

VILLAGE OF ENOSBURG FALLS

AN ORDINANCE IN RELATION  
TO OBJECTIONABLE NOISE

Section 1003

*The Board of Trustees of the Village of Enosburg Falls ordains and adopts this Traffic Ordinance per the provisions of: Title 23, Vermont Statutes Annotated, Sections 1007 and 1008 and; Title 24, Vermont Statutes Annotated, Sections 1971 and 2291.*

This Ordinance prohibits any noise or disturbance that disturbs, destroys, or endangers the comfort, quit, repose, health, peace, or safety of others within the immediate vicinity of the noise or disturbance. The commission of one or more of the following acts is a violation of this Ordinance:

1. **PROHIBITIONS GENERALLY.** No person shall make or continue any excessive, unnecessary, or unreasonably loud noise or disturbance.

(a) Electronic sound-producing devices. The playing or use of any radio, television set, musical instrument, phonograph, or other device. The playing with volume louder than is necessary for convenient hearing for the person or persons who are in the room, vehicle, chamber or yard and are voluntary listeners.

(b) Vocal disturbance. Yelling, shouting, whistling, singing, or making any other loud vocal disturbance. This section does not prohibit vocal activities by spectators or participants in an athletic event or assembly sponsored by public or private schools.

(c) Devices to attract attention. The use of any drum, musical instrument, loud speaker, amplifier, or other instrument or device for attracting attention. This section does not 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. This section also does not prohibit the sounding of any signaling device under the control of the Village, Town, other governmental agencies, churches or schools.

(d) Dogs, cats, and other animals. The keeping of any animal that shall become a nuisance to another person in the vicinity where such animal is kept, by barking, howling, yelping, or screaming.

(e) Construction noises. The excavation, erection, demolition, alteration, or repair of any building, structure, property, or street between the hours of 9:00 P.M. and 6:00 A.M.. Except necessary emergency repairs to protect property or persons,

when such activity uses motorized tools or equipment

(f) **Trash removal.** The removal of household and commercial trash by authorized commercial trash haulers using mechanized conveyances from all residentially zoned areas between the hours of 9:00 p.m. and 6:00 a.m.

(g) **Defect in vehicle or operation of a vehicle.** The operation of any automobile, motorcycle or ATV, in a way as to create squealing of tires, loud and unnecessary grating, grinding, exploding-type, rattling, or other noises.

(h) **Noise in General.** Any unmuffled or otherwise uncontrolled noise which is objectionable because of volume, frequency, or beat.

2. **EVIDENCE OF VIOLATION.** The creation of, permitting, or operations of any the above sets, instruments, devices, or vehicles causing said noise to be plainly audible at 50 feet from the building, structure, vehicles, yard, highways, parks, rail trail, or any other private or public property from which the noise emanates shall be prima facie evidence and a violation of this Ordinance.

3. **MUFFLERS.** Any vehicle or device equipped with and propelled by a combustion type engine, whether operated on a public street or on private property, must have a muffler. The owner of the vehicle or device shall maintain the muffler in constant operation to prevent excessive or unusual noise and annoying smoke. A person shall not remove, destroy, or damage the baffles contained in the muffler, nor use a muffler cutout, bypass, or similar device upon any vehicle or device. All vehicles or devices must have a properly operating exhaust system. A complete exhaust system shall include a tail pipe and a resonator on a vehicle where the original design included a tail pipe and a resonator.

4. **VIOLATIONS.** The commission of any act specifically prohibited by any other section or subsection of this Ordinance is a violation. This ordinance is designated a Civil Ordinance pursuant to Title 24, VSA Section 1971 (b).

5. **EXEMPTION.** Speakers, sound trucks, and amplifiers used for commercial purposes as advertising for which a proper permit has been issued are specifically exempt from the provisions of the Ordinance. Also emergency vehicles operated by police, fire, or ambulances are exempt.

6. **PENALTY.**

(a) No owner or occupier of premises, or any person who has lawful permission to use or control any premises, shall knowingly allow a violation of this Ordinance by another person on such premises.

(b) The fine for any person violating the provisions of this Ordinance is \$50.00.

(c) Each day that the violation continues shall constitute a separate violation

7. *VALIDITY.*

(a) The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance that can be given effect without such invalid part or parts.

(b) The Board of Trustees may amend this Ordinance as necessary and as provided by law.

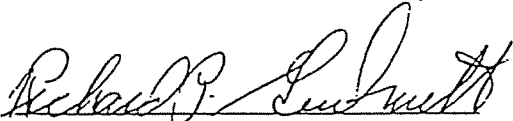
8. *REPEAL OF PRIOR ORDINANCES*

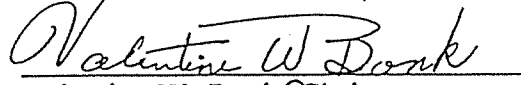
This Ordinance repeals any prior Objectionable Noise regulation adopted by the Village of Enosburg Falls.

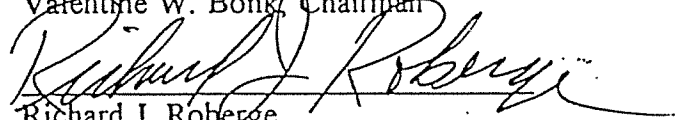
9. *CIVIL ORDINANCE*

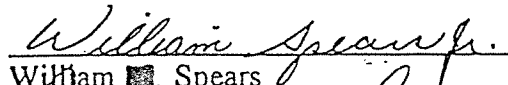
This ordinance is designated a civil ordinance pursuant to Title 24 V.S.A. Section 1971 (b). To the extent a penalty is not established in this ordinance for violations thereof, there is hereby established a penalty of \$500.00 (Five Hundred Dollars) for a violation of this ordinance. Civil enforcement of this ordinance and actions for violations thereof shall be brought and maintained in the name of the Village by an enforcement officer for such purpose. All actions for enforcement of this civil ordinance shall be instituted and maintained in the manner provided in Title 24 V.S.A. 1974a-1981, as may be amended.

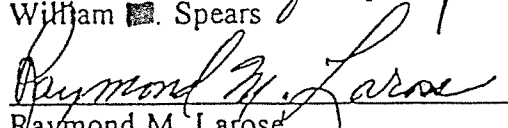
*December 18, 1995*

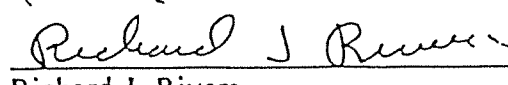
  
Richard Guilmette  
Village Clerk

  
Valentine W. Bonk, Chairman

  
Richard J. Roberge

  
William M. Spears

  
Raymond M. Larose

  
Richard J. Rivers

VILLAGE OF ENOSBURG FALLS, VERMONT

NOTICE OF ORDINANCE ADOPTION

Notice is hereby given that at a regular meeting of the Board of Trustees of the Village of Enosburg Falls, Vermont, held on the 18th day of December, 1995, an ordinance was adopted in relation to Objectionable Noise. The ordinance will become effective on the 16th day of February, 1996 unless a petition seeking disapproval thereof is filed with the Village Clerk no more than forty-four (44) days from the above-stated date of adoption

The purpose of the ordinance is to regulate Objectionable Noise on public and private property through the enactment, implementation and enforcement of the following provisions:

Section 1	Prohibitions Generally
Section 2	Evidence of Violations
Section 3	Mufflers
Section 4	Violations
Section 5	Exemption
Section 6	Penalty
Section 7	Validity
Section 8	Civil Ordinance

Copies of the ordinance and further information relating to the same may be obtained by communication with Stephen B. McNeil, Village Manager, RR #4, Box 80, Enosburg Falls, VT 05450 (802-933-4443).