

ORDINANCE 2002-1

AN ORDINANCE AMENDING ORDINANCE 1996-5, CHAPTER 5, OF THE TOWN OF NORTHFIELD CODE OF ORDINANCES PROHIBITING CERTAIN DISORDERLY CONDUCT AND ESTABLISHING FINES.

BE IT ORDAINED, ENACTED AND ADOPTED by the Selectmen of the Town of Northfield, Vermont, as *follows*:

Part 1. Provisions of Ordinance,

- A. Chapter 5 of the Town Code of Ordinances is hereby amended by adding the following:

ARTICLE II - DISORDERLY CONDUCT

Division 1. Noise control ordinance

- (a) *Purpose.* The purpose of this section is to preserve the public Health, Safety and Welfare by prohibiting excessive and disturbing noise and to prevent noise which is prolonged or unsuitable for the time and place and which is detrimental to the peace and good order of the community. It is the goal of this section to allow all residents of the municipality to peacefully coexist in a manner that is mutually respectful of the interests and rights of others.
- (b) *Prohibited noise offenses:*
- (1) *General prohibition.* It shall be unlawful for any person to make or cause to be made loud or unreasonable noise. Noise shall be deemed unreasonable when it disturbs, injures or endangers the peace or health of another or when it endangers the health, safety or welfare of the community. Any such noise shall be considered to be a noise disturbance and a public nuisance.
- (2) *Express prohibitions.* The following acts, which enumeration shall not be deemed to be exclusive, are declared to be noise disturbances:
- a. *Radios, television sets, musical instruments, phonographs, cassette, compact discs players and similar devices.* The operations or permitting the use or operation of any musical instrument, radio, television, or other device for the production or reproduction of sound in such a manner as to disturb the peace, quiet, or comfort of the public or in such a manner as to be audible through walls between units or from the abutting property be it private or municipal.
- b. *Motor vehicle sound equipment.* The operation or permitting the operation of any radio, stereo, or other sound amplification equipment from a motor vehicle that is audible at twenty-five (25) feet from such vehicle. The term "motor vehicle" shall mean any car, truck, or motorcycle.

- c. *Parties and other social events.* It shall be unlawful for any person in charge of a party or other social event to allow that party or event to produce noise in a loud or offensive manner such that the noise interferes with the peace or health of members of the public or is audible through the walls between units within the same building or from another property be it private or municipal. A person shall be deemed to be in charge of a party or social event when that event occurs on private property and the person is present at the event and resides on the premises involved or is a person who lives in or on the premises involved and who has authorized use of the premise for such event.
- (c) *Exemptions:* Noise from the following sources shall be exempt from the prohibitions specified herein:
- (1) All safety signals and warning devices or any other device used to alert persons to any emergency or used during the conduct of emergency work, including, but not limited to, police, fire, and rescue vehicles sirens.
 - (2) The repair and maintenance of municipal facilities, services, or public utilities when such work must be accomplished outside daytime hours.
 - (3) Snow removal equipment operated within the manufacturer's specifications and in proper operating condition.
 - (4) Musical, recreational, ceremonial (including rehearsal), training, and athletic events conducted by and on the site of a school or educational institution.
 - (5) Events conducted by or permitted by the municipality. All events permitted will comply with conditions as set by the municipality.
 - (6) Construction or repair work that must be done to address an emergency health or safety concern, that cannot be accomplished during daytime hours and which is not work which includes normal maintenance and repair.
 - (7) The lawful discharge of firearms during the time between one-half hour before sunrise and one-half hour after sunset.
- (d) *Notification by property owners of rental housing.* Owners of rental housing shall be requested to provide a copy of this section to a tenant at the start of the tenancy. However, the failure of an owner to provide a copy of the ordinances shall not be a defense to a violation of this section.
- (e) *Enforcement:*
- (1) *First Offense.* A first offense of any provision of this ordinance by a person during any twelve-month period shall be deemed a civil ordinance violation and shall be punishable by a fine of from one hundred and fifty dollars (\$150.00) to five hundred dollars (\$500.00). The waiver fine shall be one hundred and fifty dollars (\$150.00). Any law enforcement officer may issue a municipal complaint ticket for such offense.
 - (2) *Second and subsequent offenses.* A second offense during a twelve-month period shall be deemed to be a civil offense and shall be punishable by a fine from three hundred dollars (\$300.00) to five hundred dollars (\$500.00). The waiver fine shall be three hundred dollars (\$300.00). Any law enforcement officer may issue a municipal complaint ticket for such offense.
 - (3) *Citations.* Any law enforcement officer who cites an accused for violation of this ordinance shall issue a Vermont Municipal Complaint.

Division 2. Other Disorderly Conduct

Section 1. Prohibited Conduct

No person, with intent to cause public inconvenience, or annoyance or recklessly creating a risk thereof shall:

- (a) Engage in fighting or in violent, tumultuous or threatening behavior; or
- (b) In a public place use abusive or obscene language; or
- (c) Without lawful authority, disturb any lawful assembly or meeting of persons; or
- (d) Obstruct vehicular or pedestrian traffic; or
- (e) Obstruct pedestrian or vehicular ingress into or egress from any public building.

Section 2. Penalty

Any person who violates any provision of this Article 11, Division 2, shall be subject to a civil penalty of not more than One Hundred and Fifty Dollars (\$150.00) for each violation.

Section 3. Enforcement Before Municipal Traffic and Ordinance Bureau

- (a) The provisions of this Article 11, Division 2, may be enforced by any authorized municipal official before the Municipal Traffic and Ordinance Bureau, or agency successor thereto, pursuant to 24 V.S.A. section 1974a *et. seq.* In addition to any and all other enforcement allowed by law.
- (b) In any enforcement of this Article 11, Division 2, before the Municipal Traffic and Ordinance Bureau or successor agency, the municipal official signing the complaint for enforcement may specify that the penalty which shall apply if the defendant admits violation of the ordinance shall be Seventy-Five Dollars (\$75.00) for each violation. This provision shall not limit the municipal official's authority in accordance with law and the rules of the forum to amend the complaint or otherwise to seek a different penalty at any time before the matter is finally adjudicated.

Part 2. Effective Date

This Ordinance shall take effect on May 1, 2002.

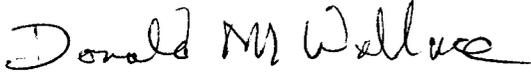
Part 3. Administration

Section 1. Authority

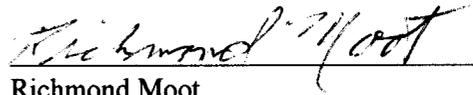
This Ordinance is enacted pursuant to 13 V.S.A. § 1026 24 V.S.A. § 1971 and 1974 through 1979 inclusive.

Dated at the Town of Northfield, in the County of Washington and State of Vermont, this 25th day of February, 2002.

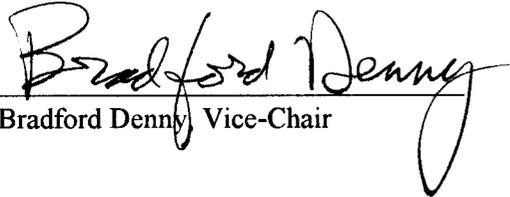
BOARD OF SELECTMEN, Town of Northfield



Donald Wallace, Chair

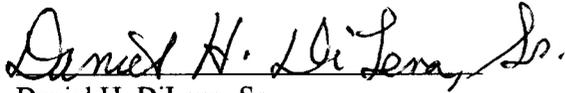


Richmond Moot



Bradford Denny, Vice-Chair

Lynn Sanders



Daniel H. DiLena, Sr.

ATTEST:
A TRUE RECORD:



Debra J. Russo, Town Clerk