

Chapter ____
NOISE

XXX-1 Purpose:

The purpose of this proposal is to create a Town Code to control unnecessary or excessive noise that disturbs the peace and quiet in the Town of Gorham under Code XXX.

It shall be unlawful for any person to make, continue or cause to be made or continued any excessive, unnecessary loud noise or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable persons of normal sensitivity in the Town of Gorham.

XXX-2 Discussion:

The examples outlined below include some of the prohibitive actions, but are not limited to:

- (a) The operation or maintenance of any device, instrument, vehicle, or machinery which causes discomfort or annoyance, or endangers the comfort, repose, health, or peace of the residents in the area.
- (b) The generation of any noise from construction activity or from a construction or demolition sight that is clearly audible at a dwelling in any zone at an inconvenient hour. "An inconvenient hour" shall apply to the hours between 9:00 PM and 6:00 AM.

With regard to commercial restaurants semi-annual cleaning of kitchen exhausts, which is required by law by the State of NH as routine maintenance, and which protects the restaurant and the general public from fire hazards, the restaurant owner shall notify the Gorham Police Department at 603-466-2334 at least 24 hours prior to the start of any such cleaning. As a courtesy, it is recommended that the restaurant owner also notify their neighbors in advance of said maintenance.

- (c) The operation of a motor vehicle so as to make any loud, unusual, or unnecessary noise occasioned by any one or more of the following:
 - i. Misuse of power, exceeding tire traction limits in acceleration, sometimes known as "laying down rubber", "burning rubber", or "peeling rubber", or excessive acceleration where there is no emergency.
 - ii. Misuse of braking power exceeding tire traction limits in deceleration where there is no emergency.
 - iii. Rapid acceleration by means of quick upshifting of transmission gears with either a clutch or manual transmission, or any automatic transmission.
 - iv. Rapid deceleration by means of quick downshifting or transmission gears with either a clutch or manual transmission, or automatic transmission.
 - v. Racing of engines by manipulation of the accelerator, gas pedal, carburetor, or gear selection whether the vehicle is in motion or standing still.
 - vi. The use or misuse of engine brakes when there is no emergency.
 - vii. Vehicles left idling for an extended period in proximity to a residence.

- (d) Dogs or other owned animals, to include fowl, making excessive and unreasonable noise, such as barking, howling, crowing, etc.
- (e) People yelling or talking loudly when there is no emergency.
- (f) Loud music, whether live or not, without the permission of the Town of Gorham

Permission actions that shall not apply include:

- (a) Persons operating vehicles, machinery or equipment while engaged in snow clearance, or snow removal operations.
- (b) Agricultural or forestry operations as exempted under RSA 432:33.

XXX-3 Violations and Penalties:

A person who violated any provision in this Town Code shall be subject to a fine of \$100.00 for the first offense and \$250.00 for a subsequent offense within a consecutive 12-month period.

- (a) It is the discretion of the responding officer(s) to a subsequent complaint for noise after providing the offender(s) a warning for their conduct, whether the person(s) will be placed under arrest for Disorderly Conduct, contrary to NH RSA 644:2.

XXX-4 Enforcement:

The Town of Gorham elects to use the citation method of enforcement of this Town Code pursuant to RSA 31:39-d. The Chief of Police is also authorized, in his discretion, to provide a written warning instead of a citation to any person the Chief determines has committed a Nuisance Activity.

GORHAM BOARD OF SELECTMEN:



Michael Waddell, Chairperson

Date: 01/10/2022



Judith LeBlanc, Selectperson

Date: 01/10/2022



Adam White, Selectman

Date: 01/10/2022