

**TOWN OF CASTLETON, VERMONT
NOISE ORDINANCE**

SECTION 1. AUTHORITY. This ordinance is adopted by the Selectboard of the Town of Castleton under authority granted in 24 V.S.A. §§ 2291 (14), (15), and 24 V.S.A. Chapter 59.

SECTION 2. PURPOSE. The purpose of this ordinance is to protect, preserve and promote the health, safety, welfare, and peace and quiet for persons of the Town of Castleton through the reduction, control and prevention of unreasonable noise.

SECTION 3. PROHIBITION. It shall be unlawful for any person to make or cause to be made any unreasonable noise. An unreasonable noise shall be any noise that disturbs, injures or endangers the peace or health of another or when it endangers the health, safety or welfare of the community. The following acts, which enumeration shall not be deemed to be exclusive, are declared to an unreasonable noise:

- a. The operation or permitting the use or operation of any musical instrument, radio, television, stereo, or other device for the production or reproduction of sound in such a manner as to be audible through walls between units within the same building, from another property, or from the street between the hours of 11:00 p.m. and 7:00 a.m. or in such a manner as to unreasonably disturb the peace, quiet or comfort of the public.
- b. The operation or permitting or directing the operation of any power equipment or machinery outdoors between the hours of 9:00 p.m. and 7:00 a.m. except in emergency situations.
- c. The excavation, demolition, erection, construction, alteration or repair of any premises or structure between the hours of 9:00 p.m. and 7:00 a.m. except in emergency situations.
- d. The use of loudspeakers or other sound amplification equipment upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or site.
- e. The operation or permitting the operation of any radio, stereo or other sound amplification equipment from a car, truck, or motorcycle that is audible at twenty-five (25) feet from such vehicle.

Any unreasonable noise shall be considered a public nuisance.

SECTION 4. SOCIAL EVENTS. It shall be unlawful for any resident of a premises to allow a social event occurring in or about the premises to produce unreasonable noise. There is a rebuttable presumption that all residents of the premises have allowed such social event to occur in or about the premises. All residents of the premises are responsible for such unreasonable

noise, each having joint and several liability. A social event means a gathering upon the premises of one or more persons not residing at the premises.

SECTION 5. EXEMPTIONS. Noise from the following sources shall be exempt from the prohibitions specified herein:

- a. All safety signals and warning devices or any other device used to alert persons to any emergency or used during the conduct of emergency work, including, but not limited to, police, fire and emergency rescue vehicle sirens.
- b. The repair and maintenance of municipal facilities, services or public utilities when such work must be accomplished outside daytime hours.
- c. Snow removal equipment operated within the manufacturer's specifications and in proper operating condition.
- d. Construction or repair work which must be done to address an emergency health or safety concern and that cannot be accomplished during daytime hours and which is not work which includes normal maintenance and repair.

SECTION 6. ENFORCEMENT. The violation of this ordinance shall be a civil matter enforced in the Vermont Judicial Bureau. If the penalty for all continuing violations is greater than \$500.00 or injunctive relief is sought, the action shall be brought in Rutland County Superior Court.

A civil penalty of not more than \$150 per violation (*Note: may be up to \$500 per violation*) may be imposed for violation of this ordinance. The waiver fee shall be \$50 for the first offense, \$100 for the second offense, and \$150 for each subsequent offense. Each day that a violation continues shall constitute a separate violation of this ordinance.

Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 et seq. For purposes of enforcement in the Judicial Bureau, any Town [*constable, police officer, or other law enforcement officer, town manager,*] shall be the designated enforcement officer(s). The enforcement officer shall issue tickets and may be the appearing officer at any hearing.

Violations enforced in the Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. The Town of Castleton may pursue all appropriate injunctive relief.

SECTION 7. OTHER LAWS. This ordinance is in addition to all other ordinances of the Town of Castleton and all applicable laws of the State of Vermont.

SECTION 8. SEVERABILITY. If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this ordinance.

SECTION 9. EFFECTIVE DATE. This ordinance shall become effective 60 days after its adoption by the Town of Castleton Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

John Elton

12-14-09

DATE

Jim Barry
Patrick H. Eay

SIGNATURES

Adoption History

1. Agenda item at regular selectboard meeting held on 12/14/09.
 2. Read and approved at regular selectboard meeting on 12/14/09 and entered in the minutes of that meeting which were approved on 12/28/09.
 3. Posted in public places on 12/21/09.
 4. Notice of adoption published in the Rutland newspaper on 12/26/09 with a notice of the right to petition. Herald
 5. Other actions [petitions, etc.]
- Effective: February 12, 2010