

## NOISE ISSUES

### SECTION 1. UNLAWFUL NOISE

It shall be unlawful for any person or persons to create, assist in creating or allow to continue any excessive, unnecessary or unusually loud noise which either disturbs, injures or endangers the reasonable quiet, comfort, repose or the health or safety of others within the Town. The following acts may be declared to be unusually loud, disturbing, injurious, unnecessary and unlawful noises in violation of this section, but this enumeration shall not be exclusive, namely:

(a) RADIO, PHONOGRAPH, MUSICAL INSTRUMENTS AND TELEVISION

The placing of any radio, phonograph, musical instruments, loud speakers, tape recorders or other electronic sound-producing devices, (amplified or not) in such a manner or with such volume at any time or place, so as to disturb the reasonable quiet, comfort or repose of persons in any dwelling, hotel, hospital or other type of residence.

(b) SHOUTING AND WHISTLING

Yelling, shouting, hooting, whistling or otherwise making any other unusually loud noises on public streets or the making of any such unusually loud noise at any time or place so as to disturb the reasonable quiet, comfort or repose of persons in any dwelling, hotel, hospital or other type of residence or of those persons in any office or any person in the vicinity.

(c) DEVICES TO ATTRACT ATTENTION

The use of any drum or other instrument or device of any kind for the purpose of attracting attention by the creation of unusually loud noise. This section shall not apply to any person who is a participant in a school band or duly licensed parade or who has been otherwise authorized to engage in such activity.

### SECTION 2. EXEMPTIONS

None of the terms or prohibitions of the previous section shall apply or be enforced against:

- (a) Emergency Vehicles. Any police or fire vehicle or any ambulance while engaged in necessary emergency business.
- (b) Highway and Utility Maintenance and Construction. Necessary excavation in or repairs of bridges, streets or highways or any public utility installation by or on behalf of the Town, or any public utility or any agency of the State of Massachusetts.
- (c) Gun Clubs. Established gun clubs engaged in shooting activities on club premises.

## NOISE ISSUES (cont'd)

### SECTION 3. PENALTIES

The first violation of this By-Law shall be punished by a fine of not less than one hundred dollars (\$100.00). The second violation of this By-Law within 12 months after the first violation shall be punished by a fine of not less than two hundred dollars (\$200.00). Further, violations within 12 months after the last violation shall be punished by a fine of three hundred dollars (\$300.00). Each such act, which either continues or is repeated more than one-half (1/2) hour after issuance of a written notice of violation of this By-Law, shall be a separate offense. If the violation occurs on the premises of rental property which is owned by a non-resident, then the owner must also be notified in writing that the violation has occurred.

### SECTION 4. OTHER REMEDIES

- (a) If the person or persons responsible for an activity, which violates Section 1, cannot be determined, then the person in lawful custody and/or control of the premises, including but not limited to the owner, lessee or occupant of the property on which the activity occurs, may be deemed responsible for the violation.
- (b) If the person or persons responsible for a violation of this By-Law, can be determined, and, provided that the violation continues in the presence or view of any officer authorized to serve criminal process, then, said person or persons responsible may be arrested without a warrant.

### SECTION 5. SEVERABILITY

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

5-23-95      8-29-95      9-1-95