

THE COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF THE ATTORNEY GENERAL

JOHN W. McCORMACK STATE OFFICE BUILDING  
ONE ASHBURTON PLACE, BOSTON 02108-1698

JAMES M. SHANNON  
ATTORNEY GENERAL

September 2, 1987

Cornelia D. Como  
Town Clerk  
Town Hall  
4 Boltwood Avenue  
Amherst, MA 01002

Dear Ms. Como:

I enclose the amendments to the general by-laws adopted under Article 50 of the warrant for the Annual Town Meeting that convened April 27, 1987, with the approval of the Attorney General endorsed thereon.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven H. Goldberg".

Steven H. Goldberg  
Assistant Attorney General  
727-1031

SHG/mfm

September 2, 1987

Boston, Massachusetts

The foregoing amendments to general by-laws adopted under Article 50 of the warrant for the Amherst Annual Town Meeting that convened April 27, 1987, are hereby approved.

*James M. Shannon*  
ATTORNEY GENERAL  
BY: *Robert A. [unclear]*  
First Assistant Attorney General

ATTORNEY GENERAL

Town of



# AMHERST Massachusetts

TOWN HALL  
4 BOLTWOOD AVENUE  
AMHERST, MA. 01002-2351

TOWN CLERK  
(413) 253-9382

TOWN OF AMHERST, MA  
HAMPSHIRE COUNTY  
Received & Recorded

SEP 03 1987

10:08 A.M. \_\_\_\_\_ P.M.

Book \_\_\_\_\_ Page \_\_\_\_\_

Attest:

Town Clerk

## ANNUAL TOWN MEETING

April 27, May 4, 6, 11, 13, 18, 20, 1987

Voted May 18, 1987

Article 50. Voted that the Town amend the Town By-Law by adding the following:

Section 1. Unlawful Noise Prohibited. It shall be unlawful for any person or persons to create, assist in creating, continue or allow to ~~continue any~~ excessive, unnecessary, or unusually loud noise which either annoys, disturbs, injures, or endangers the reasonable quiet, comfort, repose, or the health or safety of others within the Town of Amherst. The following acts are declared to be 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 playing of any radio, phonograph, television set, amplified or musical instruments, loudspeakers, tape recorder, or other electronic sound producing devices, in such a manner or with volume at any time or place so as to annoy or disturb the reasonable quiet, comfort or repose of persons in any dwelling, hotel, hospital, or other type of residence, or in any office or of any persons in the vicinity.
- b. Shouting and Whistling. Yelling, shouting, hooting, whistling, singing, or the making of any other loud noises on the public streets, between the hours of 11:00 p.m. and 7:00 a.m., or the making of any such noise at any time or place so as to annoy or disturb the reasonable quiet, comfort or repose of persons in any dwelling, hotel, hospital, or other type of residence, or in any office or of any persons in the vicinity.
- c. Animal Noises. The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the reasonable comfort or repose of any person.
- d. 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 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. Public Address. The reasonable use of amplifiers or loud speakers for public addresses which are non-commercial in nature.


Section 3. Penalties. Any person or persons found violating the provisions of Section 1 of this by-law shall be first warned in writing of said violation. The first violation of this by-law subsequent to such warning 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 warning or other written notice of violation of this by-law shall be a separate offense and shall be prosecuted as a separate offense. If the violation occurs on the premises of rental property which has a non-resident owner, 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, 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 is located, shall be deemed responsible for the violation.
- b. If the person or persons responsible for an activity which violates Section 1 can be determined, any person or persons who violate Section 1 of this by-law after the written warning required by Section 3 of this by-law may be arrested without a warrant, provided that the violation occurs in the presence or view of any officer authorized to serve criminal process.

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.

A true copy, attest:

  
Cornelia D. Como  
Town Clerk

Town of

II-40



# AMHERST Massachusetts

TOWN HALL  
4 BOLTWOOD AVENUE  
AMHERST, MA. 01002-2351

TOWN CLERK  
(413) 253-9382

September 3, 1987

ATTORNEY GENERAL APPROVES  
UNLAWFUL NOISE BY-LAW

I, Cornelia D. Como, Town Clerk of Amherst, Massachusetts certify that the attached is a true copy of the amendment to the General By-laws adopted under Article 50 of the warrant for the Annual Town Meeting held in Amherst on April 27, 1987, showing the approval of the Attorney General of Massachusetts herein.

Attest:

Cornelia D. Como  
Cornelia D. Como  
Town Clerk

Posted September 4, 1987

On the date above written, I have posted copies of the by-law amendment passed at the 1987 Annual Town Meeting and approved by the Attorney General of Massachusetts on September 2, 1987 at the following places:

- |         |                            |          |                      |
|---------|----------------------------|----------|----------------------|
| Prec. 1 | No. Amherst Post Office    | Prec. 6  | Fort River School    |
| Prec. 2 | Cushman Village Gen. Store | Prec. 7  | Crocker Farm School  |
| Prec. 3 | Marks Meadow School        | Prec. 8  | Munson Library       |
| Prec. 4 | Amherst Post Office        | Prec. 9  | Wildwood School      |
| Prec. 5 | Town Hall                  | Prec. 10 | Campus Center, UMass |

Donald E. Thayer  
Constable, Town of Amherst