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ANNUAL TOWN MEETING

April 27, May 4, 6, 11, 13, 14, 18 & 20, 1987

The 228th Annual Town Meeting was called to order by the Moderator, William F. Field at 7:37 P.M. There were 254 town meeting members; 129 checked in and a quorum (128) was declared. The call and return of the meeting were read by Town Clerk, Cornelia D. Como. H. Oldham Brooks, Betsy Gut, Frederick Q. Rice, Sarah Dreher, Gerald J. Grady and Charles W. Heffernan were appointed and sworn in as tellers by the Moderator. New town meeting members were sworn in by the Moderator.

Article 1. Voted that the Town hear the reports of the Town officers, the Finance Committee, the Planning Board, and any other town boards or committees.

Article 2. Voted that the Town authorize the Board of Selectmen to petition the General Court for a special act which would provide as follows:

Notwithstanding the provisions of Section 6 of Chapter 40A of the General Laws, and with respect to parcels of land and structures thereon within the Town of Amherst which are subject to Section 13.1 of Article 13 of the Amherst Zoning By-law added by amendment on May 5, 1986, and which parcels are not excepted or exempted under the provisions of Article 13, the Zoning By-law of the Town of Amherst as amended on May 5, 1986, and as subsequently amended on or prior to June 30, 1988, shall govern:

1. Any building permit or special permit issued subsequent to the publication of first notice of public hearing on the Zoning By-law of May 5, 1986, and on or prior to June 30, 1988; and

10:40 P.M. The meeting voted to adjourn to 8:30 p.m. on Thursday, May 14, 1987 in the Auditorium of the Amherst Regional Junior High School.

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On Thursday, May 14, 1987 the Special Town Meeting was dissolved at 10:22 p.m. and the adjourned session of May 13, 1987 was called to order by the Moderator. The meeting voted to adjourn to Monday, May 18, 1987 in the Auditorium of the Amherst Regional Junior High School.

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The adjourned session of May 18, 1987 was called to order by the Moderator at 7:42 P.M. 128 Town Meeting Members were present and a quorum (128) was declared.

Article 49. Voted unanimously that the Town amend the Town By-laws by rescinding the Landlord-Tenant Relations Committee By-law.

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.