

NOTICE OF PUBLIC HEARING
Town of Springfield, Vermont
Selectboard
Monday, July 20, 2020 6:00 PM

The Springfield Selectboard will hold a Public Hearing and Second Review for Proposed Ordinance 2020-3 amending §12-124, Certain Noises Prohibited, via ZOOM web conferencing available through the following links and call-in numbers:

Join Zoom Meeting

<https://us02web.zoom.us/j/88047093797>

Meeting ID: 880 4709 3797

One tap mobile

[+13126266799](tel:+13126266799),88047093797# US (Chicago)

[+16465588656](tel:+16465588656),88047093797# US (New York)

Dial by your location

[+1 312 626 6799](tel:+13126266799) US (Chicago)

[+1 646 558 8656](tel:+16465588656) US (New York)

[+1 301 715 8592](tel:+13017158592) US (Germantown)

NOTICE OF PUBLIC HEARING
Town of Springfield, Vermont
Selectboard

The Springfield, Vermont Board of Selectmen will hold a Public Hearing and Second Review on Monday, July 20, 2020 at 6:00 PM via ZOOM to receive public input on a proposed ordinance: Nuisances Affecting Peace and Safety.

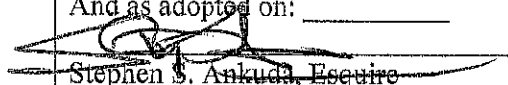
Please note the attachment of the proposed ordinance, Chapter 12. Health, Sanitation, Nuisances, Article II. Division 5. Nuisances Affecting Peace and Safety, amended: §§ 12-124 Certain noises prohibited.

In addition, a copy may be picked up at the Town Office between the hours of 8:30 AM and 1:00 PM, Monday through Thursday.

Town of Springfield
Board of Selectboard

OBJECTIONABLE NOISE ORDINANCE

Town of Springfield, Vermont
Ordinance 2018 ~~2018~~ 2020-3

SHORT TITLE:	An ordinance to amend the Administrative Code; Chapter <u>712</u> . Health, Sanitation, Nuisances Article II. Nuisances Div. 5. Nuisances Affecting Peace and Safety Amended: §§7-10 <u>712-124</u> . Certain noises prohibited
CATEGORY:	Major Amendment
PROCEDURE:	1) Introduction-First Review: Read and amended at regular Selectboard meeting on <u>June 22, 2018 2020</u> and entered in the minutes of that meeting which were approved on _____ 2) Second Review and Public Hearing: _____ 3) Additional Second Review and Public Hearing: _____ 4) Notice of Hearing posted in public places on and published on _____ 5) Date of adoption: _____ 6) Other actions (petitions, etc.)
AUTHORITY:	This ordinance is adopted under authority granted in 24 V.S.A. § 2291(14), 24V.S.A. Chapter 59,13 V.S.A. Chapter 019, and Springfield Town Charter Article One, § V.
PURPOSE:	The purpose of this ordinance is to protect, preserve and promote the health, safety, welfare, peace and quiet for the citizens of Springfield, Vermont through the reduction, control and prevention of noise that is loud enough to <u>unreasonably</u> disturb persons of reasonable sensitivity. The intent of this ordinance is to establish standards which will eliminate and reduce unnecessary noises which are physically harmful or otherwise detrimental to the enjoyment of life, property and maintenance of business.
	Approved as to form on: <u>6/12/20</u> And as revised on: _____ And as revised on: _____ And as adopted on: _____  Stephen S. Ankuda, Esquire Town Attorney

OBJECTIONABLE NOISE ORDINANCE

Town of Springfield, Vermont

Ordinance 2018 ~~2020~~-3

SHORT TITLE:	An ordinance to amend the Administrative Code; Chapter 7-12 . Health, Sanitation, Nuisances Article II. Nuisances Div. 5. Nuisances Affecting Peace and Safety Amended: §§ 7-107-12-124 . Certain noises prohibited
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That the Code of Ordinances of the Town of Springfield, Vermont is hereby amended by amending Section ~~7-107-12-24~~ which **is hereby amended and restated to** reads as follows:

SECTION ~~7-107 12-124~~. Certain noises prohibited.

No person shall make loud or unusual noises and annoying vibrations which offend the public peace and quiet.

(a) Authority. This ordinance is adopted under authority granted in 24 V.S.A. § 2291(14), 24 V.S.A. Chapter 59, 13 V.S.A. Chapter 019, and Springfield Town Charter Article One § V.

(b) Purpose. The purpose of this ordinance is to protect, preserve and promote the health, safety, . welfare, peace and quiet for the citizens of Springfield, Vermont through the reduction, control and prevention of noise that is loud enough to **unreasonably** disturb persons of reasonable sensitivity. The intent of this ordinance is to establish standards which **that** will eliminate and reduce unnecessary noises which **that** are physically harmful or otherwise detrimental to the enjoyment of life, property and maintenance of business. It is not the intent of this ordinance to restrict the normal operation of industrial plants within industrial parks, **the normal operation of businesses within areas zoned for such purposes**, or entertainment or educational programs within venues dedicated to that purpose in properly zoned areas.

(c) The following acts are declared to be **unreasonably** loud, objectionable, and unnecessary noises, **and** are therefore a public nuisance, and are prohibited by this ordinance.

(1) Radios, other sound-producing devices. The use or operation of any radio, phonograph, musical instrument or other sound-making or sound-producing device in such manner as to **unreasonably** disturb the quiet or repose of any person or persons of reasonable sensitivity in the vicinity thereof, ~~this~~. **This** shall not include sounds emanating from establishments such as a **church**, bar, pub, or dance hall located within a commercial district, nor part of the regular operation of an industrial facility within an industrial park, **nor the normal operation of businesses within areas zoned for such purposes**, nor part of an educational or athletic program within a public or private educational facility; **unless issued a special use permit by the town;**

(2) Defect in vehicle or operator of vehicle. The operation of any automobile, motorcycle or other type of motor vehicle in such a manner as to create squealing of tires or loud and unnecessary grating, grinding, exploding, rattling or other types of noises;

(3) Loudspeakers. The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles, or attached to poles, buildings, or other structures, unless issued a special use permit by the Town of Springfield town;

(4) Exhausts. The discharge into the open air of the exhaust of any steam engine, internal combustion engine, motor boat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;

(5) Horns, signaling devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle except as a danger warning, the creation by means of any other signaling device or any unreasonably loud or harsh sound and the sounding of any device for unnecessary and/ or unreasonable periods of time;

(6) Construction noise. Noises emanating from the excavation, demolition, alteration or repair of buildings, structures, property or highways, streets, or roads between the hours of 9 p.m. and 7 a.m., except for emergency repairs necessary to protect people or property or unless issued a special use permit by the town;

(7) Noise originating within and audible within locations zoned as Residential Agricultural 2-Acre, Residential Agricultural 5-Acre, and High or Medium Density Residential Districts.

a. Persistent and continuous noise lasting in excess of approximately two (2) hours between the hours of 7-6 a.m. and 10 p.m. and which is deemed objectionable because of volume, frequency or beat and is audible from properties adjacent to the property where the noise is emanating, including but not limited to noise from animals, machinery, maintenance equipment, and motor vehicle repairs or maintenance;

b. Any noise which is deemed objectionable because of volume, frequency or beat and that is audible at other properties between the hours of 10 p.m. and 7-6 a.m.

(d) Exemptions.

(1) Emergency and Public Works vehicles and equipment, and emergency generators are exempt

(2) Organizations sponsoring events such as neighborhood block parties and special activities in the downtown district may apply for a special use permit from the town exempting such events from the provisions of this ordinance.

(e) Enforcement and penalties. A civil penalty of not more than \$500 may be imposed for a violation of this civil ordinance with a waiver fee of \$250. Each day of a violation shall constitute a separate violation of this ordinance.

(f) Severability. Each of the provisions of the ordinance is severable, and if any provision is held invalid for any reason, the remaining provisions shall not be affected but shall remain in full force and effect.

(g) Effective date. This ordinance shall become effective 60 days after its adoption by the

Springfield Selectboard. If a petition is filed under 24 V.S.A. § 1973, the taking effect of this ordinance shall be governed by that statute.

ADOPTED THIS _____ DAY OF _____, ~~2018~~**2020**.

