

Village of Manchester Noise Ordinance

1. Authority and Purpose

This Noise Ordinance is adopted under authority granted in 24 V.S.A. §2291(14) and (15) and 24 V.S.A. Chapter 59. The purpose of this Ordinance to protect, preserve and promote the public health, safety, comfort, welfare, peace and quiet for the citizens of the Village or Manchester through the reduction, control, and prevention of Unreasonable Noise.

2. Definitions

For purposes of this Ordinance, the following words and phrases shall apply:

Plainly Audible: Any sound that can be detected by a person using his or her unaided hearing faculties.

Unreasonable Noise: Any sound which , because of its loudness and frequency, unreasonably disturbs, injures or endangers the comfort, repose, or safety of reasonable persons of ordinary sensitivity, or unreasonably interferes with the peace and comfort of neighbors or their guests, or detrimentally or adversely affects such residences, or is plainly audible from another property or from the street between the hours of 9 p.m. and 7 a.m.

3. Prohibitions

A. General prohibitions

It shall be unlawful for any person to make or cause to be made any Unreasonable Noise. Without limitations, the commission of one or more of the following acts, if done in such manner, shall be deemed a violation.

B. Express Prohibition

(a) Music Devices. It shall be unlawful to use or operate a device to project music, including any loudspeaker, stereo, megaphone, radio, or musical instrument, in such a manner as to create an Unreasonable Noise.

(b) Social Events. It shall be unlawful for the host of, or participant in, a social event to make, or cause to be made, an Unreasonable Noise. For purposes of this section:

1. "Social event" includes any party, concert, or other gathering upon the premises by one or more persons not residing at the premises.

2. "Host" includes any person or business that receives or entertains people at a social event as guests or customers.

There is a rebuttable presumption that the host and all persons residing at the premises have allowed such social event to occur in or about the premises. The host and all persons residing at the property are responsible for such Unreasonable Noise made, each having joint and several liability.

(c). Personal Mobile, or Portable Sound-producing Devices. The playing or use of a personal mobile, or portable sound-producing device in such manner or with such volume at any time and place to create an Unreasonable Noise

(d) Vocal Disturbances. Yelling, shouting, whistling, singing, or making any other loud vocal noise that creates an Unreasonable Noise.

(e) Keeping any animal which howls, barks, or makes other sounds continuously for over 10 minutes, or intermittently for over 20 minutes and creates a noise disturbance across a real property boundary in a residential zone.

(f) Construction and Maintenance Sounds: The excavation, erection, demolition, alteration, or repair of any buildings, structure, property, or street between the hours of 6:00 P.M. and 7:00 A.M., on all days of the week save Sundays when work may only take place between 12 noon and 6:00 p.m. Exceptions will be made for necessary emergency construction and maintenance to protect property or persons.

(g) Operation of equipment for maintenance of lawns and grounds outside of the hours of 7:00 A.M. to 9:00 P.M. Monday through Saturday, and 8:00 A.M. to 9:00 P.M. on Sunday (including but not limited to lawn mowers, hedge trimmers, weed whackers, chain saws, and leaf blowers).

(h) Outside musical performances, either amplified or non-amplified, at a public or private event as follows: (1) Before 7 am and after 9 PM Sunday through Thursday, and (2) Before 7 am and after 10 pm Friday, Saturday, and Official Holidays.

4. Evidence of violation

For the purposes of subsections (a), (b), (c), (d), (e), (f), (g) and (h) a noise or disturbance of such magnitude so as to be plainly audible in another building, or in the street or public way shall be deemed prima facie evidence of a violation.

5. Landlord culpability

The violation of this Ordinance by a tenant of a rental housing unit shall also be deemed a violation by the property owner, if the owner has received written notice of the tenant's prior violation and the owner has failed to take reasonable steps to prevent subsequent violation of the Ordinance. In such case, the owner and tenant shall each have joint and several liability.

Owners of rental property, including short term rentals, shall provide a copy of this Ordinance to each tenant at the start of the tenancy. However, failure of an owner to provide a copy of the Ordinance shall not be a defense to a violation of this Ordinance.

6. Enforcement

A violation of this Ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. Sections 1974a and 1977 et. seq. and prosecuted in the Vermont Judicial Bureau. Any person who violates a provision of this Ordinance shall be subject to a civil penalty of up to \$800.00 per day. Each day on which a violation occurs or continues after receiving a violation complaint shall be considered a separate violation of this Ordinance.

Any certified Vermont law enforcement officer or other person authorized by the Village of Manchester Board of Trustees shall be permitted to enforce this Ordinance as an issuing municipal official. Such person may issue complaints and may be the appearing officer at any hearing. An issuing municipal official is authorized to recover civil penalties in the following amounts for each violation:

First Offense	\$500.00
Second Offense	\$600.00
Third and Subsequent Offenses	\$800.00

An issuing municipal official is authorized to recover a waiver fee, in lieu of a civil penalty, in the following amounts, for any person who declines to contest a municipal complaint and pays the waiver fee:

First Offense	\$150.00
Second Offense	\$300.00
Third and Subsequent Offenses	\$500.00

7. Variances

Any person may apply to the Village Board of Trustees for a Special Events Permit to allow for a Variance from the requirements of this chapter for a planned future event. The applicant shall provide a list of the names and addresses of the owners and/or tenants of all adjoining properties together with any additional owners/tenants of properties within two hundred fifty (250) feet of the site(s) where the activity is to occur ("List"). Prior to any hearing called to address the request for the Special Events Permit, the applicant must provide proof that a Thirty (30) day advance notice of the hearing was provided to all property owners/tenants appearing on the List. After hearing, for good cause shown, the Board of Village Trustees may, in its sole discretion, either grant or deny the variance. If the variance is granted, reasonable conditions may be imposed on it.

8. Exemptions

Sounds from the following sources shall be exempt from the prohibitions specified herein and shall not be included in any measurements performed to determine compliance:

- (a) All safety signals and warning devices or any other device used to alert persons to any emergency or used during the conduct of emergency work including but not limited to police, fire and medical/rescue vehicle sirens.

- (b) The repair and maintenance of municipal facilities, services or public utilities when such work must be accomplished outside of daytime hours.
- (c) Snow removal equipment operated within the manufacturer’s specifications and in proper operating condition.
- (d) Events conducted by or permitted by the Village. Persons operating an event under the authority of an entertainment permit, parade, street event, or special use permit shall comply with all conditions of such permits with respect to noise control issues.
- (e) Normal and reasonable noise associated with school, sporting or fund raising activities conducted by and on the site of a school or education institution.
- (f) Construction or repair work which must be done to address an emergency health or safety concern and that cannot be accomplished during daytime hours, and which is not work which includes normal maintenance and repair.
- (g) Normal and reasonable noise associated with refuse and recycling collection which occurs after 3:00 A.M. by commercial trash haulers.
- (h) Normal and reasonable noise associated with keeping and maintaining a golf course

9. Effective Date

After notice of adoption has been provided to the citizens of the Village as required in 24 V.S.A. Chapter 59, this Ordinance shall become effective 60 days after its adoption by the Trustees. If a petition is filed under 24 V.S.A. Section 1973, the taking effect of this Ordinance shall be governed by that statute.

Adopted this day of , 202_.

Village of Manchester Board of Trustees

Orland Campbell, Jr, President
