

Chapter 71

NOISE

[HISTORY: Adopted by the Town of Henniker as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Animals -- See Ch. 11.

Large assemblies -- See Ch. 15.

Building construction fees -- See Ch. 25.

Fireworks -- See Ch. 50

Logging operations -- See Ch. 65

Vehicles and traffic -- See Ch. 120

ARTICLE I

Unnecessary Vehicle Noise

[Adopted 7-3-1990]

~ 71-1. Unnecessary vehicle noise.

No person shall operate any vehicle on any way in the Town of Henniker so as to make any loud, unusual or unnecessary noise, as hereinafter defined.

~ 71-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

LOUD, UNUSUAL OR OTHER UNNECESSARY NOISE -- Includes any noise occasioned by any one or more of the following actions of the operator of any vehicle:

- A. Misuse of power exceeding tire traction limits in acceleration, sometimes known as "peeling rubber"; or
- B. Misuse of braking power exceeding tire traction limits in deceleration where there is no emergency; or
- C. Rapid acceleration by means of quick up-shifting of transmission gears with either clutch or manual transmission, or automatic transmission; or
- D. Rapid deceleration by means of quick downshifting of transmission gears with either clutch or manual transmission, or automatic transmission; or
- E. Racing of engines by manipulation of the accelerator, gas pedal or carburetor or gear selection, whether the vehicle is either in motion or standing still.

VEHICLE -- Includes bus, highway equipment, motorcycle, motor truck, motor vehicle, semi-trailer, tractor, trailer or other vehicles as defined in RSA 259:1, as amended.

WAY -- Includes crosswalk, intersecting way or other public highway or other way, all as defined in RSA 259:125, as amended.

~ 71-3. Violations and penalties.

Whoever violates any of the provisions of this article shall be guilty of a violation and subject to a fine of not more than \$100.

**ARTICLE II
General Noise Restrictions**

[Adopted 3-10-1993]

~ 71-4. Findings and purpose.

- A. The making and creation of unreasonably loud noises within the limits of the town is a condition which currently exists.
- B. The making, creation or maintenance of such unreasonably loud noises which are prolonged, unusual and/or unnatural in their time, place and use may detrimentally affect the public health, comfort, convenience, safety, welfare and prosperity of the residents of the town.
- C. The provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the town and its inhabitants.

~ 71-5. Prohibited generally.

It shall be unlawful for any person occupying or having charge of any building or premises or any part thereof in the Town of Henniker to make, continue or cause to be made or continued any unreasonably loud noise which either disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the town. Such acts committed between the hours of 9:00 p.m. and 6:00 a.m., Sunday through Thursday, and between the hours of 11:00 p.m. and 6:00 a.m. on Friday and Saturday shall constitute prima facie evidence of a violation of this article.

~ 71-6. Exceptions to provisions.

- A. The provisions of this article shall not apply to persons or businesses operating machinery or making other noise which is created out of necessity to operate the business and or produce a product manufactured by that business.
- B. The provisions of this article shall not apply to persons operating vehicles, machinery or equipment while engaged in snow clearance or snow removal operations or other highway maintenance activities.

~ 71-7. Specific violations enumerated.

The following acts, among others, are declared to be unreasonably loud, disturbing and unnecessary noises in violation of this article, but the enumeration shall not be deemed to be exclusive, namely:

- A. Schools, courts, churches. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, which unreasonably interferes with the workings of such institution, provided

that conspicuous signs are displayed in such streets indicating that the same is a school, court or church street. This prohibition shall not include any construction company or town crew engaged in the construction or repair of any sidewalk, roadway or building provided that the required permits have been lawfully obtained from the Board of Selectmen.

- B. Horns, signaling devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle, streetcar or other vehicle except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; the sounding of any such device for an unnecessary and unreasonable period of time; and the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and use of any such signaling device when traffic is for any reason held up.
- C. Loudspeakers, amplifiers for advertising. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure in such a manner that the reasonable peace and good order of the neighborhood is disturbed or that persons owning, using or occupying property in the neighborhood are disturbed or annoyed.
- D. Parties. Hosting a party which creates unreasonably loud noises caused by stereos, bands, musical instruments or guests at any time or place where the noise disturbs the quiet, comfort or repose of persons in any office, dwelling, hotel or private residence or of any person in the vicinity thereof or in a public place.
- E. Radios, stereos, etc. The using, operating or permitting to be played, used or operated of any radio, receiving set, musical instrument, stereos or other machine or device for the producing or reproducing of sound in such manner as to disturb the reasonable peace, quiet and comfort of the neighboring inhabitants or any time with louder volume than is necessary for the hearing of 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.
- F. Yelling, shouting, etc. Yelling or shouting on the public streets, at any time or place so as to unreasonably 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 thereof.

~ 71-8. Violations and penalties.

Violation of this article will result in a fine of not more than \$400.

~ 71-9. Authority.

This article is authorized under powers granted to the Town of Henniker.