

# MONROE, N.H. NOISE ORDINANCE

## Article 1

### Preamble

#### Section 101 – Purpose

Excessive and unreasonable noise jeopardizes the health and welfare and degrades the quality of life in a community. Most excessive and unreasonable noise issues can be resolved through reasonable expectations, reasonable behavior, and common courtesy. Where at any one time there exists a lack of reason or courtesy, a community must adopt regulations designed to allow its resident a means of remediation.

#### Section 102 – Authority

Consistent with the authority conferred by the State of New Hampshire Revised Statutes Annotated (“RSA”) 31:39, I(n), the following Ordinance is hereby enacted by the Board of Selectmen of the Town of Monroe, New Hampshire.

#### Section 103 – Title

This Ordinance shall be known and may be cited as the “Monroe, N.H. Noise Ordinance” and is referred to herein as “this Ordinance.”

#### Section 104 – Effective Date

This Ordinance shall take effect immediately upon passage.

## Article II

### Definitions

“**Motor Vehicle**” means any self-propelled vehicle no operated exclusively on stationary tracks, to include motorcycles and off-road recreational vehicles (OHRVs).

“**Person**” means any individual, association, partnership, or corporation, and includes any officer, employee, department, agency, or instrumentality of a state or any political subdivision of a state.

“**Public Right-of-Way**” means any street, avenue, highway, sidewalk, alley, or similar place that is owned or controlled by a governmental entity.

**“Public Space”** means any real property or structure thereon that is owned or controlled by a governmental entity or is otherwise dedicated or devoted to public use.

## **Article III**

### **Noise Standards**

#### **Section 301 – Excessive Noise**

Excessive noise at unreasonable hours shall be controlled so as not to be objectionable due to intermittence, beat frequency, shrillness, vibration, or volume.

#### **Section 302 – Motor Vehicles**

A motor vehicle operator shall not make any loud, unusual, or unnecessary noise occasioned by one or more of the following:

1. An amplified sound system in a motor vehicle shall not be operated to allow the system to produce sound that is clearly audible in a public right-of-way or public space more than fifty (50) feet from the motor vehicle.
2. Misuse of power, exceeding tire traction limits in acceleration (sometimes known as “laying down rubber” or a “burnout”), or excessive acceleration when there is no emergency.
3. Rapid acceleration by means of quick up shifting of transmission gears with either a manual transmission or automatic transmission.
4. Rapid deceleration by means of quick down shifting of transmission gears with either a manual transmission or automatic transmission.
5. Racing of engines by manipulation of the accelerator, gas pedal, carburetor, or exhaust system, and/or gear selection, whether the vehicle is in motion or standing still.

In addition, all motor vehicles operated within the Town of Monroe will comply with the State of new Hampshire regulations pertaining to the prevention of noise from motor vehicles, including but not limited to RSA 215-A:12 and RSA 266:59.

#### **Section 303 – Domesticated Animals**

It shall be a violation of this Ordinance for any owner of a domesticated animal to allow or permit the animal to generate sufficient noise to disturb the peace and quiet in a neighborhood, or of any neighboring property, for a cumulative amount of time that

exceeds one (1) hour in any twenty-four (24) period. This provision shall apply to the owner of any type of domesticated animal.

### **Section 304 – Exemptions**

The following uses and activities shall be exempt from the provision of this Ordinance:

1. Home maintenance activities (e.g., lawnmowing, cutting firewood, etc.).
2. Timber harvesting (i.e., felling trees and removing logs from the woods).
3. Noise created by construction and maintenance activities on sites not abutting residential properties.
4. The sounds generated by any safety signals, warning devices, and emergency pressure relief valves, and any other public emergency activity.
5. Traffic noise on existing public streets and railways, provided such noise does not violate Section 302 of this Ordinance.
6. Public events as authorized by, though not necessarily limited to, the Board of Selectmen, School Board, or Fire Department.

## **Article IV**

### **Temporary Waiver**

The Board of Selectmen or its authorized designee may grant a temporary waiver of the provisions of this Ordinance for a period not to exceed 7 days in any 180-day period. Any person seeking a temporary waiver of the provisions of this Ordinance shall submit a written request to the Board of Selectmen, demonstrating that:

1. The activity sought to be engaged in is a furtherance of a substantial public interest or benefit and will not be inconsistent with the Statement of Purpose of this Ordinance; OR
2. The activity sought to be engaged in is necessary in order to avoid undue hardship and will not be inconsistent with the Statement of Purpose of this Ordinance.

No temporary waiver of the provisions of this Ordinance shall be given except as specified in Article IV of this Ordinance.

In granting a temporary waiver under Article IV of this Ordinance, the Board of Selectmen may, in its sole discretion, impose such reasonable conditions as are necessary to protect and promote the Statement of Purpose of this Ordinance. Violation of any such conditions imposed by the Board of Selectmen shall be considered a violation of this Ordinance.

## Article V

### Violations and Penalties

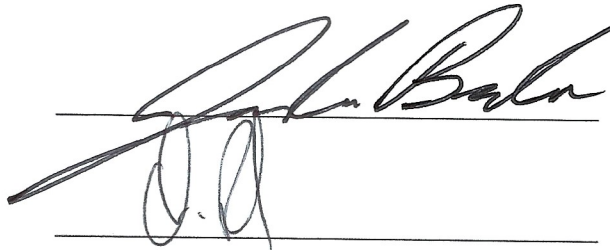
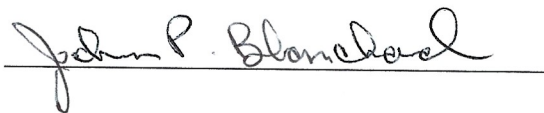
1. Any person, firm, or corporation who violates the provisions of this ordinance shall be guilty of a violation for each offense and shall be subject to a civil penalty of one-hundred dollars (\$100.00) for each offense.
2. Any person, firm, or corporation who violates the provisions of this ordinance more than three (3) times in a twelve-month period shall be guilty of a violation for each offense and shall be subject to a civil penalty of two-hundred dollars (\$200.00) for each subsequent offense after the third offense in a twelve-month period.
3. All civil penalties shall be payable to the Town of Monroe and shall be due within 30 days of the date of the violation. Any unpaid civil penalties will accrue interest at a rate of \$15 per 30 days overdue, up to a maximum of one-thousand dollars (\$1,000.00) per violation.

## Article VI

### Severability

If any provisions of this Ordinance or the application of such provisions to any person or circumstance shall be held invalid, the validity of the remainder of the Ordinance and applicability of such provisions to other persons or circumstances shall not be affected thereby.

Adopted this 18<sup>th</sup> day of October 2022.

  
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