

Town of Springfield, New Hampshire

NOISE REGULATIONS

D R A F T

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SPRINGFIELD PLANNING BOARD
Springfield, New Hampshire

TABLE OF CONTENTS

Statutory Reference	2
GENERAL PROVISIONS	3
§ 1. PURPOSE.	3
§ 2. SCOPE.	3
§ 3. DEFINITIONS.	3
§ 4. ENFORCEMENT.	6
§ 5. MEASUREMENTS.	6
MINIMUM STANDARDS	7
§ 6. NOISE LEVELS.	7
TABLE A	7
§ 7. EXEMPTIONS.	7
ADMINISTRATION AND ENFORCEMENT	9
§ 8. PROHIBITED CONDUCT.	9
§ 8. SPECIAL PERMITS.	10
§ 10. PENALTIES.	11
§ 11. APPEALS.	11
§ 12. SEVERABILITY	11

Statutory Reference

Authority of town to regulate noise, see R.S.A. 47:17 (II) & (XV)

GENERAL PROVISIONS

§ 1. PURPOSE.

It is the policy of the Board of Selectmen to protect, preserve and promote the health, safety, welfare, peace and quiet of the citizens of Springfield through the reduction, control and prevention of noise. It is the intent of this ordinance to establish standards that will eliminate and reduce unnecessary environmental noise throughout the community which may be physically harmful or otherwise detrimental to individuals and the community in the enjoyment of life, property and the conduct of business.

From the 2005 Springfield Master Plan:

“Over the next ten years, the Town of Springfield should remain primarily a rural residential community with uncrowded living conditions, a quiet and undisturbed lifestyle, and a scenic and unpolluted natural environment.”

“Specific changes to the Springfield Zoning Ordinance favored by the majority included protection against noise, light and odor pollution, and regulations on communications towers.”

From the 2018 Springfield Zoning Ordinances

“Any use that may be obnoxious or injurious by reason of production, emission of odor, dust, smoke, refuse matter, fumes, noise, vibration or similar conditions, or that is dangerous to the comfort, peace, enjoyment, health or safety of the community or leading to its disturbance or annoyance, is prohibited. This does not pertain to smoke from the burning of wood for heating of buildings or maple syrup evaporators or burning of brush or smoke or odors related to routine farm practices. Quality standards shall be at least as stringent as those established by the State of New Hampshire.”

§ 2. SCOPE.

This ordinance shall only apply to noise originating within the town limits that is traveling in the atmosphere or environment. This ordinance shall apply to all bodies of water within the town limits, irrespective of if they flow through or are contained partially or entirely within the town limits.

§ 3. DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGRICULTURE. Use the State’s definition of agriculture, detailed in NH RSA 21:34-a The State of New Hampshire has an official definition of a farm, agriculture, and farming all included

in NH RSA 21:34-a. Local adoption of this definition provides consistency with the State's definition and the many references to agriculture in State laws and programs.

AMBIENT SOUND LEVEL. The A weighted sound level of all sound associated with a given environment, exceeded 90% of the time measured and being a composite of sounds from many sources during the period of observation while the sound from the noise source of interest is not present.

ANSI. The American National Standards Institute.

ANSI S SERIES STANDARDS. Those ANSI standards relevant to sound, acoustics, shock, vibration and bio-acoustics.

AWEIGHTED SOUND PRESSURE. The sound pressure level as measured with a sound level meter using the A weighting network. The standard notation is dB(A) or dBA.

Best Management Practices (BMPs) for agriculture in New Hampshire. The "Manual of Best Management Practices (BMPs) For Agriculture in New Hampshire," developed by the NH Department of Agriculture, Markets, and Food, and UNH Cooperative Extension provides guidance to NH communities. Local ordinances can require adherence to the guidelines in the Manual for a variety of agricultural practices. www.agriculture.nh.gov/publications-forms/documents/bmp-manual.pdf

COMMERCIAL / INDUSTRIAL PREMISES. Any land parcel with buildings where the use of the area within the structure(s) used by a business exceeds 35% of the total finished floor area of the dwelling unit or a maximum of 1,000 square feet, whichever is less and does not qualify as a Home Occupation or Home Business under the 2018 Springfield Zoning Ordinance, Article 5.

CONSTRUCTION EQUIPMENT. Any device or mechanical apparatus operated by fuel, electric, or pneumatic power in the excavation, construction, repair, or demolition of any building, structure, land parcel, street, alley, waterway, or appurtenance thereto.

DECIBEL. A logarithmic unit of measure often used in measuring magnitudes of sound. The symbol is dB.

EMERGENCY VEHICLE. An authorized motor vehicle that has sound warning devices such as whistles, sirens and bells which can lawfully be used when responding to an emergency, during a police activity or which is required by state or federal regulations (i.e., reverse alarms).

EMERGENCY WORK. An activity made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from exposure to imminent danger. It includes work by private or public entities for providing or restoring immediately necessary service as well as all situations deemed necessary by the city.

EMERGENCY POWER GENERATOR. The equipment used to generate electrical power in the event of an interruption, malfunction or failure of the electrical power supplied by the service provider.

GROSS FLOOR AREA. The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features. The floor

area of a building or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

MOTOR VEHICLE. Any vehicle that is self-propelled, used primarily for transporting persons or property upon public roadways and required to be licensed according to motor vehicle registration laws. The term motor vehicle shall not include: aircraft, watercraft, motor vehicles operated on private property for recreational or amusement purposes, vehicles used exclusively on stationary rails, or specialized utility vehicles normally used only on private property in the daily course of business such as forklifts, and pallet movers.

NOISE. Any sound that exceeds the standards set forth in this chapter, annoys or disturbs a reasonable person of normal sensibilities, or causes or tends to cause any adverse psychological or physiological effect on humans.

NOISE, INTERMITTENT. Any sound heard from a receptor premise that annoys or disturbs but is episodic yet repetitive in nature. Practical examples would be a barking dog or dogs that is frequent and is repetitive that disturbs the peace in a residential premise or premises. Another example is the back-up alarm of heavy equipment that is heard over a number of hours.

NOISE, CONTINUOUS, PROLONGED AND ESSENTIALLY UNREMITTING. Any sound emanating from a source premise, heard by a receptor premise that annoys and disturbs and is with little or no exception continuous, prolonged and nearly unrelenting. Examples of this would be the din of motors, engines, fans, saws, or drying kilns. This type of obnoxious noise is often associated with commercial/industrial facilities operating in rural residential or abutting forest conservation districts.

PERSON. An individual, corporation, partnership, association, organization or similar entity.

PREMISES. Any building, structure, land, utility or portion thereof, including all appurtenances, and shall also include yards, lots, courts, inner yards and real properties without buildings or improvements, owned or controlled by a person.

PROPERTY LINE. The real or imaginary line and its vertical extension which separates real property owned or controlled by any person from contiguous real property owned or controlled by another person. The vertical and horizontal boundaries of a dwelling unit in a multi-dwelling unit building, condominium, or townhouse complex shall not be considered property lines separating one property from another.

PUBLIC PREMISES. All real property including appurtenances thereon which is owned or controlled by any governmental entity and shall include streets, alleys, parks and waterways.

RECEPTOR PREMISES. The premises (residential, commercial, industrial, or public) which is receiving noise emitted from the source premises after crossing one or more property lines. Also referred to as the receiving premises.

RESIDENTIAL PREMISES. Any premises where single or multiple dwelling units exist and shall include any premise that qualifies as a Home Occupation or Home Business under the 2018 Springfield Zoning Ordinance, Article 5.

SOUND. An oscillation in pressure, stress, particle displacement and particle velocity which induces auditory sensation.

SOUND LEVEL METER. An apparatus for the measurement of sound levels. The sound level meter shall be of a design and have the characteristics of a Type 2 or better instrument as established by the American National Standards Institute, publication S1.4 entitled Specification for Sound Level Meters.

SOUND PRESSURE LEVEL. Twenty times the logarithm to the base ten of the ratio of the pressure of a sound to the reference pressure of 20 micronewtons per square meter (20×10^{-6} Newtons/meter²) and is expressed in decibels (dB).

SOURCE PREMISES. The premises (residential, commercial, industrial, or public) that is emitting noise that is crossing one or more property lines and impacting the receptor premises.

TREE MAINTENANCE EQUIPMENT. Any equipment used in trimming or removing trees only and shall not be limited to chainsaws, chippers and stump removers.

§ 4. ENFORCEMENT.

The Chief of Police or his or her designee shall have and exercise the power to enforce the provisions of this ordinance. Enforcement shall include entering areas of public access or operation, free of charge, to ensure compliance and issuance of citations for any violations with penalties to be assessed as provided in §10. Repetitive and/or on-going noise complaints perceived by the receptor premises to be in violation of this Ordinance shall be investigated by the Chief of Police or his or her designee within two business days. Findings of the investigative shall be reported to the Board of Selectmen for potential further action under this Ordinance.

§ 5. MEASUREMENTS.

For the purposes of this chapter, the measurement of all physical parameters or entities associated with acoustics, sound, noise, or vibration shall comply with the most recent S series standards of ANSI, American National Standards Institute, Standards for Sound, Acoustics, Shock and Vibration, Bio-acoustics. Furthermore, all physical parameters, or entities determined or calculated from such measurements relevant to acoustics, shock, vibration or bio-acoustics shall be determined or calculated in accordance to the most recent S series standards of ANSI where so applicable.

Noise that is disputed to be in or out of compliance with § 6, Table A shall be measured by the town's **Safety Officer** using the sound level meter provided by the Board of Selectman. The sound level meter shall be of a design and have the characteristics of a Type 2 or better instrument as established by the American National Standards Institute, publication S1.4 entitled Specification for Sound Level Meters.

MINIMUM STANDARDS

§ 6. NOISE LEVELS.

Noise levels shall be measured at any point along the property line or within the property of the receiving premises to determine compliance of the source. This noise ordinance recognizes the difference between *intermittent noise* and *noise that is continuous, prolonged and essentially unremitting* that has the potential to negatively affect the peaceful enjoyment and financial value of neighboring residences. Noise, continuous, prolonged and essentially unremitting must not exceed 45 dBA measured from the receptor premises.

When it is determined that the intermittent noise level at the receptor premises equals or exceeds the maximum allowable sound pressure level specified in Table A in such a manner to cause nuisance to a residential neighbor, then these sound levels are the standards which cannot be exceeded by the source.

The following table identifies allowable noise levels within the zoning districts within the town:

TABLE A

Maximum Allowable *Intermittent* Noise Levels, measured from the receptor premises (in dBA), with Time of Day Allowance

Rural Residential District

7am-10pm 55 dBA

10pm-7am 45 dBA

Forest Conservation District

7am-10pm 55 dBA

10pm-7am 45 dBA

§ 7. EXEMPTIONS.

The maximum permissible sound pressure levels of § 6, Table A. shall not apply to sounds emitted from:

- (A) Agricultural operations that follow the Best Management Practices (BMPs) for agriculture in New Hampshire.
- (B) Any power equipment associated with Agricultural practices between 5:00 am and 10:00 pm
- (C) Any bell or chime from any building clock, school or church, not including any amplified bell or chime sounds emitted from loudspeakers.
- (D) Any siren, whistle or bell lawfully used by emergency vehicles or any other alarm systems used in case of fire, collision, civil defense, police activity or imminent danger.

- (E) Any power generator providing emergency electrical power during a power outage, however, the power generator exhaust or noise abatement system must be in good repair without modifications.
- (F) The sound of shooting from rifles, shotguns, pistols, revolvers, or black powder weapons, as defined by the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives, provided said shooting is not part of an otherwise licensed shooting range.
- (G) Any town sponsored fireworks display or a fireworks display approved by the city in conjunction with a specific licensed event and emanating from city property, a public recreational area, or a civic stadium.
- (H) Tree maintenance equipment needed to protect the public safety and well being.

ADMINISTRATION AND ENFORCEMENT

§ 8. PROHIBITED CONDUCT.

The following conduct is prohibited:

- (A) Provide any false or inaccurate information to any town board, committee, commission or any employee of the town, in an attempt to deceive or otherwise avoid compliance with this chapter.
- (B) Hinder, obstruct, delay, resist, interfere, or attempt to interfere with any authorized person while in the performance of their duties under this ordinance.
- (C) Emit or cause to be emitted any noise which leaves the premises on which it originates, crosses a property line, and enters onto any other premises in excess of the sound pressure levels during the time periods as specified in § 6, Table A.
- (D) Emit or cause to be emitted any noise within the public premises in excess of the limits defined in § 6, Table A.
- (E) [Reserved]
- (F) Operate any construction equipment or conduct any construction activities between the hours of 10:00p.m. and 7:00 a.m. that exceed the noise limits of § 6, Table A. The Board of Selectmen may grant temporary relief from the construction restrictions if it can be demonstrated that a construction project cannot be completed entirely during daytime hours for public safety reasons.
- (G) Operate any trash compacting mechanism on any motor vehicle, or engage in any trash, rubbish or garbage collection activity between the hours of 10:00 p.m. and 7:00 a.m., when such activity takes place on any premises adjacent to a residential premises.
- (H) Modify or change the exhaust muffler, air intake muffler or any other sound reducing device in such a manner that the noise emitted from the motor vehicle exceeds the sound pressure levels as established in § 6, Table A. except where permitted by state law.
- (I) The noise limits in § 6 Table A notwithstanding, no person shall:
 - (1) Make, continue, or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others, within the limits of the town.
 - (2) Use, operate or permit to be played, used or operated of any radio, receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the inhabitants of a neighboring premises. The operation of any such set, instrument, phonograph, machine or device by a commercial establishment between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50

feet from the lot line, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

- (3) Use, operate, or permit to be played, used, or operated, any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure in such a manner that the occupants of a neighboring premises are disturbed or annoyed.
- (4) Use any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary obnoxious noise.

§ 8. SPECIAL PERMITS.

The Board of Selectmen shall have the authority to grant special permits on a limited basis. A person seeking a special permit shall file an application with the Board of Selectmen.

- (A) The application shall contain information which demonstrates that bringing the source of the sound activity into compliance with this ordinance would constitute an unreasonable hardship on the applicant.
- (B) The Board of Selectmen shall establish appropriate procedures for processing applications for such special permits, including such public hearings as the Board of Selectmen deems appropriate.
- (C) In determining whether to grant or deny the application, the Board of Selectmen shall consider the impact on the surrounding properties, and health, safety and welfare of persons residing or working in the abutting properties. Applicants for special permits and persons contesting special permits may be required to submit information to the Board of Selectmen.
- (D) The Board of Selectmen may issue a special permit for existing residential, commercial, industrial and/or agricultural noise sources, which have been operating on lawful basis prior to the effective date of this bylaw.
- (E) The Board of Selectmen shall notify the Planning Board, Zoning Board of Appeals, and Police Department of the application and the date of the public hearing.
- (F) Special permits shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. Non-compliance with any condition of the special permits shall be grounds to revoke special permit.
- (G) Applications for extension of time limits specified in the special variances or for modification of other substantial conditions shall be treated like applications for initial special permit.

- (H) In granting or denying an application, the Board of Selectmen shall place in the office of the Town Clerk a copy of the decision and the reasons for denying or granting the special permit.
- (I) This special permit is granted to the applicant only. Under no circumstances can this special permit be transferred to another party nor shall it “run” with the land or business license.

§ 10. PENALTIES.

- (A) Each act of violation of § 8 and every day upon which any such violation shall occur in one calendar year shall constitute a separate offense and follow the penalty schedule below:
 - (1) First offense: A written warning from the Board of Selectman of the offense and including notice of Penalties from §10 of this Ordinance
 - (2) Second offense: A citation shall be issued to the offender in the amount of \$100.
 - (3) Third offense: A citation shall be issued to the offender in the amount of \$250.
 - (4) Further offense(s): A citation shall be issued to the offender in the amount of \$300.

§ 11. APPEALS

An offender who has been cited and/or fined pursuant to this Ordinance can appeal the citation/fine within thirty (30) days after receiving it by presenting to the Board of Selectmen or its designee, any alternative information, situational evidence, or explanation of extenuating circumstances. The Board of Selectmen or its designee shall hear the appeal, and may in its sole discretion dismiss, or affirm the appeal, request additional details. This appeal is final without further administrative remedy.

§ 12. SEVERABILITY

If any provision of this Ordinance shall be determined invalid or unenforceable by final judgment or order of a court of competent jurisdiction, the remaining provisions of this Ordinance shall continue in effect to the fullest extent permitted by law. If the court finds for the town, the town shall recover its costs of suit including reasonable expert fees, attorney fees and necessary investigate costs.