

## Town of Peru – Unnecessary Noise Ordinance

### **Section 1 - Findings and Purpose**

The Peru Select board finds that controlling excessive noise as provided herein is necessary to promote the health, welfare, and safety of the citizens of the Town of Peru. It is the purpose of this Ordinance to prevent any person from making, continuing, or causing noise that unreasonably interferes with the comfort, health, or safety of others within the Town of Peru.

### **Section 2 – Prohibition**

A. It shall be unlawful for any person in a public place to intentionally or recklessly cause annoyance to others by intentionally making loud noise and unreasonable noises after having been ordered by a law enforcement officer to cease the noise or similar noises within the last six months.

B. It shall be unlawful for any person in a private place to make loud and unreasonable noise after having been ordered by a law enforcement officer to cease the noise or similar such noise within the past six months that can be heard by another person who is in a public place or in another private place.

C. For the purposes of this section, the term “noise” shall include, but is not limited to:

i. sound created by radios or other electronic or mechanical devices capable of amplifying or projecting ambient noise, including such devices operated within motor vehicles;

ii. sound created in connection with loading and unloading commercial vehicles between the hours of 10:00 p.m. and 6 a.m.;

iii. sound created from construction activities between the hours of 10:00 p.m. and 6:00 a.m. unless permitted by the Board of Selectpersons or if a genuine emergency deems necessary;

iv. sound created from timber harvesting activities between the hours of 10:00 p.m. and 6:00 a.m.;  
by a dynamic braking or deceleration of any vehicle, which results in the excessive, loud, unusual or explosive noise from such vehicle between the hours of 10:00 p.m. and 6:00 a.m.

v. sound created by recreational vehicles, including all-terrain vehicles, snowmobiles, motorbikes, watercraft, and other such vehicles between the hours of 10:00 p.m. and 6:00 a.m.;

vi. sound created by a dynamic braking device or any mechanical exhaust device designed to aid in the braking or deceleration of any vehicle, which results in the excessive, loud, unusual or explosive noise from such vehicle between the hours of 10:00 p.m. and 6:00 a.m.;

It shall be an affirmative defense that the use of such device(s) was used in an emergency situation to avoid imminent danger to the safety of a person or property as determined by law enforcement.

vii. sound created by a motor vehicle operated on any public or private way which results in excessive, loud or unusual noise as the result of tires of said vehicle spinning on dry pavement, loud engine noise, or as the result of cutting out or modifying the exhaust system from its original design.

viii. sound created by a loud report such as from fireworks or from a gunshot (unless State hunting laws are in effect), or explosive, between the hours of 10:00 p.m. and 8:00 a.m. unless exempted by State law or the provisions in the fireworks ordinance.

**Section 3 – Exceptions**

The following are exempt from the provisions of Section 2:

- A. Federal, state and local governmental activities, whether conducted by the governmental agency or by a private contractor acting on the government agency’s behalf, including, but not limited to, activities of police, fire, rescue, schools, and public works;
- B. Activities of utility agencies, including, but not limited to, vehicles and activities for the provision of water, electricity, telephone service, and sewer service; and
- C. Public assemblies, parades, performances or athletic events for which a permit is required and has been issued by the Town of Peru. Any such noise upon the issuance of such permit shall cease at the time as indicated on the permit.

**Section 4 – Exclusions**

The following is excluded from the provision of Section 2:

- A. Farming equipment or farming activity.

**Section 5 - Violations & Penalties**

- A. Any member of law enforcement is authorized to enforce this Ordinance upon complaint or upon the officer’s own observation of a violation in progress.
- B. A person who is a registered owner of a vehicle at the time the vehicle is involved in a violation of this Ordinance commits a civil violation. The owner of a business which is involved in a violation of this Ordinance commits a civil violation.
- C. Any person who violates this Ordinance shall, upon conviction, be fined a civil penalty of not less than \$50 and not more than \$250 for each separate violation. If the Town of Peru is the prevailing party to an enforcement action, it shall be entitled to attorney’s fees and associated costs unless extraordinary circumstances make such an award unjust.

**Section 6 – Definitions**

As used in this Ordinance, unless the context otherwise indicates, the following terms have the following meanings:

A. "Public place" means a place to which the public at large or a substantial group has access, including but not limited to:

i. Public ways; public way means any highway or sidewalk, private way laid out under authority of statute, way dedicated to public use, way upon which the public has a right of access or has access as invitees or licensees, or way under the control of local, State or County officials or a body having like powers;

ii. Schools and government-owned custodial facilities;

iii. The lobbies, hallways, lavatories, toilets and basement portions of apartment houses, motels and public buildings.

B. "Private place" means any place that is not a public place.

This Ordinance for Unnecessary Noise adopted on November 7, 2017

A true copy attest: Vera L. Parent (Vera L. Parent, Town Clerk)

Raquel Welch  
Select Person Raquel Welch  
11-27-17  
Date

Carol Roach  
Select Person Carol Roach  
11-27-2017  
Date

Larry Snowman  
Select Person Larry Snowman  
11-27-17  
Date

John Witherell  
Select Person John Witherell  
11/27/17  
Date

Kevin Taylor  
Select Person Kevin Taylor  
11-27-17  
Date