**TOWN OF PERU, VT NOISE ORDINANCE**

**SECTION 1:** PURPOSE

It is the purpose of this ordinance to preserve the peace and promote civility and to prevent hearing loss, sleep loss and a general reduction in the quality of life.

**SECTION 2:** PROHIBITIONS

No person shall make or continue any excessive, unnecessary, or unreasonably loud noise or disturbance, or any noise which disturbs, destroys, or endangers the comfort, quiet, repose, health, peace, or safety of others within the immediate vicinity of the noise or disturbance.

Without limitations, the commission of one or more of the following acts, if done in such manner, shall be deemed a violation of these prohibitions:

1. The playing or use of a mobile, portable, or outdoor electronic sound-producing device in such manner or with such volume at any time and place so as to disturb, destroy or endanger the comfort, repose, or peace of persons. Evidence of such disturbance shall be the use of electronic sound-producing devices that are operated in such a manner to be plainly audible at a distance of 50 feet in any direction from the operator.
2. Yelling, shouting, whistling, singing, or making any other loud vocal disturbance so as to disturb, destroy or endanger the comfort, quiet, repose or peace of persons in the immediate vicinity of the noise or disturbance. This section shall not be construed to prohibit a vocal disturbance, whether or not it is electronically amplified, by spectators or participants in an athletic event or assembly.
3. The use of any drum, musical instrument, loudspeaker, amplifier, or other instrument or device for the purpose of attracting attention. This section shall not be construed to prohibit the playing of musical instruments by students practicing or performing in a school band or orchestra, or other persons participating in an authorized parade or assembly in a public place, nor shall this section be construed to prohibit the sounding of any signaling device under the control of the Town.

D. The keeping of any dog, cat or other animal which shall become a nuisance to another person in the vicinity where such dog, cat or other animal is kept, by frequent or continued barking, howling, yelping, braying or screaming which lasts unabated for more than 15 minutes.

E. The excavation, erection, demolition, alteration, or repair of any buildings, structure, property or street between the hours of 10:00 pm and 6:00 am, except for necessary emergency construction and maintenance to protect property or persons.

F. The shooting of firearms between the hours of 10:00 P.M. and 7:00 A.M. Sunday through Thursday and 11:00 P.M. and 7:00 A.M. Friday and Saturday except by people engaged in lawful hunting activities**.**

G. A person shall not remove, destroy, or damage any of the baffles contained in the muffler, nor a shall a person use a muffler cutout, bypass or similar device upon any such vehicle. Such vehicle shall always be equipped with a properly operating exhaust system which shall include a tail pipe and a resonator on a vehicle where the original design included a tail pipe and a resonator.

H. The use of fireworks without a proper permit at anytime is a violation of Vermont State statutes and therefore, a violation under this noise ordinance.

**SECTION 3**: EVIDENCE OF VIOLATION

 For the purposes of section 2, subsections, A through H, a noise, or disturbance of such magnitude so as to be plainly audible in another building or in another dwelling unit located in the same building, shall be deemed prima facie evidence of a violation of this section.

GENERAL PROPERTY LINE STANDARD. This general property line standard is a numerical standard for determining whether the sound from a particular source is a violation of this article. The sound pressure level is measured at or within the property lines of a receiving property. When a sound exceeds the dBA sound level specified in Table A, it is a violation of this section.

**TABLE A**

|  |  |  |
| --- | --- | --- |
| Receiving Property | 6:00am to 10:00pm  | 10:00pm to 6:00am |
| From Residential | 60 dBA | 45 dBA |
| From Commercial | 70 dBA | 55 dBA |

**SECTION 4:** LANDLORD CULPABILITY

A landlord who, after notice, fails to take reasonable steps to prevent subsequent violations of this ordinance by the tenant shall be in violation and subject to enforcement as enumerated in section 5 of this ordinance.

**SECTION 5**: ENFORCEMENT.

No owner or occupier of premises, or any person who has been given lawful permission to use or control any premises, shall knowingly permit a violation of this section by another person on such premises.

Any person in violation of the provisions of this section shall be punished as provided herein.

Notwithstanding, persons found in violation of Section 2, subsections A through H may within ten (10) days from the date of such violation, admit the violation and waive the issuance of any process in a trial by court or by jury or hearing, by voluntarily paying to the Town $100. or by satisfying other conditions as may be imposed. The penalty after the expiration of the said ten-day period, but within thirty (30) days from the date of such violation, shall be $150., or by satisfying other conditions as may be imposed. After thirty (30) days from the date of such violation, the penalty shall be $250.

**SECTION 6**: EXEMPTIONS

 Sounds from the following sources shall be exempt from the prohibitions specified herein and shall not be included in any measurements performed to determine compliance with

Table A:

1. 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 medical/rescue vehicle sirens.
2. The repair and maintenance of municipal facilities, services, or public utilities when such work must be accomplished outside of daytime hours.
3. Snow removal equipment operated within the manufacturer’s specifications and in proper operating condition.
4. Musical, recreational, and athletic events conducted by and on the site of a school or education institution and municipal institutions.
5. Events conducted by or permitted by the Town. Persons Operating an event under the authority of an Selectboard shall comply with all conditions of such permits with respect to noise control issues.
6. 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.
7. Equipment for maintenance of lawns and grounds during the hours of 7:00 am to 9:00 pm (including, but not limited to, lawn mowers, hedge trimmers, weed whackers, chain saws, and leaf blowers).
8. Vehicles that meet State standards, and that are operated in compliance with Section G (regarding mufflers) on a public Right of Way.

**SECTION 7**: DEFINITIONS

1. Plainly Audible: 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 the song, specific words or the artist performing the song. The detection of the rhythmic bass component of the music is sufficient to constitute a plainly audible sound.
2. dBA: The sound pressure level measured using the “A Weighting Network” as prescribed by the American National Standards Institute.
3. Receiving Property: The location that is receiving the sound in question.
4. Emergency: Any occurrence or set of circumstance involving actual or imminent physical trauma or property damage.
5. Emergency Work: Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threated or caused by an emergency.
6. Noise: Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

This action is taken by the Selectboard of the Town of Peru and shall be printed in full in the minutes of the Selectboard, posted in 3 (3) conspicuous places within the Town of Peru and a summary published in the Bennington Banner within fourteen (14) days of its adoption and shall become in full force and affect sixty (60) days after the date of adoption to the right of petition provided by law.

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Jon Mowry, Chair Date

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Chuck Black Date

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Todd Williams Date