

****Strike-through text is proposed to be eliminated from the ordinance. Bold text is proposed to be added to the ordinance.****

NOISE ORDINANCE OF THE TOWN OF TROY, NEW HAMPSHIRE

Article I TITLE

This ordinance is entitled and may be referred to as the Noise Ordinance of the Town of Troy, New Hampshire.

Article II PURPOSE AND AUTHORITY

1. Excessive and unreasonable noise jeopardizes the health and welfare and degrades the quality of life of a community. Most excessive and unreasonable noise issues can be resolved through reasonable expectations, reasonable behavior and common courtesy. Where at any one time there exists a lack of reason or courtesy, a community must put in place measures designed to allow its residents a means of remediation.
2. This ordinance is adopted pursuant to and consistent with New Hampshire Revised Statutes Annotated (RSA) 31:39.

Article III DEFINITIONS

For the purpose of this ordinance, the following definitions shall apply:

1. Intraproptv Real Property Division: Shall mean the ceilings, walls, floors, doors, and windows of any duplex, multifamily, or condominium dwelling, or structure that separate the real property leased or owned by one person from that owned or leased by another person.
2. Person: Any individual, association, partnership, or corporation, and including any officer, employee, department, agency, or instrumentality of a state or any political subdivision of a state.
3. Public Right-of-way: Any street, avenue, highway, sidewalk, or alley or similar place that is owned or controlled by a governmental entity.
4. Public Space: Any real property or structure thereon that is owned or controlled by a governmental entity.
5. Real Property Boundary: Any imaginary line along the ground surface and its vertical extension that separates the real property owned by one person from that owned by another person.

6. Noise Disturbance: Any sound created or allowed to continue within a real property boundary or intraproperty real property division or public right-of-way or public space that can be heard across said boundary or intraproperty real property division in the confines of another or adjacent real property or intraproperty real property division or a public right-of-way or public space that annoys or disturbs a resident of Troy.
7. Domesticated Animal: Any animal legally or by care kept within the Town of Troy on any property not designated by the Town for agricultural use.
8. Offense: An offense occurs when any person, firm or corporation is presented by an official of The Town of Troy with a legal notice, whether verbal, written or electronic, that they have violated this ordinance.

Article IV ZONING DISTRICTS

The Zoning Districts in use by the Town of Troy are as follows:

1. Village
2. Residential
3. Rural District
4. Mountain District
5. Mill District
6. Highway Business District
7. Light Industrial District

Article V NOISE DISTURBANCES-PROIBITED TIME RESTRICTIONS

1. It shall be unlawful to cause a noise disturbance as defined herein during the following hours and within the following zoning districts:
 - A. Between 10:00pm and 6:00am: including but not limited to, disturbances created by the loading, unloading, opening, closing, or otherwise handling boxes, crates, containers, building materials, trash cans, dumpsters or similar objects or compressors in the Light Industrial and Mill Districts.
 - B. Between 10:00pm and 7:00am: including, but not limited to, disturbances created by loading, unloading, opening, closing, or otherwise handling boxes, crates, containers, building material, trash cans, dumpsters, or similar objects in the Highway Business, Rural, Mountain. Village and Residential Districts.

- C. Between 10:00pm and 7am (Monday through Saturday) and 10:00pm and 9:00am (Sunday): disturbances created by the operation or use of construction vehicles including, but not limited to, bulldozers, graders, dump trucks, backhoes, earth moving equipment, front-end loaders and log skidders on the job site, and the operation or use of tool or construction, landscaping and maintenance equipment including, but not limited to, cement mixers, hammers, staple or nail guns, power tools, lawn mowers and jack hammers and the use of agricultural equipment including, but not limited to, tractors and balers in ALL districts.
- D. Between 10:00pm and 7:00am: including, but limited to, disturbances created by operating, playing or using radio, television, phonographic, drum, musical instruments, sound amplifier or similar devices that amplify sound in ALL districts.

Article VI
MOTOR VEHICLES

1. It shall be unlawful to operate a motor vehicle in the following manner:
 - A. An amplified sound system in a motor vehicle shall not be operated to allow the system to produce sound that is clearly audible in a public right-of-way or public space more than fifty (50) feet from the motor vehicle.
2. A motor vehicle operator shall not make any loud, unusual or unnecessary noise occasioned by one or more of the following:
 - A. Misuse of power, exceeding tire traction limits in acceleration (sometimes known as "laying down rubber" or "peeling rubber"), or excessive acceleration when there is no emergency.
 - B. Misuse of braking power exceeding the tire traction limits in deceleration when there is no emergency.
 - C. Rapid acceleration by means of quick up shifting of transmission gears with either a clutch or manual transmission or automatic transmission.
 - D. Rapid deceleration by means of quick downshifting of transmission gears with either a clutch or manual transmission.
 - E. Racing of engines by manipulation of the accelerator, gas pedal, carburetor, exhaust system, or gear selection, whether the vehicle is either in motion or standing still.
3. All motor vehicles operated within the Town of Troy NH will comply with the State of New Hampshire regulations pertaining to the prevention of noise of motor vehicles, including but not limited to Title XXI, Chapter 266.59 and Title XVIII, Chapter 215.A.12

(see appendix). The Town will view a violation of these regulations as a violation of this ordinance.

4. This ordinance shall include all Off Highway Recreational Vehicles (OHRV), including but not limited to snowmobiles, 4 wheelers or dirt bikes.

**Article VII
DOMESTICATED ANIMALS**

1. A domesticated animal is judged to be a noise nuisance if it creates a noise disturbance as defined in Article III, section 6 of this ordinance for sustained periods time or during the hours stated in article V of this ordinance, disturbing the peace and quiet of a neighborhood, area or residency. All domesticated animals fall under this ordinance.

**Article VIII
NOISE LEVEL LIMITS**

Noise levels shall be measured at any point along the property line or within the property line of the receiving premises to determine compliance of the source. When it is determined that the ambient sound level at the receiving premises equals or exceeds the maximum allowable sound pressure level specified in Table A, then the ambient sound level is the standard which cannot be exceeded by the source. This table establishes the *maximum* allowable limits; a noise is not required to exceed these limits to be considered a disturbance under this ordinance. The following table identifies allowable noise levels within various areas throughout the town:

Table A
Maximum Allowable Noise Levels (in dBA) with Time of Day Allowance

Receptor Premises								
	Residential		Commercial		Industrial		Public	
<i>Source Premises</i>	7 a.m.- 10 p.m.	10p.m.- 7a.m.	7 a.m.- 10p.m.	10p.m.- 7a.m.	7 a.m.- 10p.m.	10p.m.- 7a.m.	7 a.m.- 10p.m.	10 p.m.- 7a.m.
Residential	55	50	65	60	80	75	75	70
Commercial	55	50	65	60	80	75	75	70
Industrial	55	50	65	60	80	75	75	70
Public	55	50	65	60	80	75	75	70
Body of Water	55	50	65	60	80	75	75	70

Article VIII EXEMPTIONS

The following uses and activities shall be exempt from noise level regulations:

1. Noise of safety signals, warning devices and emergency pressure relief valves.
2. Noises from any authorized vehicle when responding to an emergency call or acting in time of an emergency.
3. Noises from emergency maintenance work as performed by the Town, State, or public utility companies, including snow removal operations.
4. Municipal or State maintenance work in any public right-of-way.
5. Any other noise resulting from activities of a temporary duration permitted by law for which a permit has been granted by the Town.
6. Snow blowers and other types of private or commercial snow removal operations.
7. Parades and public gatherings for which the Town has issued a permit.
8. Bells, chimes or carillons while being used for a religious purpose or in conjunction with religious services or to signal the time of day.
9. The unamplified human voice, except where otherwise prohibited by the provisions of this ordinance.
10. **Activities related to farms, agriculture, and farming as defined in RSA 21:34-a, which are exempt from noise ordinances per RSA 31:39. This exemption shall not apply to agritourism as defined in RSA 21-34-a, II(b)(5).**
11. **Domestic livestock in residential settings shall be exempt from this ordinance.**

Article IX TEMPORARY SPECIAL PERMITS

The Board of Selectmen, or their designee is authorized to issue special permits for periods not exceeding seven (7) days to persons wishing to exceed those limits provided for herein, based upon a demonstration as follows:

1. Activity sought to be engaged in is in furtherance of a substantial public interest or benefit and will not be inconsistent with the statement of purpose of this ordinance; or activity sought to be engaged in is necessary in order to avoid undue hardship and will not be inconsistent with the statement of purpose in this ordinance.
2. No temporary special permit shall be given that allows the permit holder to violate the Town of Troy Noise Ordinance unless specifically allowed by Articles VIII or IX of this ordinance. Any permit holder who violates this ordinance shall be fined as provided for in this ordinance and shall have their temporary special permit immediately revoked.

Article X
VIOLATIONS AND PENALTIES

1. Any person, firm or corporation who violates the provisions of this ordinance shall be guilty of a violation for each offense and shall be subject to a fine of one hundred dollars (\$100.00) for each offense.
2. Any person, firm or corporation who violates the provisions of this ordinance three (3) or more times in a twelve-month period shall be fined two hundred dollars (\$200.00) for each violation beyond three (3) in a twelve-month period.
3. All fines shall be payable to The Town of Troy and shall be due within 30 days of the date of the offense. Any unpaid fines will accrue an interest rate of 2% per 30 days overdue.

Article XI
SEVERABILITY

If any provisions of this ordinance or the application of such provisions to any person or circumstances shall be held invalid, the validity of the remainder of the ordinance and applicability of such provisions to other persons or circumstances shall not be affected thereby.

Article XII
RESCINDING OF PAST ORDINANCES

Upon adoption of this ordinance, the following Town of Troy ordinances shall be rescinded:

"Unnecessary Noise Ordinance", dated 11/07/1994

"Town of Troy New Hampshire Noise Ordinance," dated 01/2007

"Noise Ordinance of the Town of Troy, New Hampshire," dated 8/20/2020

Article XIII
APPENDIX

RSA 259:66 Muffler. -

"Muffler" shall mean a device consisting of a series of chambers or baffleplates or other mechanical design for the purpose of receiving exhaust gases and effectively reducing noise.

RSA 266:59 Muffler: Prevention of Noise. -

I. Every motor vehicle shall at all times be equipped with a muffler as defined in RSA 259:66, in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cutout, bypass or similar device upon a motor vehicle on a way.

II. The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes, smoke, flame, gas, oil or fuel residue.

III. [Repealed.]

IV. No person shall operate a motor vehicle with a straight pipe exhaust system; "straight pipe exhaust system" means any straight- through exhaust system that does not contain baffles or otherwise does not meet the definition of muffler in RSA 259:66. Any person who violates the provisions of this paragraph shall be guilty of a violation and shall be fined not less than \$ 100 for a first offense, not less than \$250 for a second offense in a calendar year, and not less than \$500 for a third or subsequent offense in a calendar year.

Title XVJII. Chapter 215.A.12

215-A:12 Manufacturing Specification Requirements. -

I. No person shall operate, sell, or offer for sale an ATV, trail bike, UTV, or any other OHRV which produces total vehicle noise of more than 96 decibels of sound pressure on the "A" scale when measured in accordance with the Society of Automotive Engineers (SAE) 11287 standard.

II. No person shall operate in this state any trail bike or other OHRV which is designed, constructed, and sold solely for closed-course competition and is without a headlight and a taillight. The provisions of this paragraph shall not apply to trail bikes or OHRVs operated at approved OHRV competitions, or when the exhaust system is modified to comply with the provisions of paragraph I and RSA 227-L:20.

III. No person shall modify a OHRV in a manner that shall amplify or otherwise increase total vehicle noise above that emitted by the OHRV as originally manufactured with the original muffler nor shall any person operate any such modified OHRV. The provisions of this paragraph shall not apply to OHRVs operated at permitted OHRV events as defined in the department's administrative rules, Fis 1501.01(d).

Article XIV
EFFECTIVE DATE

This ordinance shall be of full force and effect upon its enactment by the Board of Selectmen.

Approved: XX XX, 2024

TROY SELECT BOARD:

TJ Chasse, Chairman

Curtis Hopkins, Selectman

Richard H. Thackston, III, Selectman