

**Town of Poultney**  
**Ordinance Regarding the Regulation of Objectionable Noise**  
**Concise Summary**

**Statement of Purpose**

The Selectboard of the Town of Poultney, Vermont adopted an ordinance to regulate Objectionable Noise within the Town of Poultney. This Ordinance is adopted under the authority granted in 24 V.S.A. Section 2291(14) and 24 V.S.A. Chapter 59.

**Principal Provisions & Section Headings:**

Article 1: Authority  
Article 2: Purpose  
Article 3: Activities prohibited  
Article 4: Creation of noise within an audible distance  
Article 5: Exemption  
Article 6: Enforcement and penalties  
Article 7: Severability  
Article 8: Effective Date

**Information:**

Additional information regarding this Ordinance, contact the Poultney Town Manager at (802) 287-9751 during office hours of 8:00 AM to 4:00 PM. Mondays through Fridays.

This Ordinance is also posted in the following locations: The Poultney Town Hall, The Village of Poultney Office, the Poultney Town Library, the Poultney Post Office and the East Poultney General Store. The Ordinance is also available at the Town Clerk's Office and may be examined during posted office hours.

This Ordinance is adopted under the authority granted in 24 V.S.A. Section 2291(14) and 24 V.S.A. Chapter 59 and becomes effective 60 days after its adoption by the Selectboard unless a petition is filed in accordance with Title 24, Section 1973.

**Right to Petition:**

An ordinance adopted by the Municipality may be disapproved by a vote of a majority of qualified voters. A petition for a vote on the question shall be signed by not less than 5 % of the qualified voters and presented to the Selectboard within forty-four days following the date of the adoption.

Adopted: January 11, 2016.

Poultney Board of Selectmen:

s/Ed Lewis, Chairman

s/Jeff King

s/Corey Davenport

s/Frank Fressie

s/Tom Coloutti

## **TOWN OF POULTNEY OBJECTIONABLE NOISE**

**ARTICLE 1. Authority.** This ordinance is adopted under authority granted in 24 V.S.A. § 2291(14), and 24 V.S.A. Chapter 59.

**ARTICLE 2. Purpose.** The purpose of this ordinance is to protect, preserve and promote the health, safety, welfare, peace and quiet for the citizens of the **Town of Poultney** through the reduction, control and prevention of noise. The intent of this ordinance is to establish standards which will eliminate and reduce unnecessary noises which are physically harmful or otherwise detrimental to the enjoyment of life, property and maintenance of business.

**ARTICLE 3.** The following acts are declared to be loud, objectionable, and unnecessary noises, are therefore a public nuisance, and are prohibited by this ordinance.

- a. Radios, other sound-producing devices.** The use or operation of any radio, phonograph, musical instrument or other sound-making or sound-producing device in such manner as to disturb the quiet or repose of any person or persons in the vicinity thereof; including by way of example, motor vehicle amplification equipment producing loud tones and percussive noise audible within 25 feet of the vehicle;
- b. Noisy operation of motor vehicles.** The operation of any automobile, motorcycle or other type of motor vehicle in such a manner as to create squealing of tires or loud and unnecessary grating, grinding, exploding, rattling or other types of noises, including noises from "revving" of engines, unnecessary engine breaking, or engine backfires;
- c. Loudspeakers.** The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles, unless approved by the Town of Poultney for public events;
- d. Exhausts.** The discharge into the open air of the exhaust of any steam engine, internal combustion engine, motor boat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;
- e. Horns, signaling devices, etc.** 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 or any unreasonably loud or harsh sound and the sounding of any device for unnecessary and/or unreasonable periods of time;
- f. Construction noise.** Noises emanating from the excavation, demolition, alteration or repair of buildings, structures, property or highways between the hours of 9 p.m. and 6 a.m., except for public highways, bridges, culverts and other utility maintenance, construction and repairs or for contractors hired by Town or Village, or for emergency repairs necessary to protect people or property.
- g. Noise in general.** Any noise which is deemed objectionable because of volume, frequency or beat and which is not muffled or otherwise controlled.

**ARTICLE 4.** The creation of, permitting or operation of any of the above sets, instruments, devices or vehicles causing said noise in such a manner as to be plainly audible at a distance of 25 feet from a building, structure or vehicle from which noise emanates shall be prima facie evidence of a nuisance and a violation of this ordinance.

**ARTICLE 5. Exemption.** Emergency vehicles properly operated by fire, police or rescue personnel, and permitted red lighted vehicles are exempt.

**ARTICLE 6. Enforcement and penalties.** A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 et. seq. A civil penalty of not more than \$500 may be imposed for a violation of this civil ordinance, and the waiver fee shall be set at \$100 for the first offense, \$200 for the second offense within a six-month period and \$300 for each subsequent offense within a six-month period. Each day of a violation shall constitute a separate violation of this ordinance.

**ARTICLE 7. Severability.** Each of the provisions of the ordinance is severable, and if any provision is held invalid for any reason, the remaining provisions shall not be affected but shall remain in full force and effect.

**ARTICLE 8. Effective date.** This ordinance shall become effective 60 days after its adoption by the Poultney Selectboard. If a petition is filed under 24 V.S.A. § 1973, the taking effect of this ordinance shall be governed by that statute.

ADOPTED THIS Monday DAY OF January 11, 2016.

Ed Lewis, Chairman Ed Lewis

Jeffrey King Jeffrey King

Frank Fressie Frank Fressie

Corey Davenport Corey Davenport

Tom Coloutti Tom Coloutti

**Selectboard, Town of Poultney**

**ADOPTION HISTORY:**

1. Agenda item at regular Selectboard meeting held on 1/11/16.
2. Read and approved at regular Selectboard meeting on 1/11/16 and entered in the minutes of that meeting which were approved on \_\_\_\_\_.
3. Posted in public places on \_\_\_\_\_.
4. Notice of adoption published in the \_\_\_\_\_ newspaper on \_\_\_\_\_ with a notice of the right to petition.
5. Other actions [petitions, etc.]