

# Town of Jackson

## Regulation of Noise Ordinance

### SECTION I PURPOSE

- A. The purpose of this ordinance is to regulate unnecessary noise and to promote public health, safety, and the quiet enjoyment of life for residents and visitors while within the boundaries of the Town of Jackson New Hampshire. Regulations of this nature are allowed under New Hampshire RSA 31:39 I (n).

### SECTION II UNNECESSARY NOISE PROHIBITED

- A. It shall be unlawful for any person, firm or corporation to make, maintain or simulate any excessive, unnecessary or unusually loud noises which are prolonged, unusual and unnatural in their time, place and use effect, and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents and visitors of the Town. This prohibition shall include, but is not limited to, any such loud unnecessary or unusual noises made during the hours of 10:30 p.m. to 6:00 a.m., seven days per week, unless such noise is exempt below.

### SECTION III EXEMPTED NOISE

- A. This prohibition specifically exempts persons operating vehicles, machinery, or equipment while engaged in snow clearance or snow removal operations
- B. This prohibition further exempts noise resulting from activities of a temporary duration permitted by law and for which a special permit therefore has been granted in advance by the Town of Jackson, or if applicable, permits from the State of New Hampshire.
- C. This prohibition exempts farming and/or agricultural activity and machinery used in furtherance thereof. *"Farming and/or agricultural activity and machinery used"* is defined as equipment, tools machinery and processes customarily used for animal husbandry, crop farming, and other agricultural endeavors.
- D. Public Works and Public Safety equipment and operations required for the effective delivery of public services shall be exempt from the provisions of this Section.

### SECTION IV EXAMPLES OF PROHIBITED NOISES

- A. The following acts, among others, which produce sound, are commonly associated with loud, disturbing and unnecessary noise. These examples shall not be deemed to be

exclusive or limited. These types of noises are not strictly prohibited under this ordinance unless specified. The examples are namely;

- B. *Unreasonably loud music, amplified or otherwise, that can be heard from within a residence or dwelling or heard outside a residence or dwelling by neighboring inhabitants.*
- C. *Yelling, shouting, hooting, whistling or singing on public streets, that can be heard in public or private residences, that would disturb persons of average sensibilities.*
- D. *The idling of commercial vehicles on any way within the Town of Jackson Village between 10:30 p.m. and 6:00 a.m., if that noise disturbs residents or guests of temporary lodgings.*
- E. *Unreasonably loud demolition or construction noise, i.e., pneumatic hammers, pile drivers, blasting, machinery or other devices that create loud noises, from the hours of 10:30 p.m. until 6:00 a.m.*

All noises and noise complaints will be evaluated under “*reasonable and prudent standards for the conditions that exist then and there*”, unless specifically prohibited by definition.

## SECTION V APPLICATION FOR SPECIAL PERMIT EXEMPTIONS

- A. Applications for a permit for temporary relief from this ordinance may be made to the Town Building Inspector, if construction related, or directly to the Select Board or their designee. Permits shall set forth the relief, and any limitations allowed and to include the duration of the special permit.

## SECTION VI PENALTIES

- A. The penalty for a violation of this ordinance shall be a fine of \$100.00 for a first offense. For any second or subsequent violation within a 12-month period the fine shall be \$250.00. All fines are payable to the Town of Jackson within 5 days from the date of issuance. Failure to remit the fine within 5 days may result in the issuance of a summons and added fines. Any request for a due process hearing must be submitted in writing within 3 days of the receipt of the violation.