

Vermont Noise Related Statutes

TITLE 6 CHAPTER 215

§ 4851. Permit requirements for large farm operations

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(e) The secretary may condition or deny a permit on the basis of odor, **noise**, traffic, insects, flies, or other pests.

§ 4852. Rules

The secretary may adopt rules pursuant to chapter 25 of Title 3 concerning program administration, program enforcement, appeals and standards for waste management and waste storage, setbacks or siting criteria for new construction or expansion, groundwater contamination, odor, **noise**, traffic, insects, flies, and other pests in order to implement this subchapter. The siting criteria adopted by the secretary by rule shall be consistent with the standards for the quality of state waters and standards for acceptable agricultural practices pursuant to subchapter 2 of this chapter. The groundwater contamination rules adopted by the secretary shall include a process under which the agency shall receive, investigate, and respond to a complaint that a farm has contaminated the drinking water or groundwater of a property owner.

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TITLE 10 CHAPTER 119

§ 5227. Sport shooting ranges; municipal and state authority

(a) "Sport shooting range" or "range" means an area designed and operated for the use of archery, rifles, shotguns, pistols, skeet, trap, black powder, or any other similar sport shooting.

(b) The owner or operator of a sport shooting range, and a person lawfully using the range, who is in substantial compliance with any noise use condition of any issued municipal or state land use permit otherwise required by law shall not be subject to any civil liability for damages or any injunctive relief resulting from noise or noise pollution, notwithstanding any provision of law to the contrary.

(c) If no municipal or state land use permit is otherwise required by law, then the owner or operator of the range and any person lawfully using the range shall not be subject to any civil liability for damages or any injunctive relief relating to noise or noise pollution.

(d) Nothing in this section shall prohibit or limit the authority of a municipality or the state to enforce any condition of a lawfully issued and otherwise required permit.

(e)

(1) In the event that the owner, operator, or user of a range is not afforded the protection set forth in subsection (b) or (c) of this section, this subsection shall apply. A nuisance

claim against a range may only be brought by an owner of property abutting the range. The range shall have a rebuttable presumption that the range does not constitute any form of nuisance if the range meets the following conditions:

(A) the range was established prior to the acquisition of the property owned by the person bringing the nuisance claim; and

(B) the frequency of the shooting or other alleged nuisance activity at the range has not significantly increased since acquisition of the property owned by the person bringing the nuisance claim.

(2) The presumption that the range does not constitute a nuisance may be rebutted only by an abutting property owner showing that the activity has a noxious and significant interference with the use and enjoyment of the abutting property.

(f) Prior to use of a sport shooting range after dark for purposes of training conducted by a federal, state, county, or municipal law enforcement agency, the sport shooting range shall notify those homeowners and businesses with property abutting the range that have requested such notice from the range.

(g) If any subsection of this section is held invalid, the invalidity does not affect the other subsections of this section that can be given effect without the invalid subsection, and for this purpose, the subsections of this section are severable

TITLE 10 CHAPTER 159

§ 6605e. Closure extension orders

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(5) that the continued use of the unlined facility will not create undue adverse effects related to water pollution, air pollution, traffic, **noise**, litter, soil erosion and visual conditions, as defined by the relevant criteria in subsection 6086(a) of this title;

TITLE 13 CHAPTER 19

§ 1022. Noise in the nighttime

A person who, between sunset and sunrise, disturbs and breaks the public peace by firing guns, blowing horns or other unnecessary and offensive noise shall be fined not more than \$ 50.00. However, this section shall not prevent a person employing workmen, for the purpose of giving notice to his or her employees, from ringing bells or using **whistles or gongs** of such size and weight, in such manner, and at such hours as the selectmen of the town, the aldermen of the city, or the trustees of the village may prescribe in writing.

§ 1026. Disorderly conduct

A person who, with intent to cause public inconvenience, or annoyance or recklessly creating a risk thereof:

(1) Engages in fighting or in violent, tumultuous or threatening behavior; or

(2) Makes unreasonable noise; or

TITLE 23 CHAPTER 29

§ 3205. Snowmobile equipment; windshield; use of headlight; illegal noise level; exemption from registration and equipment requirement

(a) Snowmobile; required equipment. All snowmobiles shall be equipped with one or more operational:

(4) efficient **muffler**; and

(5) such other equipment and devices as may be required to meet the **noise** level specifications of subsection (d) of this section.

(d) Muffler devices, noise levels. Any snowmobile manufactured on or after the following dates shall be equipped with a muffler system and such other equipment or devices which reduce maximum machine operating noise to a noise level of not more than:

(1) as of September 1, 1972, 82 decibels on the A scale at 50 feet, in a normal operating environment;

(2) as of September 1, 1973, at such level as established by the commissioner by rule except that the level may not exceed the level established in subdivision (1) of this subsection.

(e) Prohibited sale; illegal **noise** level; notice to consumer. No person shall sell for operation, or offer to sell for operation within the state of Vermont:

(1) A snowmobile manufactured after the dates specified in subsection (b) of this section unless it complies with the sound requirements specified in subsection (b) of this section.

(2) No snowmobile shall be equipped in any manner which permits the operator thereof to bypass the muffler system.

(3) Replacement exhaust muffler. No person shall sell or offer to sell a replacement exhaust muffler system which will not meet or exceed the exhaust noise reduction capabilities of the snowmobile manufacturer's original equipment specifications for the snowmobile.

(4) Consumer information on noise levels. Any person selling or offering to sell a snowmobile or replacement muffler system shall include in the specifications thereof precise information concerning the designed maximum sound levels of the snowmobile or replacement muffler system.

(f) Exemption from registration and equipment requirements; racing contest. This section shall not apply to any snowmobile entered in a racing contest sponsored by a racing or snowmobile club, organization or association during the period the snowmobile is actually participating in or practicing or preparing for a racing event at an area especially provided for the purpose.

§ 3309. Muffling devices

The exhaust of every internal combustion engine used on any motorboat shall be effectively muffled by equipment so constructed and used as to muffle the noise of the exhaust in a manner which reduces the maximum machine operating noise level to not more than 82 decibels on the A scale at 50 feet, in a normal operating environment. The use of cutouts is prohibited except for motorboats competing in a regatta or boat race approved as provided in section 3316 of this title, and for such motorboats while on trial runs, during a period not to exceed 48 hours immediately preceding such regatta or race and for such motorboats while competing in official trials for speed records during a period not to exceed 48 hours immediately following such regatta or race.

TITLE 23 CHAPTER 31

§ 3505. Equipment

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(b) Subject to regulation by rule of the commissioner, any all-terrain vehicles shall be equipped with a **muffler** system and such other equipment or devices which reduce maximum machine operating noise to a noise level of not more than 82 decibels on the A scale at 50 feet, in a normal operating environment.

(c) No person shall sell or offer to sell within the state of Vermont an all-terrain vehicle unless it complies with the **sound** requirements specified in subsection (b) of this section. No all-terrain vehicle shall be equipped in any manner which permits the operator to bypass the muffler system; no person shall sell or offer to sell at either wholesale or retail a replacement exhaust muffler system which will not meet or exceed the exhaust noise reduction capabilities of the all-terrain vehicle. In addition, any person selling or offering to sell an all-terrain vehicle or replacement muffler system, whether at wholesale or retail, shall include in the specifications, precise information concerning the designed maximum sound levels of the all-terrain vehicle or replacement muffler system.

(d) This section and section 3504 of this title shall not apply to any all-terrain vehicle entered into a racing contest sponsored by a racing or all-terrain vehicle organization or association during the period the all-terrain vehicle is actually participating in or practicing or preparing for a racing event at an area especially provided for the purpose.

(e) The provisions of section 1222 of this title shall not apply to any all-terrain vehicle registered pursuant to this chapter.

(f) Every all-terrain vehicle shall be equipped with a United States Forest Service qualified spark arrester.

TITLE 24 APPENDIX DELEGATION OF POWERS TO VARIOUS TOWNS

§ 123-104. Additional Powers

The general grant of authority in section 103 of this charter shall include, but shall not be limited to, the following powers, and the enumeration thereof shall not be deemed to be in derogation of the authority conferred by this charter.

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(10) To adopt, amend, repeal, and enforce ordinances relating to public assemblages and the prevention of riots, **noises**, concerts, nuisances, disturbances, and disorderly assembly.

TITLE 24 CHAPTER 117

24 V.S.A. § 4414. Zoning; permissible types of regulations

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(5) Performance standards. As an alternative or supplement to the listing of specific uses permitted in districts, including those in manufacturing or industrial districts, bylaws may specify acceptable standards or levels of performance that will be required in connection with any use. These bylaws shall specifically describe the levels of operation that are acceptable and not likely to affect adversely the use of the surrounding area by the emission of such dangerous or

objectionable elements as **noise**, vibration, smoke, dust, odor, or other form of air pollution, heat, cold, dampness, electromagnetic, or other disturbance, glare, liquid, or solid refuse or wastes; or create any dangerous, injurious, noxious, fire, explosive, or other hazard. The land planning policies and development bylaws manual prepared pursuant to section 4304 of this title shall contain recommended forms of alternative performance standards, and the assistance of the agency of commerce and community development shall be available to any municipality that requests aid in the application or enforcement of these bylaws.