

# ***NOISE ORDINANCE***

## **ARTICLE I.**

**Authority.** The Ordinance is adopted under the authority of Title 24, VSA Section 2291 (14) and VSA Chapter 59

## **ARTICLE II.**

**Purpose.** This Ordinance is enacted to protect, preserve, and promote health, safety, peace and quiet for the citizens of Westminster through the control of excessive noise. The intent of this ordinance is to establish standards that will eliminate and reduce noises that are detrimental to the enjoyment of life, property and the maintenance of business.

## **ARTICLE III.**

**A. Prohibited Noises.** Noise in excess of 70 decibels, as measured at the property line from which the noise originates, is prohibited.

Exceptions:

1. Noise generated by an emergency or public safety device operating in its official capacity.
2. Any person, organization, group or business that has obtained an exemption from the Selectboard.
3. The use of firearms when used in accordance with Fish & Wildlife laws.

**B. Exemptions Granted by the Selectboard.** The Westminster Selectboard is authorized to grant exemptions to this Ordinance for special events. Persons seeking an exemption under the provisions of Article III A 2 of this Ordinance shall file a request with the Selectboard no later than one month prior to the event for which the exemption is requested. The Selectboard shall consider the request at its next regularly scheduled meeting.

## **ARTICLE IV.**

**A. Enforcement.** The Town Manager, or his designee, is responsible for enforcing this ordinance, and shall be authorized to act as Issuing Municipal Official to issue and pursue a municipal complaint before the Traffic and Municipal Ordinance Bureau for any violations. The Issuing Municipal Official, or his designee, shall issue a written warning for a violation of this ordinance before issuing a municipal complaint for a first offense of this ordinance.

In addition to the enforcement procedures available before the Traffic and Municipal Ordinance Bureau, the Issuing Municipal Official is authorized to commence a civil action to obtain injunctive and appropriate relief, or to pursue any other remedy authorized by law

**B. Penalties.** Any person who violates any provision of this ordinance shall be subject to a civil penalty of up to \$200 per day for each day the violation continues.

**1. Waiver Fee:** An Issuing Municipal Official is authorized to recover a waiver fee, in lieu of a civil penalty, in the following amount, for any person who declines to contest a municipal complaint and by the Waiver Fee:

First offense in any calendar year:	\$ 50.00
Second offense in any calendar year:	\$ 75.00
Third offense in any calendar year:	\$100.00
Fourth or more offenses in any calendar year:	\$150.00

**2. Civil Penalties.** An Issuing Municipal Official is authorized to recover civil penalties in the following amount for each violation:

First offense in any calendar year:	\$ 75.00
Second offense in any calendar year:	\$100.00
Third offense in any calendar year:	\$150.00
Fourth or more offenses in any calendar year:	\$200.00

Each day in which any violation continues or occurs shall be deemed a separate offense.

#### **ARTICLE IV.**

**A. Liability for Loss by the Town Due to Violation.** Any Person violating any of the provisions of this Ordinance shall become liable to the Town for any expense, loss, or damage occasioned by the Town, including reasonable legal expenses, by reason of such offense.

**B. Severability** The invalidity of any provision of this Ordinance shall not invalidate any other part thereof.

**C. Date of Enactment** Duly enacted and ordained by the Selectboard of the Town of Westminster, Windham County, State of Vermont, on this 25<sup>TH</sup> day of October 2005 at a duly warned and duly held meeting of said Selectboard.

**D. Effective Date** This Ordinance shall become effective sixty (60) days from the date hereof, that is, on December 25, 2005.