

# New Durham Noise Ordinance

Passed by Town Meeting March 15, 2006

## I. Purpose and Intent

The purpose of this ordinance is to establish definitions and limitations on certain types of noises and to provide adequate penalties to aid in the enforcement of such an ordinance.

## II. Noise Disturbances Prohibited

### A. *Time Restricted Noise*

Within the Town of New Durham the following noises shall be deemed unreasonable between the hours of 11pm and 7am if they interfere with the comfort and enjoyment of neighbors in the vicinity or in the conducting of any business or meeting:

1. Noise generated by the operation of any sound amplification equipment, which is objectionable due to its extent of volume, ongoing beat frequency, shrillness or vibration, to include but not be limited to radio, television, stereo, musical instrument, or similar devices.
2. Noise that is out of the ordinary and associated with gatherings that generate boisterous laughing, singing, shouting, etc. in a public or private place.

Upon receipt of a complaint, the responding police officer shall use discretion as to whether a warning or civil forfeiture may be issued to remedy the complaint.

### B. *Vehicular Noise*

Within the Town of New Durham, no one shall operate a vehicle (as defined by RSA 259) in a manner that makes any loud, unusual, or unnecessary noise by any one or more of the following actions:

1. Misuse of power exceeding tire traction limits in acceleration, sometimes known as "laying rubber" or "peeling rubber", or excessive acceleration where there is not an emergency.
2. Misuse of braking power exceeding tire traction limits in deceleration where there is no emergency.

3. Rapid acceleration by means of quick up-shifting of transmission gears with either a manual or automatic transmission.
4. Racing of engines by manipulation of the accelerator, gas pedal, carburetor or gear selector whether the vehicle is in motion or standing still.
5. No sound reproduction systems operated within a motor vehicle shall be used in such a manner as to create unnecessary noise for any person other than the driver and the passengers in said vehicle.

### **III. Exemptions**

- A. Noise resulting from any authorized vehicle when responding to an emergency.
- B. Parades and public or private gatherings for which the Town has issued a permit.

### **IV. Temporary Special Permit**

The Chief of Police or his/her designee is hereby authorized to issue Special Event Licenses for periods not exceeding thirty (30) days to persons wishing to exceed those limits specified above.

### **V. Penalties**

- A. Any person found in violation of this Ordinance may be issued a warning or a civil forfeiture in the amount of \$100 for the first offense and \$250 for the second offense. This will be paid to the Town of New Durham at the Town Clerk's Office within 15 days of issuance.

Failure to comply with this procedure will result in a summons to the Rochester District Court.

- B. All subsequent offenses within a 24-month period will result in a mandatory court appearance.

### **VI. Validity**

If any provision of this ordinance is held to be unconstitutional or otherwise invalidated by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.