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*Purpose:*

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In order to ensure an environment free from excessive nuisance. To prevent continued, excessive or unnecessary nuisance that annoys, disturbs, injures, or jeopardizes health, safety, welfare, or quality of life. To protect, preserve and promote the health, safety, welfare and quality of life for the citizens of Franconia, New Hampshire within the town limits. This will do so without prohibiting, limiting or otherwise regulating the function to certain nuisance producing equipment which is not amenable to such controls yet is essential to the economy and quality of life of the community.

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*Definitions:*

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The following definitions shall apply unless the context clearly indicates or requires a different meaning.

Continuous Sound - Any sound that exists, essentially without interruption, for a period of 30 minutes or more.

Animal Noises - any domestic animal to cause annoyance, or a disturbance at any time by repeated barking, whining, screeching, crowing, howling, braying or other sound that is heard beyond the boundary of the owner's or keeper's property.

Person - Any person, vehicle owner, firm, partnership, association, corporation, company or organization of any kind. To include the owner, tenant, or other person in control of a private residence who permits or allows guests to engage in loud or unreasonable noises that can be heard in a public or other private place or who fail to take the necessary steps and precautions to prevent guests or other persons on the property from engaging in conduct that creates loud and unreasonable noises including, but not limited to the operation, playing, or using of any audio equipment, sound amplifier or other device which reproduces or amplifies sound.

Construction - Any site preparation, excavation, grading, assembly, erection, substantial repair or alteration of any building, structures or land, public or private, together with any associated scientific or engineering surveys shall constitute construction. The term "construction" shall include the operation or the causing to be operated of any equipment used in the construction, repair, alteration or demolition work on buildings, structures, streets, alleys or appurtenances thereto. Said equipment includes, but is not limited to, a pile driver, shovel, hammer, derrick, hoist, tractor or roller.

Emergency Work - Shall mean any work performed to protect, maintain or restore safe and/or healthful conditions in the community, along with work performed by private or public utilities when restoring utility service.

Motor Vehicle - Shall mean any self-propelled vehicle not intended primarily for lawn care.

Ambient Sound Level - The hourly energy-equivalent noise level that is produced by transportation vehicles, natural phenomena and distant activity which is not related to an offending sound source.

Commercial Contractor - A person or company who contracts, either in writing or verbally, to arrange or supply materials, equipment, or workers to perform tasks for the purpose of erecting/repairing structures, or moving earthen materials.

Commercial Power Equipment - All engine- or motor-powered equipment intended for infrequent service work in inhabited areas, typically requiring commercial or skilled operators. (Examples of "commercial power equipment" are log chippers, paving rollers, etc.)

Construction Device - Any powered device or equipment designed and intended for use in construction.

Demolition - Any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.

Domestic Power Equipment - Power equipment intended for use in residential areas by a homeowner. (Examples include but are not limited to chain saws, log splitters, power saws, drills, grinders, lawn and garden tools, etc.)

Emergency - Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

Emergency Vehicle - As in RSA 259:28 of the New Hampshire General Laws.

Emergency Work - Work made necessary to restore property to a safe condition following an emergency or work required to protect persons or property from exposure to imminent danger.

Motor Vehicle - As in RSA 259:60 of the New Hampshire General Laws.

Muffler - A device for abating sounds such as those caused by escaping or intaking gases.

Premises - Any building, structure, land or portion thereof, including all appurtenances, and includes yards, courts, inner yards and real properties without buildings or improvements, owned or controlled by one or more persons. The emitter's "premises" includes contiguous publicly dedicated street and highway rights-of-way, all real rights-of-way and waters of the State of New Hampshire.

Property Line - That real or imaginary line along the ground surface and its vertical extension which separates real property owned or controlled by any person from contiguous real property owned or controlled by another person and separates real property from a public right-of-way.

Public Right-Of-Way - Any street, avenue, boulevard, highway, sidewalk, alley, park, waterway, railroad or similar place owned or controlled by a governmental entity.

Recreational Vehicle - As in RSA 259:69 of the New Hampshire General Laws.

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*Noise disturbance:*

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**Animal Noises:**

- If there is repeated animal noise for sustained periods of more than 30 minutes, or during the night hours between 10pm and 7am so as to disturb the peace and quiet of a neighborhood or area, not including a dog which is guarding, working, or herding livestock, as defined in RSA 21:34-a, II(a)(4);
- The owner of any animal who fails, by appropriate action, to effectively abate such a nuisance after being requested to do so by the Board of Selectmen or their designee, shall be guilty of a violation.

**Motor Vehicles:**

- person shall not operate a motor vehicle so as to make any loud, unusual, or unnecessary noise occasioned by any one or more of the following actions by the operator:
- Misuse of power, exceeding tire traction limits in acceleration, sometimes known as laying down rubber or peeling rubber, or excessive acceleration where there is no emergency.
- Misuse of braking power exceeding tire traction limits in deceleration where there is no emergency.
- Rapid acceleration by means of quick up shifting of transmission gears with either a clutch or manual transmission or automatic transmission.
- Rapid deceleration by means of quick downshifting of transmission gears with either a clutch or manual transmission or an automatic transmission.
- Racing of engines by manipulation of the accelerator, gas pedal, carburetor, or gear selection, whether the vehicle is in motion or standing still.

**Between 10:00 p.m. and 7:00 a.m. it shall be unlawful to:**

- Operate or use construction vehicles to include but not be limited to bulldozers, graders, dump trucks, backhoes, earth moving equipment, front end loaders and log skidders.
- Operate or use tools or construction equipment to include but not be limited to cement mixers, hammers, staple or nail guns, power tools: i.e., saws, drills, grinders, sanders; chain saws, lawn mowers, electric hedge trimmers, lawn edger's, and jack hammers.
- Operate, play, or use any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device at such a volume that it is clearly audible at the property line of the property on which the device is being operated.
- Discharge fireworks, firearms or cannons per RSA 160-C: 11.

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*Exemptions*

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- Noise created by any aircraft flight operations which are specifically preempted by the Federal Aviation Administration (FAA)
- Generators during power outages.
- Noise created by any recreational activities which are permitted by law or for which a license or permit has been granted by the Town, including parades or sporting events.
- Noise of safety signals, warning devices, and emergency pressure relief valves.
- Noises resulting from any authorized vehicle, when responding to an emergency call or acting in time of emergency.
- Noises resulting from emergency maintenance work as performed by the town, by the state, or by public utility companies, to include snow removal operations.
- Municipal maintenance work where the abutters to the work site have been given prior notice of the project.
- Any other noise resulting from activities of a temporary duration permitted by law and for which a license or permit therefore has been granted by the town. This includes, the preparing, loading and unloading of construction vehicles at their base of operation.
- Snow blowers and other types of private or commercial snow removal operations.
- Parades and public gatherings for which the town has issued a permit.
- Bells, chimes or carillons while being used for religious purposes or in conjunction with religious services, and those bells, chimes, or carillons that are presently installed and in use for any purpose; Dow Clock & Town Hall siren

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*Permit Application:*

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- Application for a permit for relief from the noise level designated in this ordinance may be made to the town of Franconia. Any permit granted by the Town shall set forth all conditions pertaining to the specified noise and a reasonable time limit for its abatement.


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*Enforcement/Violations:*

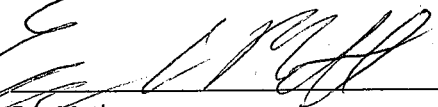
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- These regulations are enforceable by the Board of Selectmen or their designee. No person will be summoned for a violation of this ordinance until he or she has been warned, either verbally or in writing.
- First Offense: Verbal or Written warning from the Board of Selectmen or their designee
- Second Offense: \$100.00 fine
- Third Offense and subsequent violations: \$500.00 fine


Franconia Selectboard

  
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Jill Brewer, Chair

4/11/22  
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Date

  
\_\_\_\_\_  
Eric Meth

4/11/22  
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Date

  
\_\_\_\_\_  
Daniel Walker

4/11/2022  
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Date