



**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. DEFINITIONS.

- A. An unreasonable noise shall be any noise that disturbs, injures or endangers the peace or health of another or would be considered excessively loud or otherwise offensive by most reasonable citizens. In addition, noise measured in excess of 70 decibels (dBa) during the hours of 10:00PM and 7:00 AM shall be considered unreasonable.
- B. Community or Public shall be any person(s) who reside, visit, or travel in the Town of Castleton.
- C. dBa- Shall mean a weighted sound level in decibels as measured by a general purpose sound meter complying with the provisions and recommendations of the National Institute of Occupational Safety And Health.
- D. Sound Level Meter- A device that measures the intensity of noise through decibels. A sound level meter can be used to measure the decibel rating of a specific prohibition. The meter must be properly calibrated and operated on the "A" weighting network. The sound level meter testing location will be at the public access point, sidewalk, or lot line.

SECTION 4. PROHIBITION. It shall be unlawful for any person to make or cause to be made any unreasonable noise. The following acts, which enumeration shall not be deemed to be exclusive, are declared to be 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 10:00 PM and 7:00 AM or in such a manner as to unreasonably disturb the peace, quiet or comfort of the public at any time. When an officer is able to directly hear noise that one or more residents considers unreasonably loud, that officer shall be authorized to decide whether indeed the noise level is unreasonable.
- 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.

SECTION 5. SOCIAL EVENTS. It shall be unlawful for any resident of the 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 events 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 6. 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 7. 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 8. 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 9. 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 10. 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.



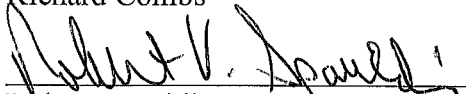
Jame Leamy

12-11-23

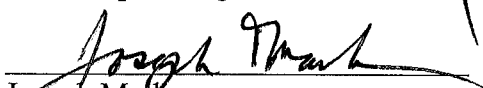
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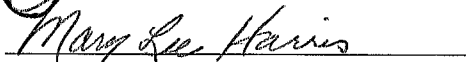
Richard Combs



Robert Spaulding



Joseph Mark



Mary Lee Harris

Adoption History

1. Agenda item at regular selectboard meeting held on 11/27/2023.
2. Read and approved at regular selectboard meeting on 12/11/23 and entered in the minutes of that meeting which were approved on 12/21/23.
3. Posted in public places on 12/12/23.
4. Notice of adoption published in the Rutland Herald newspaper on 12/14/2023 with a notice of the right to petition.
5. Other actions [petitions, etc.]