

NOISE ORDINANCE #38

ORDINANCE RELATIVE TO THE PROHIBITING CERTAIN DISTURBANCE WHICH THREATEN THE PUBLIC PEACE WITHIN THE TOWN OF ASHLAND, NEW HAMPSHIRE.

Pursuant to RSA 31:39, it is hereby ordained by the Town of Ashland, New Hampshire, as follows:

DISORDERLY ACTIONS: A person shall be guilty of disturbing the peace if:

- I. Such person causes a breach of the peace, public inconvenience, annoyance or alarm, or creates a risk thereof; by:
 1. Making loud and unreasonable noises in a Public Place, or making loud unreasonable noises in a private place which can be heard in a Public Place or other private places, which noises would disturb a person of average sensibilities, or continuing, or causing or allowing to be made or continuing any of the foregoing noises having been requested by any person to diminish or terminate such noises; or
 2. Disrupting the orderly conduct of business in any public or governmental facility; or
 3. Disputing any lawful assembly or meeting of persons without lawful authority; or
 4. Making loud and unreasonable noises by operating any mechanically powered saw, grinder, drill, lawn mower or garden tool, or similar device used outdoors with the exception of snow removal equipment, between the hours of 10:00 PM and 6:00 AM Monday through Saturday and between the hours of 10:00 PM and 8:00 AM on Sunday; or
 5. Making loud or unreasonable noises by loading, unloading, opening, closing, or otherwise handling boxes, crates, containers, building materials, trash cans, dumpsters, or similar objects between the hours of 10:00 PM and 6:00 AM; or
 6. Operating any motor vehicle in a Public Place so as to make excessive noise by any of the following means:
 - a. Misuse of power, acceleration, or tractions so as to spin the wheels or lose traction.
 - b. Misuse of brake and stopping power in the deceleration of a motor vehicle where no legitimate emergency exists,
 - c. Misuse of power, acceleration or traction by means of rapid upshift, downshift or changing of transmission gears,
 - d. Racing of engine by means of the accelerator, carburetor, of gear selector, either when the motor vehicle is in motion or stationary.
 7. Commercial Logging Operations hours of operation will exclude the following hours: 10 PM thru 7AM Monday thru Saturday and 10 PM thru 8AM on Sunday.

This includes but not limited to unloading and loading of equipment and logs from truck, the running of chain saws chippers, skidders, and tree shears.

II. **DEFINITIONS:** As used in the Ordinance,

1. Lawful Order means

- a. "Loud Noise" means any noise as prior described in Section 1. herein.
- b. "Public Building" means any governmental or school offices, facilities, or buildings.
- c. "Public Place" means any place within the Town of Ashland to which the public or a substantial group has access. This term includes, but not limited to public ways, sidewalks, schools, medical or governmental offices or facilities, and their lobbies or hallways of apartment buildings, dormitories, hotels, or motels,
- d. "Way" shall have the same meaning as defined in RSA 259:125.

III. **EXCEPTIONS:** The following uses and activities shall be exempt from regulation under this Ordinance

- a. Noises of safety signals and warning devices when used for the purpose for which they were intended and emergency pressure relief valves;
- b. Noises resulting from any authorized vehicles, when responding to an emergency call or acting in time of emergency;
- c. Noises resulting from emergency and maintenance work as performed by the Town of Ashland and its employees, the State of New Hampshire, or other public utility companies, noises resulting from the provision of municipal or utility services, noises resulting from private persons engaged in snowplowing services;
- d. Any other noise resulting from activities of a temporary duration as permitted by law and for which a license or permit thereof has been granted or issued by the Town of Ashland;
- e. Parades and other public gatherings for which the Town of Ashland has issued a permit;
- f. Bells, chimes or carillons that are presently installed and in use for any purpose;
- g. Agricultural operations under RSA 430 c:1, c:2, c:3, c:4;

IV. **APPLICATION FOR SPECIAL PERMIT:** Prior to the commencement of activity which may violate the Ordinance, application for a special permit for relief from this Ordinance on the basis of undue hardship or any other reasonable grounds may be made by submitting a request in writing to the Board of Selectmen with a copy to the Chief of Police. Any permit granted by the Selectmen shall be in writing and set forth all conditions pertaining to the specified noise and a reasonable time limit for its abatement.

V. **PENALTIES:** Any person who violates the provisions of this Ordinance shall be guilty of a violation, punishable by a fine of not less than \$50.00, but not exceeding \$1000.00

VI. **SEVERABILITY:** If any provisions or language herein is found to be invalid or unenforceable, superseded, or preempted under any law or regulation, such invalid it shall not affect any other remaining provision or language which can be given effect without the invalidated portion.

- VII. **HEADINGS:** The section numbers and headings contained herein are included for convenience only and are not to be used in the interpretations of this Ordinance.
- VIII. **REFERENCES:** As used herein, references to New Hampshire Statutes shall be to the current Revised Statutes Annotated, or its successors as amended, superseded, or revised.

This Ordinance shall take effect upon passage and shall remain in full force and effect until amended or repealed by appropriate authority. This Ordinance supersedes all prior ordinances on similar subject matter.

Adopted March 12, 2024