

Revised Ordinances of Wallingford
Title 4: Health and Welfare

CHAPTER 6: OBJECTIONABLE NOISE

§4601. AUTHORITY

This ordinance is adopted under authority of 24 VSA 2291 (14) and 24 VSA Chapter 59.

§4602. PURPOSE

This ordinance is enacted to protect, preserve, and promote the health, safety, welfare, peace, and quiet for the citizens of Wallingford through the reduction, control, and prevention of noise. The intent of this ordinance is to establish standards that will eliminate and reduce unnecessary noises that are physically harmful or otherwise detrimental to the enjoyment of life, property, and maintenance of business.

§4603. PROHIBITED NOISES

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

- (a) **Radios and other sound-producing devices.** The use or operation of any radio, phonograph, musical instrument, or other sound-making or sound-producing device in such manner as to disturb the quiet or repose of any person or persons in the vicinity thereof;
- (b) **Defect in vehicle or operator 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;
- (c) **Loudspeakers.** The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising purposes unless issued a special use permit by the Town of Wallingford;
- (d) **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;
- (e) **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 any other signaling device of any unreasonably loud or harsh sound and the sounding of any device for unnecessary and/or unreasonable periods of time;
- (f) **Construction Noise.** Noises emanating from the excavation, demolition, alteration, or repair of buildings, structures, property, or highways between the hours of 9:00 P.M. and 6:30 A.M., except for emergency repairs necessary to protect people or property.
- (g) **Noise in General.** Any noise which is deemed objectionable because of volume, frequency, or beat and which is not muffled or otherwise controlled.

§4604. EVIDENCE.

The creation of, permitting, or operation of any of the above sets, instruments, devices, or vehicles causing said noise in such a manner as to be plainly audible at a distance of 150 feet from a

building, structure, or vehicle from which noise emanates shall be prima facie evidence of a nuisance and a violation of this ordinance.

§4605. EXEMPTION.

Emergency vehicles properly operated by fire, police, or rescue personnel are exempt.

§4606. ENFORCEMENT AND PENALTIES.

A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 VSA 1974a and 1977 et. seq. A civil penalty of not more than \$500.00 may be imposed for a violation of this civil ordinance, and the waiver fee shall be set at \$50.00 for the first offense, \$75.00 for the second offense within a six month period, and \$100.00 for all subsequent offenses within a six month period. Each day of a violation shall constitute a separate violation of this ordinance.

§4607. SEVERABILITY.

Each of the provisions of the ordinance is severable and if any provision is held invalid for any reason, the remaining provisions shall not be affected but shall remain in full force and effect.

§4608. EFFECTIVE DATE

This ordinance shall become effective sixty days after its adoption by the Wallingford Selectboard. If a petition is filed under 24 VSA 1973, the taking effect of this ordinance shall be governed by that statute.

ADOPTED THIS 11th DAY OF October 1999

Selectboard, Town of Wallingford

Christopher J. Dinnan Christopher J. Dinnan

Bea Tanner Bea Tanner

Jay Johnstone Jay Johnstone

Diane Colvin Diane Colvin

Hans Huessy Hans Huessy