

Burlington Noise Pollution Regulations

Property owners of rental housing are required by ordinance to furnish a copy of the City noise control ordinance to tenants at the beginning of the rental term. Here are highlights of that regulation (this text is a summary; actual ordinance language applies):

1. **The City noise ordinance applies 24 hours a day.** There are also special "quiet hours" for the community from 10:00 pm to 7:00 am.
2. **Unreasonable noise is prohibited.** Noise is unreasonable when it is unreasonably loud given the time, place, and nature of the noise. Noise that is plainly audible between apartments or houses between the hours of 10:00 pm and 7:00 am is considered unreasonable. Sound systems, TVs, and radios cannot be played in an unreasonably loud manner.
3. **Noise from parties and social gatherings have special regulations.** Such gatherings are defined as situations where one or more participants are not residents. In the event of a noise disturbance, all of the residents at a premise are considered liable in addition to any other person engaged in making noise. Residents who may not have been involved in a disturbance may seek special consideration and should consult with the issuing officer and may also seek special consideration from the court in a judicial proceeding.
4. **Machinery, power equipment, and construction noise are prohibited from between 9:00 pm and 7:00 am.**
5. **Certain exemptions apply:** Approved emergency repair or construction work; authorized safety and emergency devices; approved utility and public facility work; snow removal equipment; and approved events by the municipality or by educational institutions.
6. **Penalties for noise violations *except* parties:** First violation- minimum \$200 for uncontested ticket. Second violation within 24 months- minimum \$300 for uncontested ticket. Note: Issuing officers may choose to reduce or waive the fines for first or second violations upon completion by the offender of a restorative justice program. In the event of a hearing for a first or second violation, a judge may impose up to a \$500 penalty. Third and subsequent offenses are criminal proceedings and carry a \$500 fine.
7. **Penalties for noise from parties and social gatherings:** First violation- each resident and other offender receives minimum \$300 plus 3 hours in a restorative justice program for an uncontested ticket. Second violation within 24 months- each resident and other offender receives minimum \$400 plus 3 hours in a restorative justice program for an uncontested ticket. In the event of a hearing a judge may apply: (1) for first violations at least a \$200 fine and a required 15 hours of restorative and community service work; and (2) for second violations at least a \$300 fine and a required 18 hours of restorative and community service work. Third and subsequent offenses are criminal proceedings and carry a \$500 fine.

Lessee

Notary

Lessee

Sec. 21-13. Noise control ordinance.

(a) *Purpose.* The purpose of this section is to preserve the public health, safety, and welfare by prohibiting excessive and disturbing noise and to prevent noise which is prolonged or unsuitable for the time and place and which is detrimental to the peace and good order of the community. It is the goal of this section to allow all residents of our city to peacefully coexist in a manner which is mutually respectful of the interests and rights of others.

(b) *Prohibited noise offenses:*

(1) *General prohibition.* It shall be unlawful for any person to make or cause to be made any loud or unreasonable noise. Noise shall be deemed to be unreasonable when it disturbs, injures or endangers the peace or health of another or when it endangers the health, safety or welfare of the community. Any such noise shall be considered to be a noise disturbance and a public nuisance.

(2) *Express prohibitions.* The following acts, which enumeration shall not be deemed to be exclusive, are declared to be noise disturbances:

a. *Radios, television sets, musical instruments, phonographs and similar devices.* The operation or permitting the use or operation of any musical instrument, radio, television, phonograph, or other device for the production or reproduction of sound in such a manner as to be plainly audible through walls between units within the same building, from another property or from the street between the hours of 10:00 p.m. and 7:00 a.m. or in such a manner as to unreasonably disturb the peace, quiet or comfort of the public.

b. *Motor vehicle sound equipment.* The operation or permitting the operation of any radio, stereo or other sound amplification equipment from a motor vehicle that is audible at twenty-five (25) feet from such vehicle. The term "motor vehicle" shall mean any car, truck or motorcycle.

c. *Parties and other social events.* Notwithstanding section (b)(1), it shall be unlawful for any person who is participating in a party or other social event to actively make unreasonably loud noise. A party or other social event is defined as a gathering upon the premises of one or more persons not residing at the premises. Unreasonably loud noise is noise that unreasonably interferes with the peace or health of members of the public or is plainly audible between the hours of 10:00 p.m. and 7:00 a.m. through the walls between units within the same building, from another property or from the street. It shall also be unlawful for any resident of a premises to allow a party or other social event occurring in or about the premises to produce unreasonably loud noise. There is a rebuttable presumption that all residents of the premises have allowed such party or other social event to occur in or about the premises. All residents of the premises are responsible for such unreasonable noise made, each having joint and several liability.

d. *Machinery.* The operation or permitting or directing the operation of any power equipment or machinery outdoors between the hours of 9:00 p.m. and 7:00 a.m. except in emergency situations.

e. *Construction noise.* The excavation, demolition, erection, construction, alteration or repair of any premises or structure between the hours of 9:00 p.m. and 7:00 a.m. except in emergency situations.

f. *Loudspeakers.* The use of loudspeakers or other sound amplification equipment upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or site.

(c) *Exemptions.* Noise from the following sources shall be exempt from the prohibitions specified herein:

- (1) All safety signals and warning devices or any other device used to alert persons to any emergency or used during the conduct of emergency work, including, but not limited to, police, fire and rescue vehicle sirens.
- (2) The repair and maintenance of municipal facilities, services or public utilities when such work must be accomplished outside daytime hours.
- (3) Snow removal equipment operated within the manufacturer's specifications and in proper operating condition.
- (4) Musical, recreational and athletic events conducted by and on the site of a school or educational institution.
- (5) Events and activities conducted by or permitted by the city. Persons operating an event or activity under authority of an entertainment permit, parade/street event permit, solid waste license, or parks special use permit shall comply with all conditions of such permits or licenses with respect to noise control issues.
- (6) Construction or repair work which must be done to address an emergency health or safety concern and that cannot be accomplished during daytime hours and which is not work which includes normal maintenance and repair.

(d) *Notification by property owners of rental housing.* Owners of rental housing shall be required to provide a copy of this section to a tenant at the start of the tenancy. However, the failure of an owner to provide a copy of the ordinance shall not be a defense to a violation of this section.

(e) *Enforcement:*

- (1) *First offense.* A first offense of any provision of this section, except subsection (b)(2)(c.) (Parties and social events) by a person during any twenty-four-month period shall be deemed a civil ordinance violation and shall be punishable by a penalty of a minimum fine of two hundred dollars (\$200.00) to a maximum fine of five hundred dollars (\$500.00), which may, at the discretion of the prosecuting official, be waived in whole or in part upon the successful completion of a restorative or reparative justice program through the Community Justice Center. The waiver penalty for a first offense of any provision of this section except subsection (b)(2)(c.) (Parties and social events) by a person during any twenty-four (24) month period shall be a fine of two hundred dollars (\$200.00).
- (2) A first offense of subsection (b)(2)(c.) (Parties and social events) by a person during any twenty-four (24) month period shall be deemed a civil ordinance violation and shall be punishable by a penalty of a fine of four hundred dollars (\$400.00) and three (3) hours of participation in a restorative justice process in a program approved by the City Council. The minimum penalty shall be a fine of two hundred dollars (\$200.00) and completion of a restorative justice program approved by the City Council, consisting of three (3) hours of participation in a restorative justice process and twelve (12) hours of community service. The waiver penalty for a first violation of subsection (b)(2)(c.) (Parties and social events) shall be a fine of three hundred dollars (\$300.00) and three (3) hours of participation in a restorative justice process in a program approved by

Lessee

Lessee

the City Council.

(3) Second offenses. Except for violations of subsection (b)(2)(c.) (Parties and social events), a second offense during a twenty-four (24) month period shall be deemed to be a civil offense and shall be punishable by a minimum fine of three hundred dollars (\$300.00) to a maximum fine of five hundred dollars (\$500.00) which may, at the discretion of the prosecuting official, be waived in whole or in part upon the successful completion of a restorative or reparative justice program through the Community Justice Center. The waiver penalty shall be a fine of three hundred dollars (\$300.00).

(4) A second offense under subsection(b)(2)(c.) (Parties and social events) during a twenty-four month period shall be deemed to be a civil offense and shall be punishable by a maximum fine of five hundred dollars (\$500.00). The minimum penalty shall be a fine of three hundred dollars (\$300.00) and completion of eighteen (18) hours in a restorative justice program approved by the City Council which involves three (3) hours of participation in a restorative justice process and fifteen (15) hours of community service. The waiver penalty for a violation of subsection (b)(2)(c.) shall be a fine of four hundred dollars (\$400.00) and three hours of participation in a restorative justice program approved by the City Council.

(5) The third and any subsequent offense within a twenty-four (24) month period shall be deemed a criminal offense and shall be punishable by a fine of five hundred dollars (\$500.00).

(6) The city shall notify the owner of any property upon which a noise control ordinance violation has occurred and a person has been given a civil Vermont Municipal Complaint or criminal citation pursuant thereto that such complaint or citation has been issued.

(7) Any law enforcement officer may issue a municipal complaint ticket or criminal citation for offenses of the noise control ordinance.

(Ord. of 5-6-96; Ord. of 6-22-98; Ord. of 8-14-00; Ord. of 5-21-01; Ord. of 2-18-03)

lessee

lessee
