

## Proposed Amendment to Article IV - General Provisions

### Noise Disturbances

#### Article IV. General Provisions

##### R. Noise Disturbances

###### I. **Noise Disturbances Prohibited**

###### a. Time Restricted Noise

It shall be unlawful for any person(s) to make, continue, or cause to be made or continued any loud, unnecessary, or unusual noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others within the limits of the Town of Bartlett, NH Monday through Thursday from 10 p.m. to 6:30 a.m. and from 11 p.m. to 7 a.m. on Friday, Saturday, and Sunday.

1. Noise generated by the operation of any sound amplification equipment, which is objectionable due to its extent of volume, ongoing beat frequency, shrillness, or vibration, to include but not limited to radio, television, speakers, musical instruments, or similar devices.
2. Noise that is out of the ordinary and associated with gatherings that generate unnecessarily loud talking, shouting, laughing, in a public or private space.
3. Upon receipt of a complaint, the responding officer shall use discretion as to whether a warning or a civil forfeiture may be issued to remedy the complaint.
4. All complaints shall be addressed to the property owner of record, or to any subject renting or otherwise in control of said property.
5. Nuisances or any other dangers to the public health reported by lodgers or abutters may require an inspection pursuant to RSA: 147:3.

###### II. **Vehicular Noise**

- a. Within the Town of Bartlett, no one shall operate a vehicle (as defined by RSA 259) in a manner that makes any loud, unusual, or unnecessary noise by any one or more of the following actions:
  1. Misuse of power exceeding tire traction limits in acceleration, sometimes knowing as "laying rubber" or "peeling rubber", or excessive acceleration where there is not an emergency.
  2. Issue of braking power exceeding tire traction limits in deceleration where there is no emergency.
  3. Rapid acceleration by means of quick up shifting of transmission gears with either a manual or automatic transmission.

4. Racing of engines by manipulation of the accelerator, gas pedal, carburetor or gear selector whether the vehicle is in motion or standing still.
5. No sound reproduction systems operated within a motor vehicle shall be used in such a manner as to create unnecessary noise for any person other than the driver and the passenger(s) in said vehicle.
6. When noise under this paragraph is emanating from a vehicle's sound system or any portable sound system located with a vehicle, a law enforcement officer shall be considered a person of average sensibilities for purposes of determining whether the volume of such noise constitutes a breach of the peace, public inconvenience, annoyance, or alarm and the officer may take enforcement action to abate such noise upon detecting the noise, or upon receiving a complaint from another person.

### **III. Exemptions**

- a. Noise resulting from any authorize vehicle when responding to an emergency.
- b. Parades and public or private gatherings for which the Town has issued a permit.

### **IV. Temporary Special Permit**

The Board of Selectmen or their designee is hereby authorized to issue Special Event Licenses for periods not exceeding thirty (30) days to persons wishing to exceed those limits specified above provided that the Town is authorized to license any function or activities involving public noise it deems reasonable and its determination shall be final.

### **V. Penalties**

- a. Any person found in violation of this Ordinance may be issued a warning or a civil forfeiture in the amount of \$100 for a first offense, and \$250 for a second offense and with a third offense must appear in court summons with a \$500 to \$1000 fine based on the facts of the incidents. This will be paid to the Town of Bartlett, NH at the Town Clerk's Office within 15 days of issuance.
- b. Failure to comply with this procedure will result in a summons to the Third Circuit District Court in Conway, NH.
- c. All subsequent offenses within a 24-month period will result in a mandatory court appearance.

### **VI. Validity**

If any provision of this Ordinance is held to be unconstitutional or otherwise invalidated by any court of competent jurisdiction, the remaining provisions of the Ordinance shall not be invalidated.