TOWN OF GILFORD, NEW HAMPSHIRE

NOISE ORDINANCE
(CHAPTER 17)

KNOW ALL PERSONS BY THESE PRESENTS, the Town of Gilford hereby ordains to adopt this Noise Ordinance pursuant to the provisions of RSA 31:39, I, (n); as follows:

17.1 Purpose

A. This Ordinance is intended to promote the tranquility and peaceful enjoyment of the Gilford community through the prevention of unnecessary disturbances generated by unwelcome noise that otherwise annoys, disturbs, injures or endangers the comfort, repose, health, peace and safety of residents and visitors.

B. This Ordinance shall supersede and replace the Noise Ordinance previously adopted by the Board of Selectmen in accordance with the authority of the Town Meeting vote dated March 15, 1995.

17.2 Definitions

The terms used in this Ordinance shall have the meanings set forth in the New Hampshire Revised Statutes Annotated. In the event that more than one meaning is defined under State Law, the more strict interpretation shall apply. In the event no meaning is defined under State Law, the definition shall be as otherwise set forth in the most current edition of the Merriam-Webster Dictionary using the strictest interpretation.

17.3 General Prohibitions

It shall be a violation of this Ordinance for any person to emit any unreasonable noise of such character, intensity or duration as to be detrimental to the peaceful enjoyment of persons of average sensibilities within earshot. The sources of such noise may include, but are not limited to the following: internal combustion engines or other motors, horns, alarms, radios, televisions, musical instruments, music players, public address systems and loudspeakers, defective exhaust systems, unnecessary or illegal

screeching of motor vehicle tires, compressors, barking dogs, crowing roosters, machinery, whistles, bells, hand tools, and explosions.

17.4 Specific Prohibitions

During the hours beginning at 10:00pm and ending at 7:00am, it shall be a violation of this Ordinance to operate off-road construction equipment or vehicles, chain saws, lawnmowers, jack hammers, portable generators, power tools, or any other device in such a way as to disturb the peaceful enjoyment of persons of average sensibilities who are situated in close proximity on private property.

17.5 Exemptions

A. The following locations are exempt from the provisions of this Ordinance: school property; church property; medical facilities; Gunstock Recreation Area; Ellacoya State Park; Meadowbrook Pavilion; Marine Patrol at Glendale; Lake Winnipesaukee; and Laconia Airport.

B. The following activities are exempt from the provisions of this Ordinance: the use of firearms; fireworks that are conducted in accordance with State Law or the Town of Gilford Permissible Fireworks Ordinance; snow removal operations; parades; lawful public assemblies; unamplified human voices; public safety and emergency response activities; federal, state, county, and municipal operations; public utility emergency activities; outdoor special events that have been authorized by the Board of Selectmen; farming activities as defined by RSA 21:34-a; and any activity that is deemed absolutely essential for the protection of life and property resulting from an unforeseen emergency situation.

C. The Board of Selectmen may, for good cause, issue a temporary exemption from the provisions of this Ordinance, provided that such an exemption is issued prior to the event taking place and after a public hearing is held.

17.6 Penalties

A. Any person who fails to comply with the provisions of this Ordinance shall be guilty of a violation and subject to a penalty of one hundred dollars ($100.00) for a first offense; provided that all such violators are given one warning and an opportunity to comply without a penalty being imposed.

B. Any person who fails to comply with the provisions of this Ordinance after having been previously subjected to a one hundred dollar ($100.00) penalty shall thereafter be subject to a penalty of five hundred dollars ($500.00) per violation.

17.7 Enforcement

A. This Ordinance may be enforced by any duly sworn Gilford Police Officer.

B. Nothing herein is intended to prohibit the Town of Gilford from seeking a temporary order and/or permanent injunction from a court of competent jurisdiction to prohibit the continuation of any violation of this Ordinance.

C. Nothing herein is intended to exempt a property owner, tenant or any other person from the provisions of this Ordinance as a result of a site plan approved by the Planning Board.

17.8 Appeals

Any person aggrieved by a citation for violating the provisions of this Ordinance may petition a court of competent jurisdiction for such relief as may be deemed necessary.

17.9 Severability

If any of the provisions of this Ordinance shall be held invalid, the remainder of this Ordinance shall not be affected.

17.10 Effective Date

This Ordinance shall take effect upon adoption by majority vote at Town Meeting.

GIVEN UNDER OUR HANDS ON THE 12th DAY OF APRIL, 2017, BY THE GILFORD BOARD OF SELECTMEN. ATTEST:

Richard Grenier, Selectman

Dale Channing Eddy, Selectman

Gus Benavides, Selectman

UNDER SEAL OF THE TOWN, RECEIVED AND RECORDED ON THIS 13th DAY OF April, 2017, BY:

Denise M. Gonyer, Town Clerk – Tax Collector

Approved by a vote of 542-yes, 361-no at the Annual Town Meeting on March 14, 2017.

RECEIVED
APR 13 2017
Town Clerk - Tax Collector
Gilford, NH