

MIDDLEBURY COLLEGE

MIDDLEBURY, VERMONT 05753-6005

(802) 388-3711

Dean of the College

December 28, 1992

Middlebury Board of Selectmen
c/o Betty Wheeler
Municipal Building
Middlebury VT 05753

To the Selectmen:

My colleagues at the College and I are assuming, from the discussion at the public hearing, that there is going to be a noise ordinance in some form. With that assumption, I am writing to forward two specific suggestions for the ordinance.

1. The first suggestion is that the hours governing evening parties be changed from the 11:00 p.m. to 7:00 a.m. span. I would suggest using 1:00 a.m. on Friday and Saturday evenings and before Holidays (e.g., New Years Eve). On other nights, I would suggest using 10:00 p.m. because many of us must retire before 11:00 in order to rise early for work the next day.

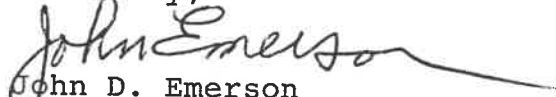
2. The second suggestion pertains to Article IV -- Authority. I urge that a sentence be added to the effect that: "However, the primary responsibilities for any violations of this ordinance shall, where possible, rest with those individuals who are most directly responsible for violations of the ordinance. In particular, any fines imposed will ordinarily be imposed on the person or persons who have caused the offending noise to occur."

I feel strongly about both changes, but let me address the second. If a 19-year-old student rents a room in a local home or apartment, and if he creates a noise disturbance, it is he, and not the renters or landlord, who should assume the responsibility and consequences for the violating actions. The present language does not seem to stipulate such a position.

Many thanks for considering these suggestions. I am happy to discuss these and other issues with any of you at any time.

cc. President John McCardell

Cordially,


John D. Emerson
Dean of the College

7000-151151

FROM • Tom Hawley

RETURN TO JW

SUBJECT Noise Ordinance DATE 12/30/72

MESSAGE

I just got this from the College. I'd appreciate your comments by tomorrow if you are going to be around. If not we'll have to wait for the meeting.

RETURN TO →

SIGNED JW

REPLY Betty: regarding Dean Emersons letter:

On his suggestion #1.: The ordinance makes no reference to evening parties. It only mentions that electronic noise..... is creating a disturbance and is in violation of the ordinance if it happens between 11p.m. and 7 a.m. However, other articles in the ordinance provide enforcement at ANY time if the noise is unreasonable and creates a disturbance. The standard for proving a violation of the ordinance is less if it occurs between 11p.m. and 7 a.m.

Suggestion #2: The Dean is apparently concerned that the college administrators will be cited for a violation of the noise ordinance, as absentee landlords. I cannot see this happening, nor can I see the possibility of any successful prosecution of an absentee landlord under this ordinance. The responsible party or the "person causing the noise" will first be identified and warned. The responsible person would have to be in a position to "cause" the noise before he/she could be warned or cited. The extra language will only determine the ordinance.


SIGNED JW

DATE

November 18, 1992

MEMO

TO: Betty Wheeler

FR: Tom Hanley 

SUBJ: Prosecution of Noise Ordinance -Montpelier

I spoke with Chief Hoyt of the Montpelier Police Department regarding their noise ordinance. He says that it is necessary for his department to prosecute under the ordinance, however, the States Attorney does not bring the prosecution. He advises that States Attorneys are resitant to prosecuting on local ordinance charges.

Their ordinance HAS been successfully prosecuted in District Court, however, the Town Attorney brings the charges and prosecutes the case, not the States Attorney. From a constitutional standpoint, their ordinance has held up.

NOTICE OF PUBLIC HEARING FEBRUARY 16, 1993

Residents of the Town of Middlebury are hereby notified that there will be a public hearing on February 16, 1993 at 7:30 PM in the Municipal Conference Room, in accordance with Section 107-A & B of the Town Charter to take comment on the following: Consideration of a new ordinance entitled "Town of Middlebury, An Ordinance for the Regulation of Noise" and the amendment of the "Town of Middlebury, An Ordinance for the Regulation of Public Assemblages."

The Ordinance for the Regulation of Noise is printed below in its entirety and the proposed amendments to the Public Assemblage Ordinance are also set forth with the underline indicating additions and brackets indicating deletions.

TOWN OF MIDDLEBURY

An Ordinance For The Regulation of Noise

Pursuant to the authority of Section 104 (B) and Section 104 (J) of the Middlebury Town Charter and such other state laws as are applicable do hereby enact the following ordinance:

ARTICLE I — PURPOSE

In order to protect the comfort, quiet, repose, health, peace, or safety of others within the immediate vicinity of the noise or disturbance, the Board of Selectmen of the Town of Middlebury adopt an ordinance to prohibit and/or appropriately regulate a person or persons from making or continuing any excessive, unnecessary, or unreasonably loud noise or disturbance.

ARTICLE II — REGULATION

SECTION 200. Prohibitions Generally

No person or persons shall make or continue, or cause to be made or continued, any excessive, unnecessary, or unreasonably loud noise or disturbance which disturbs, destroys, or endangers the comfort, quiet, repose, health, peace or safety of others within the immediate vicinity of the noise or disturbance. Although intended as examples only, and not exclusive of other acts constituting a violation of this Article, the commission of one or more of the following acts, if done in such a manner, shall be deemed a violation of this Article:

a. Electronic sound-producing devices. The playing or use of an electronic sound-producing device in such manner or with such volume at unreasonable hours. For the purposes of this subsection, the term "electronic sound-producing device" shall include any radio, phonograph, stereo, television set, amplified musical instrument, loud speaker, tape, cassette or compact disc recorder or any other similar device. The hours between 11:00 p.m. and 7:00 a.m. shall be deemed unreasonable whenever any person shall make complaint of the disturbance during such hours. The complaint of the disturbance, if or when confirmed by a Town Officer, shall also be deemed at unreasonable hours as well.

b. Vocal Disturbances. Yelling, shouting, whistling, singing, or making any other loud vocal disturbance which are deemed to be objectionable because of volume, frequency or beat and is not muffled or otherwise controlled.

c. Devices to attract attention. The use of any drum, musical instrument, loud speaker, amplifier, or other instrument or device for the purpose of attracting attention. This section shall not be construed to prohibit the playing of musical instruments by persons practicing or performing in a school or town band, orchestra or participating in or practicing for an authorized parade or assembly in a public place.

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. Customary agricultural activities are exempt from this ordinance.

e. Construction noises. The excavation, erection, demolition, alteration, or repair of any buildings, structure, property or street between the hours of 9:00 p.m. and 7:00 a.m., except for necessary emergency repairs to protect property of persons when such activity utilizes motorized or powered tools or equipment.

f. Trash removal. The removal of household and commercial trash by authorized commercial trash haulers utilizing mechanized conveyances from all residentially zoned areas between the hours of 9:00 p.m. and 6:30 a.m.

SECTION 201. Prima Facie Evidence

For the purposes of subsections a, b, c and d of SECTION 200, the creation of, permitting or operation of any of the above, causing said noise in such a manner as to be plainly audible at a distance of 50 feet from the building, structure, or vehicle in which, or from which noise emanates, shall be prima facie evidence of a nuisance and a violation of this Ordinance.

ARTICLE III — EXEMPTIONS

Emergency vehicles operated by fire, police or rescue agencies and public works or public utility vehicles when used during snow operation or emergency repairs to service are exempt from the provisions of this ordinance. Any activities permitted under Public Assemblages, Street Vending, Peddling, Soliciting and other commercial activities on public property, shall also be exempt henceforth.

ARTICLE IV — ACTS NOT SPECIFICALLY PROHIBITED

The commission of any act not specifically prohibited by any other section or subsection of this chapter shall be deemed a violation of this chapter if it is determined that such act will make or continue any excessive, unnecessary, or unreasonably loud noise or disturbance, or any noise or disturbance which disturbs, destroys or endangers the comfort, quiet, repose, health, peace, or safety of others within the immediate vicinity of the noise or disturbance.

ARTICLE V — AUTHORITY

No owner or occupier of premises, or any person who has been given lawful permission to use or control any premises, shall knowingly permit a violation of this Ordinance by another person on such premises.

ARTICLE VI — PENALTY

A person who violates any provision of these regulations shall be fined not more than One

Thousand Dollars (\$1,000) for each offense. Each week that a violation is continued shall constitute a separate offense. Any fines collected under this section shall be paid over to the Town of Middlebury.

ARTICLE VII — INTERPRETATION AND SEPARABILITY

Section 700. Conflict with Other Standards

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rule, regulation or ordinance the most restrictive or that imposing the higher standard shall govern.

Section 701. Severability

Should any court of competent jurisdiction determine any provision of the ordinance to be invalid, such judgment shall not affect the validity of the Ordinance as a whole or any part other than the part so declared to be invalid.

Section 702. Effective Date

This Ordinance, or amendments thereto, shall become effective 40 days after adoption consistent with Section 107 A-D of the Town Charter.

TOWN OF MIDDLEBURY

An Ordinance For The Regulation of Public Assemblages

Proposed Amendments.

Note: Only sections where changes are proposed are being included. The entire Ordinance is on file at the Town Offices for further review. Additions to the ordinance are indicated by an underline and deletions are bracketed, in addition to changes printed below, the proposal also includes amending the ordinance to make it gender neutral. Throughout the ordinance where the Manager is referenced to as he, it is proposed to change it to he/she.

Section I — Definitions

108. Club - organization which provides dining facilities on premises and also serves alcoholic beverages to a restricted membership. Club is more specifically defined in Title 7, Chapter 1 of the Vermont State Statutes.

109. Entertainment - Any live public performance, dancing, and/or showing of motion pictures.

110. Hotels - a first class hotel as determined by the liquor control board.

111. Liquor License first class - a license granted by the control commissioners permitting the licensee or seller of malt or vinous beverages to sell to the public for consumption only on the premises for which the license is granted.

112. Restaurant - space in a suitable building, approved by the Liquor Control board, occupied, used, maintained, advertised or held out to the public to be a place where meals are served on a regular basis. Such space being provided in the judgement of the board with adequate and sanitary kitchen and dining room capacity and having employed therein such number and kinds of employees as the board may by regulation prescribe for preparing, cooking and serving suitable food for its guests or patrons.

113. An Entertainment Permit - any owner or operator of a club, hotel, restaurant or anyone who is required to obtain a First Class Liquor License shall be required to obtain and Entertainment Permit prior to the offering of live entertainment on the premises. Schools, Colleges or Universities, Services Clubs or Religious organizations or orders (i.e. American Legion, VFW, Knights of Columbus, et al) shall not fall within this definition.

Section II - Permit Required

202. A person shall not provide live entertainment on the private premises of such person without an Entertainment Permit, as required by this Ordinance.

[202.] 203.

Section V - Application Procedure for Entertainment Permit

501. A person wishing to provide entertainment, as defined herein, shall file with the Town Manager an application containing: (a) the name, address, and telephone number of the applicant and property owner; (b) the type of entertainment and dates and duration of same; (c) the location of the entertainment on the premises; (d) the applicant's proposed arrangements for parking, crowd control, traffic safety, and such other measures as will maintain the security and safety of the performers, patrons and general public.

502. The application for an entertainment permit shall be made annually on or before April 1 of each year.

503. The Selectmen shall approve or deny all applications for entertainment permits at their regular scheduled meetings next to the closing of the application date deadline.

[Section V] Section VI - Appeal Procedure

602. The selectmen may deny an entertainment permit if in their judgement such denial would best protect the public safety and the safety of the persons involved in the entertainment, the patrons or general public. Any appeal from the Selectmen's decision shall be to the Addison Superior Court according to law and court rules.

[Section VII] Section VII - obligations under Permit: Penalties

701. A person who organized, sponsors, promotes, aids, forms or starts a public assemblage or entertainment for which a Second or Third Class permit is required, without having obtained a permit therefore, shall be fined not more than \$1,000 for each violation.

704. A person who willfully violates any of the terms or conditions attached to the permit for a public assemblage or entertainment permit shall be fined not more than \$1,000 for each violation.

705. Neither the Town Manager nor the Selectmen may issue any permit if the proposed public assemblage or entertainment would be in violation of any Town rule, regulations or ordinance.

706. The foregoing shall not be construed to limit the authority of a law enforcement officer if enforcing the criminal laws of the Town of Middlebury or the State of Vermont, or the orders of any Court, or to enjoin in a Court of competent jurisdiction any public assemblage or entertainment, about to be held in violation of this ordinance.

[Section VIII] Section VIII - Severability

[Section VIII] Section IX - Effective Date

NEUSE, SMITH & VENMAN, P.C.

ATTORNEYS AT LAW

ONE CROSS STREET

MIDDLEBURY, VERMONT 05753-1448

KARL W. NEUSE
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ANTHONY R. DUPREY

DEBORAH B. VENMAN
RETIREDAREA CODE 802
866-7966
388-9713 FAX
EMAIL
mall@nevlaw.com**MEMORANDUM****CONFIDENTIAL OPINION TO MUNICIPALITY AND ITS INSTRUMENTALITIES**

TO: William Finger, Town Manager

FROM: Karl W. Neuse, Town Attorney

DATE: October 26, 2004

SUBJECT: Noise Ordinance and Waiver Fees

In 1992-1993 the Board of Selectmen and Betty Wheeler worked on a Noise Ordinance. After a procedural glitch, the Town advertised the Ordinance for a public hearing on February 16, 1993, and adopted the Ordinance March 9, 1993, effective April 18, 1993.

After the Legislature adopted an Act Relating to Civil Enforcement of Municipal Ordinances in 1994, effective November 1, 1994, the Town of Middlebury prepared amendments to its Ordinances and appropriately named the document Comprehensive Amendments to Ordinances.

Both the Noise Ordinance and the Comprehensive Amcndments are attached for your convenience and marked Exhibit A and Exhibit B, respectively.

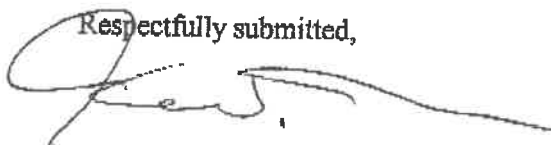
The 1994 legislation transferred jurisdiction to the Traffic and Municipal Ordinance Bureau; in 1998, the Legislature renamed the Court and substituted "judicial burcau". See 24, V.S.A. §1974a. This section of the law has some teeth in it as the judicial bureau may order that "a violation cease". Violations of orders may then result in an enforcement action pursuant to the requirements of Chapter 117. A copy of this section of the law is attached as well, and marked Exhibit C.

For whatever reason, if there was one, the Town did not include the Noise Ordinance in the Comprehensive Amendments. Whether the Town wanted to treat violations more harshly by enforcing the Ordinance by criminal sanction as opposed to civil penalty, I do not now recall. It is clear that the Noise Ordinance is not part of the Amendments.

William Finger, Town Manager
Page 2 of 2
October 26, 2004

The Board of Selectmen could choose to add this Ordinance to the Comprehensive Amendments and then use the judicial bureau to enforce the Noise Ordinance. You need to follow the Town Charter and 24 V.S.A. §1971, et seq. in the adoption of such an amendment.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Karl W. Neuse', with a long horizontal flourish extending to the right.

Karl W. Neuse, Esq.

afh

Tom Hanley

From: Tom Hanley
Sent: Tuesday, October 26, 2004 4:00 PM
To: 'bfinger@town.middlebury.vt.us'
Subject: Civil Noise Ordinance

Irrespective of the prosecution problems with the "criminal" noise ordinance, I do not recommend making the current noise ordinance a civil violation.

Reasons:

On its face, it would appear that making the noise ordinance a civil violation would streamline the process, eliminate officer time, and be more effective in "prosecuting" violators. However, this is not the case.

1. As a civil, non-motor vehicle offense, the offender is under no obligation to produce identification.
2. As a civil offense, taking custody of an offender pending identification cannot happen.
3. As a civil, non-motor vehicle offense, the offender can ignore the fine and judgment without sanction. In other words, if the offender WAS identified, and was issued a municipal ordinance violation ticket, he could simply throw the ticket away and ignore the process. A judgment would be rendered against the offender and a fine assessed, but it would be up to the town to enter into a collection process to collect the fine. Unlike a traffic violation, where the offender loses their license for failing to pay a fine, there is no further sanction in this case.
4. When Burlington made their ordinance civil, they found they were issuing many "John Doe" tickets, and many other tickets were ignored.
5. In a progressive event case (1st offense, 2nd offense, etc) where a criminal ordinance could be enacted, this usually requires a finding against the offender before the progressive action could be initiated. This might work in a dumping case, but is ineffective in dealing with noise. Example: We could write the same person multiple tickets in the same night, without a judgment, no criminal ordinance could be imposed.
6. The civil process is very long. Once the ticket is issued, the offender has 20 days to answer the ticket. If the offender doesn't answer the ticket, a judgment is rendered within a month or so after the 20 days are expired. If the offender contests the ticket, the court hearing time usually takes an additional 8 weeks after the answer period to schedule a hearing.
7. As had happened in Burlington, once the students learn that the civil process is a "toothless tiger" we will have no tools to deal with noise. Every month, I get a rather long list of judgments entered into for the "state" (Middlebury) and fines assessed that have not been paid. These include bikes on sidewalks, illegal burning, things like that. Some of these go back several years. We have tried the small claims court route with minimal success - we have a number of judgments that still haven't been paid. The small claims route is expensive and time consuming and still has no way to compel offenders to pay the fine. You end up spending an inordinate amount of time and resources chasing fines rather than dealing with the underlying problem.

The criminal ordinance on the other hand, still carries the "heavy hand " of the state. In the criminal case, the offender MUST identify themselves or face a custodial arrest; the offender MUST appear in court, and the sanction, when imposed, is binding, even if it is simply community service. The sanction also carries with it the potential of a criminal history record, and requires the offender to defend himself and seek later expungement of a conviction record. This alone is far more effective than having students toss their tickets in the waste can and ignore them.

Even if the state's attorney elects not to bring the charge, the process is still more effective in dealing with the instant situation, rather than issuing what is equal to a parking ticket.

Making the current noise ordinance more effective requires something akin to the alarm ordinance in designating a place a nuisance.

After a certain amount of convictions for a noise ordinance within a specified time frame, the owner of the property is put on notice that the place is a nuisance, and issued an abatement order. Subsequent noise violations result in a progressive fine against the owner of the property(like false alarm fines), and after a designated number of judgments against the

Tom Hanley

From: Tom Hanley
Sent: Tuesday, October 26, 2004 4:10 PM
To: 'bfinger@town.middlebury.vt.us'
Subject: More Problems with Civil Violations

Civil ordinance prosecution requires that the issuing officer and all witnesses appear at the hearing.

Should any of these parties fail to appear, a judgment is rendered for the defendant. It is our experience that, with this knowledge, many defendants routinely plead not guilty, hoping that the critical parties don't show, while never showing up themselves.

This costs us a minimum of 4 hours of time and a half, it costs witness time off from work. The officer and witnesses must show up, for if they don't, even if the defendant doesn't show, the judgment will be rendered for the defendant.

There are a number of reasons an officer couldn't show up - conflict in duty assignment; lack of sleep (if they work a 3 p.m. to 7 a.m. shift, and must return to work at 3 p.m., we will not allow them to work what is in essence a 30-hour shift); vacation, etc. The defendant needs not be there to have a judgment rendered for them.

We also need a mechanism in our ordinances to recover costs from places that are deemed a nuisance. This is another effective tool.

I am not in favor of a civil noise ordinance replacing the current criminal one.

Ordinances as revised were vetted by the Public Health and Safety Committee, the amendments adopted by unanimous vote on October 21. 2020

1. Alcohol on Public Property

This revision makes the ordinance a civil ordinance, which will simplify enforcement. In 1995, when the blanket amendment was passed making most ordinances civil, this was retained as a criminal ordinance. At the time a person violating a civil ordinance was not mandated to identify themselves. Burlington was experiencing a rash of "John Doe" tickets when college students learned they did not have to identify themselves when police enforced open container laws. This was corrected by an act of the legislature a few years ago. While civil ordinances are weak with respect to enforcing judgments, in most cases they will be effective.

2. Noise ordinance

Amended to be a civil ordinance. As in the case above, State's Attorney Wygmans has agreed to prosecute if so designated by the selectboard *but he feels it is more appropriate that these be classified as civil ordinances.*

In addition to the change to a civil ordinance, enforcement language in section VI has been change from:

"Each week that a violation is continued shall constitute a separate offense. Any fines collected under this section shall be paid over to the Town of Middlebury. "

To:

Section 601 – Civil Violation.

A violation of this ordinance shall be a civil matter which shall be enforceable by the town pursuant to Title 24 V.S.A. §1974a and any other applicable provision of law.

Section 602 – Penalty

A person who violates any provision of these regulations shall be fined not more than eight-hundred dollars (\$800) for each offense, with a waiver fine of two-hundred dollars (\$200). Each violation shall constitute a separate offense.

In the original section VI, repeat violations in the same week could not be charged. The information could only be added at the option of the state's attorney during the charging document. The clause about fines coming to Middlebury becomes unnecessary when changed to a civil ordinance. Fines return to the town by virtue of statute in civil cases.

Tom Hanley

From: Laura Asermily <lasermily@yahoo.com>
Sent: Friday, August 26, 2022 12:50 PM
To: 'Andrew L'Roe'; 'Tom Scanlon'; Bill Kernan; 'David Shaw'; 'Gary Baker'; Tom Hanley; 'Leyden, Michael'; 'dbrown9926@gmail.com'; Heidi Lacey (heidi@chcvt.org); a.hooper.vt@gmail.com
Cc: Kathleen Ramsay; Crystal Grant
Subject: Noise Ordinance

Dear All--We are being asked to review our noise ordinance toward making it stricter in response to complaints of Middlebury College students having loud parties, particularly at properties held by two landlords that don't, or may not, keep students under control. I heard that we should scale back Fri and Sat hours from 1 am to 10 pm and consider higher fines. Look for related coverage in SB meeting highlights and notes and stories. Relatedly, there is concern for managing noise and speed at the airport. Residents want to know who they should contact directly at the college (Doucet dean of students) and airport (who now, update this?) and where they can find this info at our website. Perhaps Tom can advise on best course for proceeding on all this. Below are some links I've been using to prepare. Have a good weekend, Laura

Middlebury's Noise Ordinance (Sun-Th 10 pm to 7 am; Fri & Sat, special holidays 1 am to 7 am)
[NOISE.pdf \(revize.com\)](#)

Middlebury College Noise Complaints Policy:
[Noise Complaints | Middlebury Offices and Services](#)

Burlington's Noise Ordinance (daily 10 pm to 7 am):
[Noise Pollution | City of Burlington, Vermont \(burlingtonvt.gov\)](#)

Noise Pollution Clearinghouse:
[Noise Pollution Clearinghouse \(nonoise.org\)](#)

Noise Pollution Clearinghouse

The Noise Pollution Clearinghouse, reducing noise pollution and increasing natural quiet

From: John McPartland <mcpruitt@myfairpoint.net>
Sent: Thursday, August 4, 2022 6:01 PM
To: Tom Hanley <Thanley@MiddleburyPolice.org>
Subject: Re: Noise Ordinance

Dear Chief Hanley

I spoke with Andy Hooper, on the Public Safety Committee, about my interest in changing Middlebury's weekend "quiet hours." He asked me to ask you to add me to the agenda of the next Public Safety Committee. Thank you.

Derek Doucet, dean of students, came to my house today for a site visit. He mentioned that a meeting is being scheduled between himself, you, and Tinsley. Would it be possible for me to also attend that meeting? Thank you.

FYI: yesterday Tinsley's contractor moved the "party equipment" (Adirondack chairs, steel fire pit) from the west side of his house to the east side of his house: now looking directly into our bedroom window, 30 yards away. Either he's completely clueless or it's a direct provocation. I emailed him yesterday, asking for an explanation, "Your behavior breaks my heart," and he did not respond.

Respectfully,
John McPartland

On Jul 26, 2022, at 7:42 PM, John McPartland <mcpruitt@myfairpoint.net> wrote:

Dear Chief Hanley

I've just returned this evening from six days away—road trip to Michigan for a wedding. Finding a backlog of 120 emails, I'm tending to yours second. Hope you don't mind that Officer Aillinger's email (re: Tinsley) generated my first response. :)

Thank you for taking the time to provide me with this clarifying information—particularly the two important parts in the ordinance that you describe below. Patty (my wife) and I happened to be discussing this ("quiet hours" vs. "unreasonable" noise) today, while driving between Buffalo and Rochester on our way home.

Thanks again for taking a personal interest in our situation.

Respectfully,
John McPartland

On Jul 21, 2022, at 6:16 PM, Tom Hanley <Thanley@MiddleburyPolice.org> wrote:

John,

The other day you inquired about changes to the noise ordinance. Attached is the current noise ordinance. The two important parts of the ordinance are the "prima Facia" section (that is, any noise after certain hours is a violation of the ordinance) and a section dealing with unnecessary, unreasonable noise which does not require a time prohibition. Enforcement is civil – issuance of a municipal ordinance ticket with a fine.

To have an ordinance change, the matter must be brought to the selectboard. It is usually then given to the Public Safety Committee (Andy Hooper is on the committee) for research and deliberation and the committee forwards a recommendation to the board. If adopted by the board it goes to a public hearing, if a final amended version is approved it is held for 40 days before it becomes effective.

The enforcement process requires an affected 3rd party to call the police. The police then arrive and make an independent observation (more relevant to the "reasonable issue"). The person in charge of the house, the party, whatever is identified and given a warning. On a second response if there has been no abatement the person can be ticketed. If it is the third time in a week the same process must be followed.