

**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 Selectboard of the Town of Middlebury adopts 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.

SECTION 201            Quiet Hours

a. No person or persons shall make or continue, or cause to be made or continued, noise as defined in Section 200 of this ordinance between 10:00 p.m. and 7:00 a.m. Sunday through Thursday. Such noise shall be deemed prima facie unreasonable upon complaint of a third party.

b. No person or persons shall make or continue, or cause to be made or continued, noise as defined in Section 200 of this ordinance between 11:00 p.m. and 7:00 a.m. Friday, Saturday and special holidays (such as New Year's Eve and Fourth of July). Such noise shall be deemed prima facie unreasonable upon complaint of a third party.

SECTION 202            *Commercial Activities*

a. Construction noises. The excavation, erection, demolition, alteration, or repair of any buildings, structure, property or street shall not take place 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.

b. Trash removal. The removal of household and commercial trash by commercial trash haulers utilizing mechanized conveyances from all residentially zoned areas shall not take place between the hours of 9:00 p.m. and 6:30 a.m.

**ARTICLE III - EXEMPTIONS**

a. Emergency vehicles operated by fire, police or rescue agencies and public works or public

utility vehicles when used during snow operations or emergency repairs to services are exempt from the provisions of this Ordinance.

b. Any activities permitted under Public Assemblages or other licenses, Street Vending, Peddling, Soliciting, and other commercial activities on public property shall also be exempt henceforth.

#### **ARTICLE IV- 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 V - PENALTY**

Section 501 – 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 502 – 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.

#### **ARTICLE VI- INTERPRETATION AND SEPARABILITY**

Section 600 - 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 601 - 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 602 - Effective Date

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

Adopted March 9, 1993, Effective April 18, 1993

Amended: 13 April 2021, Effective 23 May 2021

Amended: 24 January 2023, Effective 5 March 2023