

ORDINANCE**GILFORD, NEW HAMPSHIRE****AN ORDINANCE RELATING TO NOISE CONTROL**

SECTION 1. It is found and declared that:

- (a) The making, creation, maintenance or continuation of such loud, unnecessary, unreasonable or unusual noises which are prolonged, unusual, unreasonable or unnecessary in their time, place, use and effect are a detriment to the public comfort, repose, health, peace, safety, convenience, welfare and prosperity of the residents of the Town of Gilford; and
- (b) The necessity and the public interest for the provisions and prohibitions hereinafter contained and enacted is a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public comfort, repose, health, peace, safety, convenience, welfare and prosperity of the Town of Gilford and its inhabitants.

SECTION 2. It shall be unlawful for any person, firm or corporation to make, continue or cause to be made or continued, or to allow to be continued any loud, unnecessary, unreasonable or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace, safety, convenience, welfare and prosperity of others within the limits of the Town of Gilford.

- (a) Loud, unnecessary, unreasonable and unusual noises shall include, but not be limited to, any noise occasioned by any one or more of the following actions of the operator of a motor vehicle operated within the limits of the Town of Gilford: misuse of power exceeding tire traction limits in acceleration sometimes known as “laying down rubber” or “peeling rubber”; misuse of braking power exceeding tire traction limits in deceleration where there is no emergency; rapid acceleration by means of quick up shifting of transmission gears with either a clutch and manual transmission or automatic transmission; rapid deceleration by means of quick down shifting of transmission gears with either a clutch or manual transmission or an automatic transmission; racing of engines by manipulation of the accelerator, gas pedal, carburetor or gear selection whether the vehicle is either in motion or standing still; the blowing of any horn except as a warning signal or the use of any other noise making device whether the vehicle is either in motion or standing still; and the operation of a mobile refrigeration unit or other types of compressors between the hours of 11:00p.m. and 7:00 a.m. while the vehicle is not in motion except for emergency use or while actually loading or unloading.
- (b) Any person who is the owner, or a tenant, or a resident, or otherwise in control of any house, apartment, condominium unit, structure or other property located within the Town of Gilford, shall be responsible and liable for any loud, unnecessary, unreasonable or unusual noises created by one or more persons gathered on said property which disturbs the public comfort, repose, health, peace, safety, convenience, welfare or prosperity of another. Further, any person who is the owner, tenant, resident or otherwise in control of any house, apartment, condominium unit, structure or other property located within the

Town of Gilford is responsible and liable for any loud, unnecessary, unreasonable or unusual noises if he permits or allows any gathering of one or more persons to continue to make loud, unnecessary, unreasonable or unusual noises upon such property after having been advised of the disturbing effects such noise is having on another, and the said noise then continues to disturb the public comfort, repose, health, peace, safety, convenience, welfare and prosperity of another within the Town of Gilford.

SECTION 3. Without limitation of the prohibition in Section 2, it shall be unlawful for any person within any residential, commercial, retail or industrial zone of the town to use or operate any radio, musical instrument, phonograph, television set, loudspeaker, or any other sound amplifying equipment or device for the purpose of producing or reproducing sound in such a manner as to disturb the comfort, repose, health, peace, safety, convenience, welfare and prosperity of any neighboring resident or any reasonable person of normal sensitiveness residing in the area. Additionally any person who uses or operates any such sound amplifying machine or device for the purpose of producing or reproducing sound which is either located outside of an enclosed structure so that the sound is directed outside of said structure shall constitute a prima facie violation of the section if any noise or sound can be heard by any neighboring residents or any other person while upon any adjoining private property. Nothing in this section shall prevent the use of loudspeakers or other sound producing or reproducing machine or device to be used provided that the Town of Gilford has issued a license to the said function or activity involving public noises that it deems reasonable, and its determination shall be final.

SECTION 4. Any person who violates any of the provisions of the ordinance shall be guilty of a violation and a penalty shall be imposed not to exceed the sum of one thousand dollars (\$1,000.00). Such person shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this ordinance is committed, continued or permitted by such person and shall be punishable therefor as provided herein.

SECTION 5. This ordinance adopted by the Board of Selectmen in accordance with the authority of the Town Meeting vote dated March 15, 1995, is intended to replace and supersede the ordinance adopted by the Town Meeting vote of March 13, 1985.

Sources:

Town Meeting Approval – March 15, 1995
RSA 31:39, I (n)

Reference Material:

City of Laconia, NH: Ordinance Chapter 55.
Unnecessary Noises Ordinance 108.85.11 of 07/29/85.
Town of Gilford, NH: Ordinance Relating To Unnecessary
Noises Adopted March 13, 1985.
City of Claremont, NH: City Ordinance Chapter 11. Nuisances;
Article II Noise; Section 11-26 through 11-34.
City of Keene, NH: Noise Ordinance; 1601.0
State V. Yee, 129 N.H. 155 (1987)
RSA 651:2 Sentences and Limitations.