

**NOISE (GENERAL) BY-LAWS
TOWN OF EPPING**

*Accepted
3/20/01
Town Meeting*

I. PURPOSE:

- A) It is found and declared that the Town of Epping must act to prevent and control the creation and making of loud, unnecessary, unusual, or unreasonable noise which continues to increase in extent and volume;
- B) the making, creation or maintenance of such loud, unnecessary, unnatural, unusual or unreasonable noises which are prolonged, unusual or unreasonable in their time, place and manner of use, are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the Town's residents and should be strictly controlled;
- C) The provisions and prohibitions hereinafter contained and enacted are designed to promote the public policy of controlling noise which has a detrimental effect on life in the Town, and are in pursuance of, and for the purposes of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the Town and its inhabitants.

II. GENERAL PROHIBITIONS:

- A) It shall be unlawful for any person to make, continue, cause or allow to be continued, any loud, unnecessary, unusual, or unreasonable noise, or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others within the limits of the Town of Epping;
- B) It shall be unlawful for any person to make, cause or allow to be made or continued, any unnecessary, unusual or unreasonable noise in a public place, or in a private place which noise can be heard in a public place or in other private places, which noise would disturb a person of average sensibilities.
- C) **EXCEPTIONS:**

- 1. These provisions shall not apply to persons operating vehicles, equipment or machinery while engaged in snow clearance or snow removal operations, provided such operations are conducted within seventy-two (72) hours of cessation of a snow storm with an accumulation of at least three inches (3") of snow as recorded by the U.S. Weather Service.
- 2. These provisions shall not apply to police, fire or emergency service providers, or public works departments engaged in normal emergency activities, nor shall they apply to public utility companies actively engaged in emergency repair or restoration of service activities.

III. SPECIFIC VIOLATIONS ENUMERATED:

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this by-law, but the enumeration shall not be deemed to be exclusive, namely:

A) **Horns, signaling devices, etc.** The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public place in the Town, except as a danger warning;

1. the creation by means of any such signaling device of any unreasonable noise for an extended period of time;
2. the use of any signaling device except one operated by hand or electricity;
3. the use of any horn, whistle or other device operated by engine exhaust;
4. the use of any such signaling device when traffic is, for any reason, held up.

B) **Radios, phonographs, etc.**

1. The using, operating, or permitting to be played, used or operated any radio, receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or any time with louder volume than is necessary for the reasonable 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.
2. The operation of any such set, instrument, phonograph, machine or device by a commercial establishment between the hours of 10:00 P.M. and 7:00 A.M. in such manner as to be plainly audible at a distance of fifty feet (50') from the lot line, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.
3. The same shall be true for operation of these devices inside a residence when said machine or device is plainly audible in public or private places nearby and the noise therefore would disturb a person of average sensibilities.

C) **Loudspeakers, amplifiers for advertising.** The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building, structure, or vehicle in such a manner that the peace and good order of the neighborhood is disturbed; or that persons, owning using or occupying property in the neighborhood are disturbed or annoyed.

- D) **Yelling, shouting, etc.** Yelling, shouting, whistling, or singing on the public streets, particularly between the hours of 10:00 P.M. and 7:00 A.M. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, or other type of residence, or of any persons in the vicinity.
- E) **Animals, birds, etc.** The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity.
1. Provided, however, that there is an exemption for those raising livestock and poultry in an area zoned for agriculture, and for conservancy areas.
- F) **Schools, Courts, Churches.** The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use/session which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys.
- G) **Hawkers, peddlers.** The shouting and crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of the neighborhood.
- H) **Drums.** The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.
- I) **Metal rails, pipes, pillars and columns, transportation thereof.** The transportation of rails, pipes, pillars or columns of iron, steel or other material, over and along streets and other public places upon carts, drays, trucks, or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.
- J) **Pile drivers, hammers, etc.** The operation between the hours of 9:00 P.M. and 7:00 A.M. of any pile driver, drill, power shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.
- K) **Blowers.** The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such engine is equipped with a muffler device sufficient to deaden such noise.

IV. PENALTIES:

Any person violating any of the provisions of this Article shall be guilty of a violation and upon conviction thereof, shall be liable for a penalty of not more than one hundred (\$100.00) dollars for the first offense, and up to the maximum penalty allowed by law for each subsequent offense.

V. VALIDITY:

If any section or part of a section or paragraph of this Article is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or sections, or part of a section of paragraph of this Article.

Selectmen's Public Hearing: _____

This ordinance shall take effect at Midnight on _____

EPPING BOARD OF SELECTMEN

This is to certify that on the ____ day of _____ 2001 at Epping Town Hall the above By-law was filed and recorded with the records of the Town Clerk of the Town of Epping, New Hampshire.

Witness my hand _____
Linda Foley, Town Clerk