



# TOWN OF WESTMINSTER

3651 US Route 5  
PO Box 147  
Westminster, VT 05158  
(802)722-4255

## **NOISE ORDINANCE**

### **ARTICLE I: General Provisions**

A. Authority: The Westminster Noise Ordinance ("Ordinance") is adopted under the authority of 24 VSA, Chapter 59 and 24 V.S.A. § 2291.

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

C. Inconsistent Provisions: In the case of any other applicable regulation, bylaw, ordinance or statute which differs from the rules and regulations of this Ordinance, the stricter shall apply.

### **ARTICLE II: General Noise Standards**

The following specific acts are declared to be loud and disturbing noises, which constitute a public nuisance and shall be deemed detrimental to the health and safety of the residents of the Town of Westminster and are therefore, prohibited by this Ordinance.

A. Excessive Vehicle Noise: The operation of an automobile, motorcycle or off-road vehicle, whether operated on a Public Way or on private property, which creates squealing of tires, loud and unnecessary grating, grinding, exploding, rattling or noise of any type that disrupts or interferes with the reasonable use and enjoyment of neighboring properties.

B. Construction Noise: Noises caused by excavation, demolition, alteration, erection or repair of buildings, structures or property between the hours of 9:00 PM and 7:00 AM, and which disturbs the peace, quiet and comfort of the neighboring inhabitants.

C. Radios and Sound-Producing Devices: The using, operating or permitting to be played, used or operated, of any radio or television, musical instrument, phonograph, tape player, compact-disc or other

machine or device for the producing or reproducing of sounds in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle, chamber or yard in which such a machine or device is operated and who are voluntary listeners thereto.

D. Horns and other Signaling Devices: The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle except as a danger warning; the creation, by means of any other signaling device, of unreasonable loud or harsh sounds; the sounding of any such device for unnecessary and/or unreasonable periods of time.

E. Noise, in General: Any noise which is deemed objectionable because of volume, frequency or beat and which is not muffled or otherwise controlled, and which disturbs the peace, quiet and comfort of the neighboring inhabitants.

### **ARTICLE III: Exemptions**

The following activities shall not be subject to the limitations set forth in Article II above:

A. The emission of sound for the purpose of alerting persons to the existence of an emergency.

B. The emission of sound in performance of emergency operations by the Town, State or Federal agency.

C. The emission of sound in the discharge of firearms when used in accordance with Vermont Fish & Wildlife laws.

D. The emission of sound from agricultural or forestry operations.

E. The emission of sound in a residential area made in the course of the maintenance of a dwelling and/or property between the hours of 7:00AM and 9:00PM.

F. The emission of sound relative to permitted construction and/or demolition activities between the hours of 7:00AM and 9:00PM.

G. Sounds generated by parades, processions, fairs, athletic or other events authorized by the Town.

H. Any person, organization, group or business that has obtained an exemption from the Selectboard by filing such request with the Selectboard a minimum of one month prior to the event for which the exemption is requested. The Selectboard will consider the exemption request at their next regularly scheduled meeting.

#### **ARTICLE IV: Enforcement**

The Town Manager, or the Town Manager's designee, is responsible for enforcing this ordinance and is authorized to act as Issuing Municipal Official to issue and pursue a municipal complaint before the Judicial Bureau for any violations. The Issuing Municipal Official, or 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 Judicial 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.

A. Correction: Any person or entity found to be violating any provision of this Ordinance may, at the Town's discretion, be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offending party shall, within the period of time stated, permanently cease and correct all violations.

B. Continued Violation: Any person or entity who continues any violation beyond the specified time limit provided for in Section IV, A, above, or whose violation is determined by the Town not to warrant being given time to correct the violation, shall be subject to the civil ordinance violation enforcement provisions set forth in 24 V.S.A. § 1974a.

C. Penalties:

1. Fines (Civil Penalties): Violation of any specific section or provision of this Ordinance shall be subject to a fine of \$200.00 for the first offense. Subsequent violations within a twelve (12) month period shall be subject to a fine of \$300.00 for each violation.

2. Waiver Fee: If the offending person or entity chooses to not contest the civil complaint in court proceedings, the person or entity may pay a waiver fee in lieu of the fines established in Article IV, section C1. The waiver fee for the first offense is \$100.00. The waiver fee for subsequent offenses within twelve (12) months of a previous offense is \$150.00.

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

#### **ARTICLE V: Liability and Severability**

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.

#### **ARTICLE VI: Ordinance in Force**

A. Amendment: This Ordinance may be amended at any time by the Westminster Selectboard, pursuant to applicable provisions of the law.

B. Ordinance in Effect: This Ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law. This Ordinance supersedes all previous versions of the Westminster Noise Ordinance.

C. Date of Enactment: Duly enacted and ordained by the Selectboard of the Town of Westminster, Windham County, State of Vermont on this eleventh day of June, 2024.

D. Effective Date: This Ordinance shall become effective sixty (60) days from the date hereof, on August 10, 2024.

#### **WESTMINSTER SELECTBOARD**

 Daniel Crocker, Chair

 Jason Perry, Vice-Chair

 Real Bazin, Clerk

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Stephen Major

 Katrina Hamilton