

VILLAGE OF ENOSBURG FALLS

NOTICE

Vehicle Noise Ordinance,

Pursuant to 24 V.S.A. §1972(a), the citizens of the Village of Enosburg Falls are hereby notified that, at a regular meeting held on February 8, 2022, the Village Trustees voted to Amend the Village Ordinances by the adoption of Section 1003, Vehicle Noise Ordinance, which establishes limits and restrictions for noises emanating from vehicles operated within the Village limits, and provides penalties for violations of the Ordinance.

The full text of the amendment and newly adopted ordinance are as follows

(a) AUTHORITY

This Ordinance is adopted under authority granted in 24 V.S.A. §2291(14), 24 V.S.A. Chapter 59, and 24 V.S.A. App. §§16-22.

(b) PURPOSE

The Purpose of this ordinance is to promote the public health, safety and welfare by prohibiting excessive and disturbing noise and to prevent noise which is prolonged or unsuitable for the time and place and which is detrimental to the peace and good order of the community. It is the goal of this section to allow all residents of our Village to peacefully coexist in a manner which is mutually respectful of the interests and rights of others.

(c) DEFINITIONS

As used in this section, the following terms shall be defined as follows, all others as outlined in Title 24 Vermont Statutes Annotated or as defined herein:

1. “Plainly Audible” means 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 a 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. “Sound Amplification System” includes any radio, tape player, compact disc player, MP3 player, Bluetooth sound system, loudspeaker or other electronic device used for the amplification of the human voice, music or any other noise or sound.
3. “Motor Vehicle” shall be as defined in 23 V.S.A., Chapter 1, §4 (21) or as any car, truck, motorcycle, moped, scooter, snowmobile, all-terrain vehicle, or other vehicle equipped with and propelled by engine, whether operated on a public street or on private property.

(d) RESTRICTED USES AND ACTIVITIES

The following are declared to be a public nuisance:

1. Motor Vehicle Sound Equipment.

a. A Sound Amplification System in a motor vehicle shall not be operated in such a manner that it is plainly audible at a distance of 75 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 8:00 a.m., sound from such equipment shall not be plainly audible at a distance of 50 feet in any direction from the operator.

b. Exceptions. It is an affirmative defense to a charge under this section that the operator was not otherwise prohibited by law from operating the sound amplification system, and that any of the following apply:

i. The system as being operated to request medical or vehicular assistance or to warn of a hazardous road condition;

ii. The motor vehicle was an emergency or public safety motor vehicle operating in its official capacity;

iii. The motor vehicle was owned and operated by the Village or a gas, electric, communications or water utility company operating in its official capacity;

iv. The person is in the business of installing sound amplification systems, and the use is for a short duration for testing.

c. No person or entity is excluded from enforcement for unofficial use of a sound amplification system in a vehicle.

2. Mufflers.

a. Every motor vehicle shall, at all times, be equipped with a muffler in good working order and in constant operation that is original to the vehicle or is replacement manufactured to replicate factory specification sound levels, so as to prevent excessive and unusual noise. Motor vehicles shall also be kept in good operating order and repair to avoid the emission of excessive and annoying smoke.

b. It shall be unlawful for any person to drive or operate a motor vehicle in the Village with a cutout, an exhaust whistle, or without a muffler thereby causing such motor vehicle to make a noise that is plainly audible at a distance of 50 feet from such vehicle.

3. Vehicular Noise.

a. It shall be unlawful for any owner or driver of a motor vehicle to operate it or permit it to be operated in such a manner to cause unnecessary or unreasonable noise that is plainly audible at a distance of 50 feet from such vehicle.

b. The word "operate" as used in this subsection shall include any act taken or attempt made concerning such vehicle, whether it be in motion or at rest.

c. The operation of a motor vehicle in such a manner to cause unnecessary or unreasonable noise shall include, but not be limited to, the following:

- i. Misuse of power exceeding tire traction limits in acceleration sometimes known as “laying down rubber” or “peeling rubber”;
- ii. Misuse of braking power exceeding tire traction limits in deceleration where there is no emergency;
- iii. Rapid acceleration by means of quick up shifting of transmission gears with either a clutch & manual transmission or automatic transmission;
- iv. Rapid deceleration by means of quick downshifting of transmission gears with either a clutch and manual transmission or automatic transmission; or
- v. Racing of engines by manipulation of the accelerator, gas pedal, carburetor, or gear selection whether the vehicle is either in motion or standing still.

(d) PENALTY

1. First Offense. A first offense of any provision of this ordinance by a person during any twelve-month period shall be deemed a civil violation and shall be punishable by a fine of one hundred fifty dollars (\$150).
2. Second and subsequent offenses. A second offense during a twelve-month period shall be deemed to be a civil violation and shall be punishable by a fine of three hundred dollars (\$300). Each subsequent offense in a twelve-month period shall be deemed a civil violation and shall be punishable by a fine of five hundred dollars (\$500).

(e) ENFORCEMENT

A violation of this ordinance shall be a civil ordinance violation enforced in accordance with 24 V.S.A. §§1974a and 1977, et seq. Any certified Vermont Law Enforcement Officer shall be the designated enforcement officers. They shall issue complaints and may be the appearing officer at any hearing.

(f) SEVERABILITY

If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this ordinance.

Effective Date:

These amendments shall take effect immediately upon adoption by the Village of Enosburg Falls Board of Trustees.

The Ordinance may be examined, upon request, at the Village Offices at 16 Village Drive, Enosburg Falls, Vermont at any time during normal office hours, and on the Village website at: <https://villageofenosburgfalls.org/> . Any citizen of the Village of Enosburg Falls may petition for a public vote on the Ordinance at an annual meeting or a special meeting held pursuant to 24 V.S.A. §1973. Any inquiries regarding the Ordinance may be directed to Gary Denton, Director

of Public Works, by mail at 42 Village Drive, Enosburg Falls, VT 05450, or by phone at (802) 933-4443.