

Breach of Peace Ordinances and Regulations

Town of Stockbridge, VT

Item 1: Authority

This ordinance is adopted under authority of 24 VSA 2291 (14) and 24 VSA Chapter 59. These ordinances and accompanying regulations are adopted as a supplement to, and not as a substitution for any Vermont Statutes and regulations with reference to breach of the peace and obscenity.

Item 2: Purpose

This ordinance is enacted to protect, preserve and promote the health, safety and welfare, peace and quiet for the citizens of the Town of Stockbridge, Vermont. The intent is to establish standards which will eliminate and reduce unnecessary noises which are detrimental to the enjoyment of life, property, and maintenance of business.

Item 3: Definitions

Quiet time is defined from 10:00pm to 6:00am unless otherwise noted in this ordinance.

Item 4: Prohibitions

No person shall make or continue any excessive, unnecessary, unreasonably loud noise or disturbance, or any noise which disturbs, destroys, or endangers the comfort, quiet, repose, health, peace, or safety of others within the immediate vicinity of the noise or disturbance. Without limitations, the commission of one or more of the following acts, if done in such manner, shall be deemed a violation of this ordinance:

(a) Personal Mobile, or Portable Sound-producing Devices. The playing or use of a personal mobile, or portable sound-producing device in such manner or with such volume at any time and place so as to disturb, destroy or endanger the comfort, repose, or peace of persons. Evidence of such disturbance shall be the use of electronic sound producing devices that are operated in such a manner to be plainly audible at a distance of 50 feet in any direction from the operator.

(b) Vocal Disturbances. Yelling, shouting, whistling, singing or making any other loud vocal noise so as to disturb, destroy, or endanger the comfort, quiet, repose or peace of persons in the vicinity of the noise or disturbance.

(c) Devices to Attract Attention. The use of any drum, musical instrument, loudspeaker, amplifier, or other instrument or device for the purpose of attracting attention to a store or event.

(d) Dogs, Cats and Other Animals. The keeping of any dog, cat or other animal which shall become a nuisance to another person in the vicinity where such dog, cat or other animal is kept, by frequent or continued barking, howling, yelping or screaming.

(e) Construction and Maintenance Sounds: The excavation, erection, demolition, alteration, or repair of any buildings, structure, property, or street between the hours of 9:00 P.M. and 6:00 A.M. except for necessary emergency construction and maintenance to protect property or persons.

(f) Motor Vehicles: Sounding of vehicle horns, sirens, security alarm or other devices to attract attention that are not required in an emergency situation.

(g) Outside musical performances: Outside musical performances, either amplified or non-amplified, at a public or private event between the hours of 10:00 P.M. and 7:00 A.M. Sunday through Thursday and 11:00 P.M. and 7:00 A.M. Friday and Saturday.

(h) **Item 4.9 Obnoxious Uses** in the Town of Stockbridge Zoning Bylaws, approved November 6, 2018, also addresses use of rural properties: *“No land or structure shall be used or occupied in any manner so as to create obnoxious or excessive noise, illumination, smoke, dust, odors, or other forms of interference not characteristic or typical of rural living or adversely affect the reasonable use of surrounding areas or abutting properties.”*

Item 5: Landlord Culpability

- a. A landlord, who after notice, fails to take reasonable steps to prevent subsequent violations of this ordinance by the tenant shall be in violation and subject to enforcement as enumerated in Item 7.
- b. Prior to issuing a notice of violation to a landlord, the landlord must receive written notice from the Town of Stockbridge stating that the tenant has been issued a notice of violation of this ordinance. The landlord then has five days to issue a written warning to the tenant requesting that the tenant discontinue the violating behavior.

Item 6: Variances

Any person may apply to the Select Board for a variance from the requirements under this chapter prior to doing those acts. The applicant shall provide a list of property owners within two hundred and fifty (250) feet of the site(s) where the activity is to occur. Then (10) days written notice of the Board shall be provided to the property owners and residents appearing on the list. For good cause shown the Select Board may, in its' sole discretion, either grant or deny the Variance. If the Variance is granted the Board may impose reasonable conditions to it.

Item 7: Enforcement

- a. A person who disturbs and breaks the public peace between the hours stated in Item 4 may be subject to a \$50 fine.

Item 8: Effect:

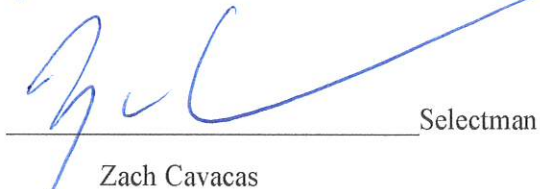
- a. The foregoing breach of peace and obscenity ordinances and regulations shall take effect 1 days from the date hereof:

This Ordinance upon Approval supersedes all prior Noise Ordinances for the Town of Stockbridge, VT


APPROVED and ORDAINED this 7th day of July , 2022



Lee Ann Isaacson
Selectman



Zach Cavacas
Selectman



Mike Ketchum
Selectman