



**BARRINGTON POLICE DEPARTMENT
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Town of Barrington Noise Ordinance

Authority

Pursuant to the authority conferred by Chapter 31, Section 39, New Hampshire Revised Statutes Annotated (NH RSA 31:39), the Select Board of the Town of Barrington propose the adoption of the following noise ordinance.

Purpose

In accordance with the concepts set forth below, it shall be unlawful for any person to make, continue, or cause to be made or continued any excessive, unnecessarily loud noise or any noise which either annoys, disturbs, injures or is likely to endanger the comfort, repose, health, peace, or safety of others within the Town limits. For the purpose of this section, 'persons' shall include the owner, tenant, or other person in control of a private residence who permits or allows guests to engage in loud or unreasonable noises that can be heard in a public or other private place or who fail to take the necessary steps and precautions to prevent guests or other persons on the property from engaging in conduct that creates loud and unreasonable noises including, but not limited to the operation, playing or using of any audio equipment, sound amplifier, or other device which reproduces or amplifies sound.

Specific Prohibitions

Prohibited noise/time restrictions

- A. Radios, Television Sets, Musical Instruments, and Similar Devices: It shall be unlawful to operate, play, or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device which produces, reproduces, or amplifies sound between the hours of 10:00 PM and 6:00 AM in such a manner as to create a noise disturbance across a real property boundary.
- B. Loading, unloading, opening, closing, or otherwise handling boxes, crates, containers, building materials, trash cans, dumpsters, or similar objects between the hours of 10:00 PM and 6:00 AM in such a manner as to create a noise disturbance across a real property boundary.
- C. The operation of construction vehicles to include, but not limited to, bulldozers, graders, dump trucks, backhoes, earthmoving equipment, front end loaders, log skidders, etc. between the hours of 10:00 PM and 6:00 AM in such a manner as to create a noise disturbance across a real property boundary.
- D. The operation of construction tools, or construction equipment to include but not limited to, cement mixers, hammers, staple or nail guns, power tools (i.e., saws, drills,

Page 1 of 2

grinders, sanders, chain saw, electric hedge trimmers, lawn mowers, snow blowers, jack hammers, etc. between the hours of 10:00 PM and 6:00 AM in such a manner as to create a noise disturbance across a real property boundary.

Evidence of a specific complaint or complainant is not necessary to establish a violation of this ordinance.

Exemptions

The following uses and activities shall be exempt from the noise ordinance:

- A. Noise of safety signals, warning devices, and emergency alarms.
- B. Private or commercial snow removal.
- C. Generators during power outages.
- D. Fireworks from July 1st through July 6th each year.
- E. Lawfully discharging firearms (per RSA 159:26).
- F. Noises resulting from any authorized vehicle when responding to an emergency call or when acting in time of emergency or when testing proper operation of said device.
- G. Noise resulting from emergency maintenance work as performed by the Town, State or Public Utility Companies, to include snow removal.
- H. The operation or use of agricultural equipment to include but not limited to, tedders, balers, and tractors.
- I. Municipal maintenance work where the abutters have been given prior notice of the project.
- J. Any other noise resulting from activities of temporary duration permitted by law and for which a license or permit therefore has been granted by the Town or State.
- K. Parades and public gatherings for which the Select Board or Chief of Police has issued a license or permit.
- L. Bells, chimes, or carillons while being used for religious purposes or in conjunction with religious services and those bells, chimes, and carillons that are presently installed and in use for any purpose.

Application for Special Permit

A temporary special permit from the restrictions imposed by this Ordinance may be granted by the Chief of Police for special events or unusual circumstances for a period not to exceed three days in any twelve-month period. A written request for a special permit, stating the reasons it should be granted, shall be filed with the Chief of Police no later than twenty days before the special event or unusual circumstances will occur. The Town will notify the abutters of the request for special permit and invite written comments to be submitted by a certain deadline. Following the period for written comments, the Chief of Police will issue a written decision on the request for waiver, which may include reasonable conditions to be imposed if the special permit is granted. Notice of the decision shall be mailed to the applicant and abutters. The Select Board and Town Administrator may grant special permits at their discretion.

Penalty

Any person who violates the provisions of the ordinance shall be subject to a fine not to exceed fifty dollars (\$50.00) for each offense. An enhanced penalty of not less than one hundred dollars (\$100.00) and no more than two hundred and fifty dollars (\$250.00) for three (3) or more convictions or violations of the provisions of the ordinance in a six (6) month period.