

ORDINANCE – TOWN OF LEE

NOISE ORDINANCE

Authority

Pursuant to the authority conferred by Chapter 31, Section 39, New Hampshire Revised Statutes Annotated, (RSA 31:39), the Board of Selectmen of the Town of Lee adopt the following ordinances;

Purpose

It shall be unlawful for any person to make, continue, or cause to be made any excessive, unnecessarily loud noise, or any noise which either annoys, Disturbs, injures, or endangers the comfort, repose, health, peace or safety of others within the Town, and in accordance with the concepts, measurements definitions, and procedures set forth below.

A. Radios, Televisions sets, Musical Instruments and Similar Devices: It shall be unlawful to operate, play, or permit the operation or playing of any radio, television, phonograph, drum musical instrument, sound amplifier or similar device which produces, reproduces, or amplifies sound between the hours of;

10:00 PM and 07:00 AM Sunday through Thursday and 12:00 AM and 07:00 AM Friday and Saturday in such a manner as to create a noise disturbance across a real property boundary.

B. Loading, unloading, opening, closing or otherwise handling boxes, crates, containers, building materials, trash cans, dumpsters or similar objects between the hours of;

10:00 PM and 06:00 AM Monday through Friday and 10:00 PM and 07:00 AM on Saturdays and Sundays.

C. The operation of construction vehicles to include, but not limited to, bulldozers, graders, dump trucks, backhoes, earthmoving equipment, front end loaders, log skidders, ETC. and

D. The operation of construction tools, or construction equipment to include but not limited to, cement mixers, hammers, staple or nail guns, power tools (i.e. saws, drills, grinders, sanders, chain saw, electric hedge trimmers, lawn mowers, snow blowers, jack hammers etc.) between the hours of;

10:00 PM and 06:00 AM Monday through Friday and 12:00 AM and 07:00 AM Saturdays and Sundays.

EXEMPTIONS

The following uses and activities shall be exempt from the noise ordinance:

A. Noise of safety signals, warning devices, and emergency alarms.

This ordinance shall take effect upon passage.

ORDINANCE – TOWN OF LEE

- B. Noises resulting from any authorized vehicle, when responding to an emergency call or when acting in time of emergency or when testing proper operation of said device.
- C. Noise resulting from emergency maintenance work as performed by the Town, State or Public Utility Companies, to include snow removal.
- D. The operation or use of agricultural equipment to include but not limited to, tedders, balers and tractors.
- E. Municipal maintenance work where the abutters have been given prior notice of the project.
- F. Any other noise resulting from activities of temporary duration permitted by law and for which a license or permit therefore has been granted by the Town or State.
- G. Vehicles, tools and equipment enumerated in paragraphs C and D except during time periods of their prohibited use.
- H. Parades and public gatherings for which the Board of Selectmen or Chief of Police has issued a license or permit to include Lee USA Speedway.
- I. Bells, Chimes, or carillons while being used for religious purposes or in conjunction with religious services and those bells, chimes, and carillons that are presently installed and in use for any purpose.

APPLICATION FOR SPECIAL PERMIT

Application for a permit for relief from the noise ordinance on the basis of undue hardship may be made to the Board of Selectmen or Chief of Police. Any permit granted by the proper authority, shall set forth all conditions pertaining to the specified noise, and reasonable time limit for its abatement.

PENALTY

Any person who violates the provisions of the ordinance shall be subject to a fine not to exceed fifty dollars (\$50.00) for each offense. An enhanced penalty of not less than one hundred dollars (\$100.00) and no more than two hundred and fifty dollars (\$250.00) for three (3) or more convictions or violations of the provisions of the ordinance in a six (6) month period.

Given under our hand and seal this eleventh day of December in the year of our Lord twenty hundred and six.

This ordinance shall take effect upon passage.