



TOWN OF GILFORD, NEW HAMPSHIRE

NOISE ORDINANCE (CHAPTER 17)

KNOW ALL PERSONS BY THESE PRESENTS, the Town of Gilford hereby ordains to adopt this amended Noise Ordinance pursuant to the provisions of RSA 31:39, I, (n); as follows:

17.1 Purpose

A. This Ordinance is intended to promote the tranquility and peaceful enjoyment of the Gilford community through the prevention of unnecessary disturbances generated by unwelcome noise that otherwise annoys, disturbs, injures or endangers the comfort, repose, health, peace and safety of residents and visitors.

B. This amended Ordinance is adopted pursuant to a vote on Article 23 of the 2022 Annual Town Meeting; whereby this amended Ordinance shall supersede and replace the Noise Ordinance as previously adopted by vote on Article 23 of the 2017 Annual Town Meeting.

17.2 Definitions

The terms used in this Ordinance shall have the meanings set forth in the New Hampshire Revised Statutes Annotated. In the event that more than one meaning is defined under State Law, the more strict interpretation shall apply. In the event no meaning is defined under State Law, the definition shall be as otherwise set forth in the most current edition of the Merriam-Webster Dictionary using the strictest interpretation.

17.3 General Prohibitions

It shall be a violation of this Ordinance for any person to emit any unreasonable noise of such character, intensity or duration as to be detrimental to the peaceful enjoyment of persons of average sensibilities within earshot. The sources of such noise may include, but are not limited to the following: unreasonably loud voices or yelling that disturbs a

person of average sensibilities, internal combustion engines or other motors, horns, alarms, radios, televisions, musical instruments, music players, public address systems and loudspeakers, defective exhaust systems, unnecessary or illegal screeching of motor vehicle tires, compressors, barking dogs, crowing roosters, machinery, whistles, bells, hand tools, explosions or other sounds that constitute a breach of the peace as set forth in RSA 644:2, III, (a).

17.4 Specific Prohibitions

During the hours beginning at 8:00pm and ending at 7:00am, it shall be a violation of this Ordinance to operate off-road construction equipment or vehicles, chain saws, lawnmowers, jack hammers, portable generators, power tools, or any other device in such a way as to disturb the peaceful enjoyment of persons of average sensibilities who are situated in close proximity on private property.

17.5 Exemptions

A. The following locations are exempt from the provisions of this Ordinance: school property; church property; medical facilities; Gunstock Recreation Area; Ellacoya State Park; Marine Patrol at Glendale; Lake Winnepesaukee; and Laconia Airport. In addition, commercial entities shall be exempt during such times that activities are taking place in accordance with applicable site plan approval terms and conditions.

B. The following activities are exempt from the provisions of this Ordinance: the use of firearms; fireworks that are conducted in accordance with State Law or the Town of Gilford Permissible Fireworks Ordinance; snow removal operations; parades; lawful public assemblies; public safety and emergency response activities; federal, state, county, and municipal operations; public utility emergency activities; outdoor special events that have been authorized by the Board of Selectmen; farming activities as defined by RSA 21:34-a; and any activity that is deemed absolutely essential for the protection of life and property resulting from an unforeseen emergency situation.

C. The Board of Selectmen may, for good cause, issue a temporary exemption from the provisions of this Ordinance, provided that such an exemption is issued prior to the event taking place and after a public hearing is held.

17.6 Penalties

A. Any person who fails to comply with the provisions of this Ordinance shall be guilty of a violation and subject to a penalty of one hundred dollars (\$100.00) for a first offense; provided that all such violators are given one warning and an opportunity to comply without a penalty being imposed.

B. Any person who fails to comply with the provisions of this Ordinance after having been previously subjected to a one hundred dollar (\$100.00) penalty shall thereafter be subject to a penalty of five hundred dollars (\$500.00) per violation.

17.7 Enforcement

- A. This Ordinance may be enforced by any duly sworn Gilford Police Officer.
- B. Nothing herein is intended to prohibit the Town of Gilford from seeking a temporary order and/or permanent injunction from a court of competent jurisdiction to prohibit the continuation of any violation of this Ordinance.
- C. Nothing herein is intended to exempt a property owner, tenant or any other person from the provisions of this Ordinance as a result of a site plan approved by the Planning Board.

17.8 Appeals

Any person aggrieved by a citation for violating the provisions of this Ordinance may petition a court of competent jurisdiction for such relief as may be deemed necessary.

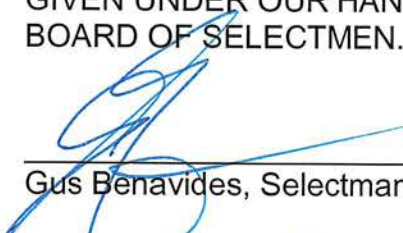
17.9 Severability

If any of the provisions of this Ordinance shall be held invalid, the remainder of this Ordinance shall not be affected.

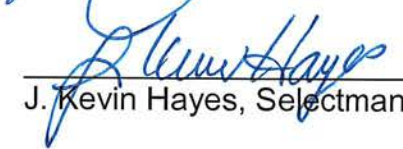
17.10 Effective Date

This amended Ordinance shall take effect immediately upon its recording as noted below.

GIVEN UNDER OUR HANDS ON THE 9th DAY OF MARCH, 2022, BY THE GILFORD BOARD OF SELECTMEN. ATTEST:



Gus Benavides, Selectman



J. Kevin Hayes, Selectman



Dale Channing Eddy, Selectman

UNDER SEAL OF THE TOWN, RECEIVED AND RECORDED ON THIS 28 DAY OF March, 2022, BY:



Danielle LaFond, Town Clerk – Tax Collector

