

CHAPTER XIV – Noise Regulations

SECTION I PURPOSE

- A. The purpose of this Chapter is to regulate noise and to provide for the promotion of public health, comfort, convenience, safety, welfare, prosperity and the peace and quiet of the Town of Londonderry and its citizens within the geographical limits of the Town of Londonderry, NH (hereinafter referred to as the Town) as allowed under RSA 31:39, Section I, (n).

SECTION II UNNECESSARY NOISE

- A. It shall be unlawful for any person, firm or corporation to make, create, maintain or simulate any excessive, unnecessary or unusually loud noises which are prolonged, unusual and unnatural in their time, place and use effect, and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the Town. This prohibition shall include, but is not limited to, any such loud, unnecessary or unusual noises made during the hours of 10:00 p.m. to 7:00 a.m., seven days per week, unless such noise is exempt below.

SECTION III EXEMPTED NOISE

- A. This prohibition specifically exempts persons operating vehicles, machinery, or equipment while engaged in snow clearance or snow removal operations.
- B. This prohibition also exempts municipal maintenance work where the abutters to the work site have been given prior notice of the project.
- C. This prohibition further exempts noise resulting from activities of a temporary duration permitted by law and for which a special permit therefore has been granted in advance by the Town.
- D. This prohibition exempts farming and/or agricultural activity and farming and/or agricultural machinery.
- E. Public Works and Public Safety equipment required for the effective delivery of public services shall be exempt from the provisions of this Section.

SECTION IV PROHIBITED NOISE

- A. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of the ordinance, but said numeration shall not be deemed to be exclusive or limited, namely:

1. Radios, Stereos, etc.: The using or operating of any radio receiving set, musical instrument, phonograph or other machine or device for producing or reproducing the sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of such between the hours of ten (10:00) o'clock PM and seven (7:00) o'clock AM in such a manner as to be plainly audible beyond the noisemaker's premises, building, structure or vehicle, as applicable and which is unreasonable and offensive as above described shall be prima facie evidence for a violation of this Section.
2. Loud Speakers, Amplifiers, Public Address Systems and etc., for Advertising. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker or other machine or device for the producing or reproducing of sound which is used upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure, without a permit and only between the hours of 8 AM and 7 PM.
3. Yelling, Shouting, etc.: Yelling, shouting, hooting, whistling or singing on the public streets between the hours of ten (10:00) PM and seven (7:00) AM or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.
4. Exhausts and Unloading: Loading, unloading, opening boxes: The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers between the hours of ten (10:00) PM and seven (7:00) AM. Open Exhausts: The discharge into the open air of any un-muffled exhaust from any engine, mobile or stationary or any compressor unit that emits a noise level that a reasonable person can hear at a distance of one hundred (100) feet or greater.
5. Construction or Repairing of Buildings, Pile Drivers, Hammers: The erection (including excavation), demolition, alteration or repair of any building, operation of any pile driver, shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noises other than between the hours of seven (7:00) AM and seven (7:00) PM except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Inspector should s/he determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways between the hours of seven (7:00) PM and seven (7:00) AM and if he shall further determine that loss or inconvenience would result to any party in interest, s/he may grant permission for such work to be done within the hours of seven (7:00) PM and seven (7:00) AM upon application being made at the time the permit for the work is awarded or during the progress of the work.

SECTION V APPLICATION FOR SPECIAL PERMIT

A. Application for a permit for relief from the noise prohibition set forth in this Ordinance, for a special circumstance of temporary duration, may be made to the Building Inspector, Code Enforcement Officer or Town Manager. The Code Enforcement officer shall upon granting a permit under this ordinance notify the Office of the Town Manager, the Fire Chief/designee, the Chief of Police/designee and the Director Of Public Works/designee of his/her action. Any permit granted by an authorized Town official shall set forth all conditions pertaining to the specified noise and circumstance, and shall specify a reasonable time limit for its abatement. Application for a special permit as contemplated in this section of this Ordinance, shall under no circumstances be granted for a Sunday, at any time.

SECTION VI PENALTIES

Upon receipt of a noise complaint, the Londonderry Police Department, the Londonderry Code Enforcement Officer and/or other enforcement authorities, shall investigate, record their finding(s), and take appropriate action, in the officer’s discretion. Any person convicted of a violation of this Ordinance shall be subject to the following penalties as permitted by RSA 31:39, Section III with a maximum penalty not to exceed \$1,000.00, however the following minimums will be in effect:

- 1) First offense: \$100.00
- 2) Second offense : \$200.00
- 3) Third or subsequent offense within a 12 month period: \$500.00.

That would be a challenge for ethe home