

CHAPTER 60. PUBLIC CONDUCT

Sec. 60-10. Definitions.

The following words, terms and phrases, when used in this article and its subsections, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Noise disturbance means any sound created or allowed to continue within a real property boundary or public right-of-way or public space, which can be heard across the boundary in the confines of another or adjacent real property boundary or a public right-of-way or public space which annoys or disturbs a reasonable person of normal sensitivities.

Public right-of-way means any street, avenue, boulevard, highway, sidewalk or alley or similar place which is owned or controlled by a governmental entity.

Public space means any real property or structure thereon which is owned or controlled by a governmental entity.

Real property boundary means any imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person or entity from that owned by another person or entity.

Section 60-50. LOITERING:

Sec. 60-51. Loitering during certain times.

(a) It shall be unlawful for any person (s) to congregate on foot or in vehicles at the public parking areas at any Newbury owned, operated, or maintained parking area between the hours of midnight and 6:00 am on any day.

(b) It shall be unlawful for any person (s) to congregate on foot or in vehicles in any privately owned area designated for parking or business where no such business is open for operation.

Sec. 60-52. Conduct in public places.

No bicycles, skateboards, furniture, physical running or game playing will be allowed on docks that are owned, operated, or maintained by the Town of Newbury.

Section 60-55. Penalty.

(a) Any person who violates a provision of Section 60-50 shall be guilty of a violation for the first offense and shall be subject to a fine of \$50.00.

(b) Any person who violates a provision of Section 60-50 a second time shall be subject to a fine of \$100.00.

Sec. 60-109. Enhanced penalty.

(a) Any person who fails to comply with the provisions of Section 60-50 within ten (10) business days of the violation shall have the violation forwarded to a court of competent jurisdiction for prosecution of said offense.

(b) Any person who violates the provisions of this article three or more times within a twelve month period shall have the violation forwarded to a court of competent jurisdiction for prosecution of said offense.

(c) The penalty for offenses forwarded for prosecution shall be assessed by the court as a class B misdemeanor in accordance with the provisions of state law.

Section 60-100. NOISE GENERALLY:

Sec. 60-101. Statement of purpose.

(a) It is declared to be the intent of the town to promote an environment free from excessive noise which unnecessarily jeopardizes the health and welfare of the citizens of the town and degrades the quality of life in this community, without unduly prohibiting, limiting or otherwise regulating the function to certain noise-producing equipment which is not amenable to such controls yet is essential to the economy and quality of life of the community. The purpose of this article is to establish standards for the control of noise and noise disturbances in the town and by prohibiting specific activities during designated times.

(b) In accordance with the statement of intent in subsection (a) of this section, it shall be unlawful for any person to make, continue, or cause to be made or continued any excessive, unnecessarily loud noise or any noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others within the town.

Sec. 60-103. Noise disturbances prohibited during certain times.

It shall be unlawful to cause a noise disturbance:

(1) Between 10:00 p.m. and 7:00 a.m. created by loading, unloading, opening, closing, or otherwise handling boxes, crates, containers, building materials, trashcans, dumpsters or similar objects.

(2) Between 10:00 p.m. and 6:30 a.m., Monday through Saturday, and 10:00 p.m. and 10:00 a.m. Sunday created by the following:

a The operation or use of construction vehicles to include but not be limited to bulldozers, graders, dump trucks, backhoes, earth moving equipment, front end loaders and log skidders on the job site.

b The operation or use of tools or construction equipment to include but not be limited to cement mixers, hammers, staple or nail guns, power tools: i.e., saws, drills, grinders, sanders, chain saws, lawn mowers, electric hedger trimmers, lawn edgers, and jack hammers.

c The operation or use of agricultural equipment to include but not be limited to tedders, balers, and tractors.

(3) Between 10:00 p.m. and 7:00 a.m. Monday through Saturday, and 10:00 p.m. and 10:00 a.m. Sunday created by created by operating, playing, or using any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device which amplifies sound.

(4) During any time such that any person causes or allows to be caused any noise disturbance not otherwise governed by this chapter where such disturbance is allowed to

continue once notice has been given by a duly authorized police officer to desist from the offending action.

Sec. 60-104. Unnecessary noise from motor vehicles.

(a) A person operating in or in control of a parked or moving motor vehicle shall not operate or permit the operation of an electronically amplified sound system in or on the motor vehicle so as to produce sound that is clearly audible in a public right-of-way or public space more than 50 feet (15 meters) from the motor vehicle except as otherwise authorized.

(b) A person shall not operate a motor vehicle so as to make any loud, unusual, or unnecessary noise occasioned by any one or more of the following actions by the operator:

- (1) Misuse of power, exceeding tire traction limits in acceleration, or excessive acceleration where there is no emergency.
- (2) Misuse 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 clutch or manual transmission or automatic transmission.
- (4) Rapid deceleration by means of quick downshifting of transmission gears with either a clutch or manual transmission or an automatic transmission.
- (5) Racing of engines by manipulation of the accelerator, gas pedal, carburetor, or gear selection, whether the vehicle is in motion or stationary.
- (6) Use of compression braking, commonly known as the use of "Jake Brakes" for any purpose other than the safe reduction of speed upon a way with an identified downgrade of eight percent (8%) or steeper along a distance of not less than 750 feet.

Sec. 60-105. Exemptions.

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

- (1) Noise from 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 maintenance work as performed by the town, by the state, or by public utility companies, to include snow removal operations.
- (4) Municipal maintenance work where the abutters to the work site have been given prior notice of the project.
- (5) 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.
- (6) Snow blowers and other types of private or commercial snow removal operations.
- (7) Parades and public gatherings for which the town has issued a permit.
- (8) 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.
- (9) The un-amplified human voice, except where otherwise prohibited by this article.
- (10) Any violation of this article where such violation is governed by a separate and specific ordinance governing such action (s).

Sec. 60-106. Temporary special permit.

The Board of Selectmen are hereby authorized to issue special permits for periods not exceeding 30 days based upon a demonstration as follows:

- (1) Activity sought to be engaged in is in furtherance of a substantial public interest or benefit and will not be inconsistent with the statement of purpose.
- (2) Activity sought to be engaged in is necessary in order to avoid undue hardship and will not be inconsistent with the statement of purpose.

Sec. 60-107. Penalty.

- (a) Any person who violates a provision of Section 60-103 shall be guilty of a violation for each offense and shall be subject to a fine of \$25.00 per violation.
- (b) Any person who violates a provision of Section 60-104 shall be guilty of a violation for each offense and shall be subject to a fine of \$100.00 per violation.

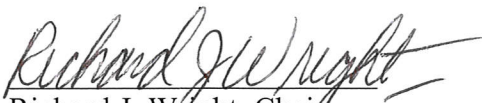
Sec. 60-108. Payment of fines.

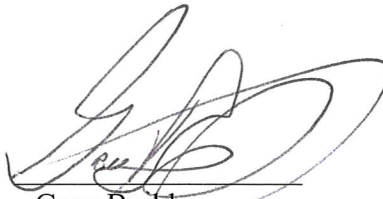
Payment of fines imposed by these regulations shall be made to the Newbury Town Clerk in a manner prescribed by that authority within ten (10) business days of the violation.

Sec. 60-109. Enhanced penalty.

- (a) Any person who fails to comply with the provisions of Section 60-108 within ten (10) business days of the violation shall have the violation forwarded to a court of competent jurisdiction for prosecution of said offense.
- (b) Any person who violates the provisions of this article three or more times within a twelve month period shall have the violation forwarded to a court of competent jurisdiction for prosecution of said offense.
- (c) The penalty for offenses forwarded for prosecution shall be assessed by the court as a class B misdemeanor in accordance with the provisions of state law.

These regulations shall become effective this 4th day of November, 2014 upon the acceptance and approval of the Town of Newbury Board of Selectmen, as evidenced by their signatures below:


Richard J. Wright, Chair


Gary Budd


Edward Thorson