises for the party or social event. There may be more than one person in charge for the purposes of this ordinance.
- F. Fireworks,** as defined in Title 20 V.S.A. 3132 & 3133 require a permit from the Selectboard of the Town of Hyde Park.

Section 5: Exceptions. This Ordinance shall not be construed to prohibit the following:

- A.** A vocal disturbance, whether or not it is electronically amplified, by spectators or participants in an athletic event or assembly sponsored by a public entity or private school, between the hours of 6:00 AM and 9:00 PM.
- B.** A public address system being operated to request medical or vehicular assistance or to warn of a hazardous road condition.
- C.** An emergency or public safety device operating in its official capacity.
- D.** Any device owned and operated by the Town or Village, or a gas, electric, communications or water utility company operating in its official capacity.
- E.** The use of firearms when used in accordance with Fish & Wildlife laws or when used for sport shooting between the hours of 6:00 AM and 9:00 PM.
- F.** Agricultural practices as defined in Title 6 V.S.A. Chapter 214 shall be exempt from this ordinance.

Section 6: Penalty

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 \$100 may be imposed for the initial violation of this civil ordinance. The penalty for the second offense within a six-month period shall be \$200.00, and the penalty for subsequent offenses within a six-month period shall be \$500.00. The waiver fee shall be set at \$50.00 for the first offense, \$100.00 for the second offense within a six-month period and \$250.00 for all subsequent offenses within a six-month period, if paid within 20 days. Each day that the violation continues will constitute a separate violation of this ordinance.

Section 7: Severability

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Amendment adopted the 9th day of November, 2006 by:

Selectboard, Town of Hyde Park, Vermont

ADOPTION HISTORY:

1. Agenda item at regular Selectboard meeting held on 10/12/06.
2. Read and approved at regular Selectboard meeting on 11/9/06 and entered in the minutes of that meeting which were approved on 12/14/2006.
3. Posted in public places on 11/23/2006.
4. Notice of adoption published in the News & Citizen newspaper on 11/23/2006 with a notice of the right to petition.
5. Other actions (petitions, etc.) – No petition submitted.
6. Effective 61 days from date of adoption (if no petition): **JANUARY 9, 2007**

Ron Rodjenski

From: Karen/News & Citizen [news@newsandcitizen.com]
Sent: Tuesday, September 25, 2012 12:01 PM
To: Ron Rodjenski
Subject: Re: Question

It is in the November 23, 2006 issue of the News & Citizen.

From: Ron Rodjenski
Sent: Tuesday, September 25, 2012 11:14 AM
To: 'Karen/News & Citizen'
Subject: RE: Question

Thanks !

The 2006 noise ordinance amendment was voted on November 9, 2006 by the Selectboard. The Town is then required by State law to publish it in the local newspaper within 14 days of Nov 9, or by November 24. If it occurred after Nov 24 then I'm not sure what the courts would decide on its validity.

The legal notice could have been a summary or the entire ordinance but I have no information that the publication occurred.

Ron

From: Karen/News & Citizen [mailto:news@newsandcitizen.com]
Sent: Tuesday, September 25, 2012 10:53 AM
To: Ron Rodjenski
Subject: Re: Question

I might be able to...can you give me some more info as to what you are looking for?

From: Ron Rodjenski
Sent: Tuesday, September 25, 2012 9:21 AM
To: 'Karen/News & Citizen'
Subject: Question

Good Morning !

Is there some way for you to check if a town legal ad was published in November 2006?

We have a question about the legality of a local ordinance that should have been published in the second ½ of that month.

Thanks,

Ron

Ronald Rodjenski
Hyde Park Town Administrator
and Zoning Administrator

9/25/2012