

Town of Andover, NH

Noise Ordinance

In accordance with RSA 31:39, I (n), the Town of Andover hereby adopts the following Ordinance to regulate noise and to provide for the promotion of public health, comfort, convenience, safety, welfare, prosperity and the peace and quiet of the Town and its citizens.

SECTION 1

PURPOSE AND INTENT

Because the creation and/or maintenance of loud, unnecessary or unusual noises, within the Town of Andover, which are prolonged, unusual and unnatural in their time, place and use, detrimentally affect public health, comfort, convenience, safety, welfare and prosperity of Town citizens, the Town ordains it necessary and appropriate to enact the following provisions and prohibitions.

SECTION 2

PROHIBITED SOUNDS AND EXEMPTIONS

It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary or unusual noise disturbance which annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others, within the Town's limits, between the hours of 10:30 p.m. and 7:00 a.m. Monday through Saturday, and 8 a.m. on Sunday.

The following is a list of specific violations:

- A. Horns, signaling devices, and the like. The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public place of the Town, except as a danger warning.
- B. Any noise occasioned by any one or more of the following actions of or by the operator of any motor vehicle:
 1. Misuse of power exceeding the tire traction limits in acceleration, sometimes known as "peeling rubber; or
 2. Misuse of braking power exceeding tire traction limits in deceleration where there is no emergency; or
 3. Rapid acceleration by means of quick upshifting of transmission gears with either clutch or manual downshifting of transmission gears with either clutch or manual transmission, or automatic transmission; or
 4. Rapid deceleration by means of quick downshifting of transmission gears with either clutch or manual transmission, or automatic transmission; or
 5. Racing engines by manipulation of the accelerator, gas pedal, or carburetor or gear selection
- C. Radio, loudspeakers, phonographs, amplifiers, and the like. The use and operation of any radio, receiver, musical instrument, phonograph, loudspeaker, sound amplifier or other device for the production or reproduction of sound in such a manner as to disturb the peace, quiet, and comfort of neighboring inhabitants or any time with louder volume than is necessary for the reasonable hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto.

- D. Animals, birds and the like. The keeping of any animal, bird or pet which by causing frequent and/or long continued noise shall disturb the comfort or repose of any person in the vicinity.
- E. Loading, unloading and the like. The creation of a loud and excessive noise in connection with loading or unloading any vehicle, or the opening and destruction of bales, boxes, crate, containers or logs.
- F. Construction, repair of building, excavation.
 - 1. Construction or repair of buildings. The erection, demolition, excavation, alteration or repair of any building **other than** between the hours of 7:00 a.m. and 10:30 p.m. Monday through Saturday or 8:00 a.m. and 10:30 p.m. on Sunday,, except in cases of emergency or urgent necessity in the interest of public health and safety, and then only with a permit from the Zoning Administrator, which permit may be granted for a limited time only while the emergency continues or urgent necessity warrants. If the Zoning Administrator should determine that public health and safety will not be impaired and that loss or substantial inconvenience would result to any interested party if the erection, demolition, alteration or repair of any building were not allowed a time other than between the hours of 7:00 a.m. and 10:30 p.m., Monday through Saturday or 8:00 a.m. and 10:30 p.m. on Sunday, he may grant permission for such work to be performed at a time specified by special permit, upon application being made in accord with Section 3 of this Ordinance.
- G. Pile drivers, hammers and the like. The operation between the hours of 10:30 p.m. and 7:00 a.m. Monday through Saturday and 8 a.m. Sunday, of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or other appliance, the use of which is attended by loud or unusual noise.
- H. Fireworks. Any use of Fireworks between the hours of 10:30 p.m. and 7 a.m., Monday through Saturday and 8 a.m. Sunday, will be prima facie evidence that the user has violated this ordinance. Law Enforcement Officers may confiscate any and all remaining fireworks on-site.
- I. Firearms. Any use of prolonged firearms for recreational purposes between the hours of 10:30 p.m. and 7 a.m., Monday through Saturday, and 8 a.m. Sunday, will be prima facie evidence that the user has violated this ordinance. This subsection shall not apply to firearm noise resulting from licensed hunting activities.

EXEMPTIONS

The following categories of uses and activities shall be exempt from noise level regulations:

- A. Noise of safety signals, warning devices and emergency pressure relief valves.
- B. Noises resulting from any authorized vehicle when responding to an emergency call or acting in time of emergency.
- C. Noises resulting from emergency maintenance work as performed by the town, by the state or by public utility companies, to include snow removal operations.
- D. Municipal maintenance work where the abutters to the work site have been given prior notice of the project.
- E. Any other noise resulting from activities of a temporary duration permitted by law and for which a license or permit therefor has been granted by the town.
- F. Snow blowers and other types of private or commercial snow removal operations.
- G. Noise resulting from the use of emergency generators during periods of power loss
- I. Parades and public gatherings for which the Town of Andover has issued a permit.

SECTION 3

APPLICATION FOR SPECIAL PERMIT

Application for a permit for relief from the noise prohibitions set forth in Sections 2 of this Ordinance, for a special circumstance of temporary duration, may be made to the Zoning Administrator or Town Administrator. Any permit granted shall set forth all conditions pertaining to the specified noise and circumstance, and shall specify a reasonable time limit for its abatement.

SECTION 4

ENFORCEMENT AND PENALTIES

Upon receipt of a noise complaint, the Andover Police Department, the Town's Zoning Administrator and/or other enforcement authorities, shall investigate, record their findings(s), and take appropriate action, in the officer's discretion.

The primary objective and action of this ordinance is for the parties involved to reach a solution to the initial complaint. Should the initial solution not be sufficient and the factors of the complaint continue, the officer's discretionary power/recommendation, on site, shall be noted and the First Offense penalty can be instituted. If the situation goes beyond the Third Offense penalty, additional action will have to be determined at that time, to include the complaint being upgraded to a more severe legal action.

Any person convicted of knowingly violating this Ordinance, shall be subject to the following penalties as permitted by RSA 31:39, III, with a maximum penalty not to exceed \$1,000.00.

- A. First offense: \$100.00
- B. Second offense \$200.00
- C. Third offense or subsequent offense within a (12) month period: \$500.00

Note: Any penalties assessed will be returned to the Town of Andover.

ADOPTED: March 20, 2017