



TOWN OF HAMPSTEAD

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The following ordinance was passed by ballot vote at the March 14, 2000 Annual Town Meeting:

NOISE ORDINANCE

Section 1. **DEFINITIONS.** As used in this ordinance, the following terms will have the following meanings, unless the context clearly indicates that a different meaning is intended:

Town: The Town of Hampstead

dbA's: Decibels shown in a reading made on the dbA scale

Decibel (dB) A unit for measuring the volume of a sound equal to twenty times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is twenty micropascals (twenty micronewtons per square meter)

Point of Annoyance: the location of the vehicle, sound system, watercraft, or device from which any noise which might be violative of this ordinance is emanating.

Property Line: In the case of a single-family lot or single commercial or industrial business or operation on one lot, "Property Line" shall mean the legal boundary between such lot and any abutting lot. In the case of condominiums or other multi-family parcels or commercial or industrial parcels which contain more than one owner or tenant on the same lot, "Property Line" shall refer to the outside (or middle of any interior) wall of any individual unit or tenancy which houses or from which any noise which might be violative of this ordinance is emanating.

Sound level meter: An instrument used for measurement of the intensity of sound and accurately calibrated in decibels. Readings will be made on a dbA scale.

Sound pressure: The average rate at which sound energy is transmitted through a unit area in a specified direction.

Vehicular: Pertaining to motor vehicles required to be registered by the Division of Motor Vehicles for the State of New Hampshire.

Section 2. RESTRICTIONS

- A. The making, creation, or permitting of any unreasonable loud, disturbing, or unnecessary noise in the town is prohibited.
- B. The making, creating, or permitting of any noise of such character, intensity, or duration as to be detrimental to the life, health, or welfare of any individual or which either steadily or intermittently annoys, disturbs, injures, or endangers the comfort, repose, peace, or safety of any individual is prohibited.
- C. The following standards will apply:
 1. Residential zones. No person will cause, suffer, allow, or permit sound from any source which, when measured at the person's property line, is in excess of:
 - a. 7:00 a.m. to 10:00 p.m.:
 - (1) Continuous airborne sound which has a sound level of sixty-five dbA's
 - (2) Impulsive sound in air with an impulsive sound level of eighty dbA's
 - b. 10:00 p.m. to 7:00 a.m.:
 - (1) continuous airborne sound which has a sound level of forty dbA's
 - (2) Impulsive sound in air which has an impulsive sound level of fifty dbA's
 2. Industrial and Commercial zones. No person will cause, suffer, allow, or permit sound from any source which, when measured at the point of annoyance, is in excess of:
 - a. 7:00 a.m. to 10:00 p.m.:

- (1) Continuous airborne sound which has a sound level of sixty-five decibels
- (2) Impulsive sound in air with an impulsive sound level of eighty decibels
- b. 10:00 p.m. to 7:00 a.m.:
 - (1) Continuous airborne sound which has a sound level of forty decibels
 - (2) Impulsive sound in air which has an impulsive sound level of fifty decibels

Section 3. **DECLARED UNNECESSARY NOISES ENUMERATED.** The following acts, among others, are declared to be loud or disturbing or unnecessary noises in violation of this ordinance even if the noises referred to do not violate the standard noise level for the town.

A. Horns, signal devices and the like.

- 1. The sounding of any horn or signal device of any automobile, motorcycle, bus, or other vehicle:
 - a. While not in motion, except as a danger signal that another vehicle is approaching apparently dangerously; or
 - b. If in motion unless:
 - (1) As a danger signal or warning to an apparently unaware driver or pedestrian
 - (2) Before passing another vehicle as a signal of intent to so pass
 - (3) Where state motor vehicle statutes require the sounding of such horn or signal device; or
 - (4) When otherwise necessary as a danger signal
- 2. Wherever the sounding of any horn or signal device is permitted or required such sound will not be unreasonably loud or harsh and will not be for an unreasonable duration of time.

B. Animals and birds. The keeping of any animal or bird which, causing frequent or long-continued noise, disturbs the comfort, and repose of any person in the vicinity.

C. Defect in vehicle or noisy load. The use of any automobile, truck, tractor-trailer, motorcycle, or other vehicle so out of repair or loaded in such a manner as to create loud or unnecessary grating, grinding, rattling, or other noise.

D. Steam whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger.

E. Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, water craft, or motor cycle engine except through a muffler or other device which meets the standards established for such devices by applicable state laws and regulations of the State of New Hampshire.

F. Mechanical devices operated by compressed air unless the noise created thereby is effectively muffled and reduced.

G. Schools, courts, churches, and hospitals. The creation of any loud or excessive noise on any street adjacent to any school or institution of learning or judicial court while the same are in session or on any street adjacent to any hospital, which noise unreasonable interferes with the workings of such institutions; this restriction will be in force only if signs are displayed in such streets indicating that the same is a school, hospital, or court street or quiet zone.

H. Loading or unloading of vehicles; opening or destruction of boxes. The creation of a loud or excessive noise in connection with loading or unloading any vehicle or the opening or destruction of bales, boxes, crates, and containers.

I. Devices attached to buildings. The sounding of any bell, gong, or device attached to any building or premises, particularly during the hours between 11:00 p.m. and 7:00 a.m., which disturbs the quiet or repose of any persons in the vicinity of the devices. This rule will not apply if the bell, gong, or device is sounded as a warning of danger or constitutes an intruder alarm

- J. Vehicles and buses. The unnecessary or prolonged blowing or sounding of any horn, whistle, bell, or other device attached to any motor vehicle, bus, or truck while passing through the town or while loading passengers or freight within the town.
- K. Loudspeakers and amplifiers on vehicles. The use of mechanical loudspeakers or amplifiers on trucks or other vehicles for advertising or other commercial purposes, except where a specific license or permit is received from the Police Department.
- L. Construction or repair of buildings. Construction, demolition, repair, paving, or alteration of buildings or streets or excavation when conducted between the hours of 7:00 p.m. and 8:00 a.m. (9:00 a.m. on Sundays), except in emergencies.

Section 4. NON-VEHICULAR NOISES RESTRICTED. No person will use or operate any facility, machine or instrument or produce or cause to be produced any sound in the town, when the same will produce noise, the sound-pressure level of which measured at the point of annoyance complained of will exceed the standard noise level of the town established for that location for that time of day. In measuring noises to determine if the standard noise level of the town has been exceeded, the measurement will be measured on the A-weighting of an accurate sound-level meter. The background sound level is defined as the sound level present when the offending noise source is silenced.

Section 5 VEHICULAR NOISE RESTRICTIONS.

- A. No person will operate, within the limits of the town, any vehicle which will emit noise which will exceed the standard noise level of the town established for the size vehicle when used under ordinary circumstances. For noncommercial vehicles, the standard noise level of the town is hereby established as follows:

<u>Type of Vehicle</u>	<u>Maximum Noise Level (dbA's)</u>
Vehicles other than motorcycles	76
Motorcycles and watercraft	82

- B. Measurement will be taken fifty feet from the source.

Section 6. EXEMPTIONS. Exemptions from noise level limits will be as follows:

- A. Emergency construction, repair, paving, demolition, or alteration of a street or building. Permission of the Selectmen will be proof that such an emergency exists.
- B. Emergency activities of municipal, county, state, or federal government agencies and emergency activities of public utilities when they are seeking to provide electricity, water, or other public utility services and the public health, safety, or welfare is involved.
- C. Warning devices on authorized emergency vehicles and on vehicles used for traffic safety purposes.
- D. Attendant on-site noise connected with the actual performance of sporting events.
- E. Power lawn mowers, when operated between the hours of 8:00 a.m. (9:00 a.m. on Sundays) and 10:00 p.m.
- F. Snowblowers/Emergency Power Generators
- G. Air conditioners that increase the background or ambient noise level by no more than five dbA's

Section 7. SOUND MEASUREMENTS. Sound measurements will be made with a sound-level meter.

Section 8. PREVAILING STANDARDS. Whenever any provision of this ordinance conflicts with any other applicable municipal, county, state, or federal ordinance or statute, the higher standard will prevail.

Section 9. **SEVERABILITY.** The provisions of this ordinance are severable. If any provision of this ordinance or its application to any person or circumstance is held invalid, such invalidity will not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or application.

Section 10. **NUISANCE, INJUNCTION.** Any violation of this ordinance is declared to be a nuisance. In addition to any other relief provided by this ordinance, the Selectmen may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this ordinance. Such application for relief may include seeking a temporary restraining order, preliminary injunction, and permanent injunction.

Section 11. **PENALTY.** Any person, firm, or corporation violating any provision of this ordinance will be fined no more than one hundred dollars (\$100) for each offense, and a separate offense will be deemed committed on each day during or on which a violation occurs or continues.

Yes 1143
No 1003

True Copy Attest

Nancy H. Watson
Nancy H. Watson, Town Clerk