

TOWN OF NEW IPSWICH

BREECH OF PEACE ORDINANCE

BE IT HEREBY enacted that it shall be unlawful for any person to make, continue, or cause to be made or continued unnecessary loud noise, or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others, within the limits of the Town, and in accordance with the concepts, and procedures set forth below, pursuant to RSA 644:2.

A). Radios. Television sets. Musical Instruments. and Similar Devices.

It shall be unlawful to operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device which produces, reproduces, or amplifies sound between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to create a noise disturbance across a real property line.

B). Noise. Unnecessary noise - no person shall operate any motorized vehicle on any public or private way in the Town of New Ipswich so as to make any loud or other unnecessary noise as hereinafter defined.

Definition:

1. Vehicle - the word "vehicle" shall include bus, highway equipment, motorcycle, motor truck, motor vehicle, semi-trailer, sidecar, tractor, trailer, or other vehicle as defined by RSA:259 or as it may be amended.
2. Way - the word "way" shall include crosswalk, intersection way, or other public highway, any public or private parking lot, or other way, all as defined by RSA 259 or as it may be amended.
3. Loud, Unusual or Other Unnecessary Noise - the words "loud, unusual or other unnecessary noise" shall include any noise occasioned by any one or more the following actions of operation of any vehicle:
 - a). misuse of power exceeding tire traction limits in acceleration, sometimes known as "laying down rubber" or "peeling rubber", or
 - b). misuse of braking power exceeding tire traction limits in deceleration where there is no emergency, or
 - c). rapid acceleration by means of quick upshifting of transmission gears with either a clutch or manual transmission or any automatic transmission, or
 - d). rapid acceleration by means of quick downshifting of transmission gears with either a clutch or manual transmission or any automatic transmission, or
 - e). racing of engines by manipulations of the accelerator, gas pedal, carburetor, or gear selection whether the vehicle is in motion or standing still, or
 - f). the blowing of any horn except as a warning signal or the use of any other noise making

device whether the vehicle is either in motion or standing still, or

- g). sound production systems; (stereo system, AM or FM radio) 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 passenger in said vehicle.

C. Exception. The following uses and activities shall be exempt from noise level regulations:

1. noises or safety signals, warning devices, and emergency pressure relief valves;
2. noises resulting from any authorized vehicle, when responding to an emergency call or acting in time of emergency;
3. noises resulting from emergency and maintenance work as performed by the Town, by the State, or by the Public Utilities Companies. Noise resulting from the provision of municipal services;
4. any other noise resulting from activities of a temporary duration permitted by law and for which a license or permit therefore has been granted by the Town;
5. the unamplified human voice;
6. parades and public gatherings for which the Selectmen have issued a permit;
7. bells, chimes, or carillons while being used for religious purposes or in conjunction with religious services, and those bells, chimes or carillons that are presently installed and in use for any purpose;
8. on-site recreational or sporting activities sanctioned by the Town or State;
9. farming equipment and farming activity.

Application for Special Permit. Application for a permit for relief from noise level designated in this ordinance on the basis of undue hardship may be made to the Board of Selectmen. Any permit granted by the Selectmen shall set forth all conditions pertaining to the specified noise and a reasonable time limit for its abatement.

Violation. Any person, company, firm or owner of property or their agent who violates any of the provisions of this ordinance shall be guilty of a violation and a penalty shall be imposed not to exceed the sum of \$1,000.00 for each occurrence. Such person, firm, owner of property, or their agent shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this ordinance is committed, continued or permitted by such person, firm, owner of property, or their agent and shall be punishable therefore as provided therein.

This ordinance shall take effect upon its passage. If any portion of this ordinance shall be found unconstitutional the remainder shall remain in effect