



**TOWN OF AMHERST, MASSACHUSETTS
FINANCE COMMITTEE REPORT**

and

**RECOMMENDATIONS TO THE
228th ANNUAL TOWN MEETING**
including the
Report of the Personnel Board

THE JONES LIBRARY
43 AMITY ST.
AMHERST, MASS. 01002

April 27, 1987
7:30 O'Clock p.m.
Amherst Regional Junior High School Auditorium

AMHERST--
FINANCE
COMMITTEE

AMHERST, MA 01002



A16003 167533

ARTICLE 50. Town By-Laws - Noise By-Law (Board of Selectmen)

To see if the Town will vote to 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.

ARTICLE 50. - continued

- 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. Explosives, Fireworks, and Firearms. The use or firing of explosives, fireworks, firearms, or similar devices which cause a noise disturbance across a property boundary or public space or right-of-way, without first obtaining any permit required by law.
- d. 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.
- e. 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 and receipt 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.

No person shall, except at full retail price, in or upon any part of the streets, parks, public grounds, public buildings, or other public places within the Town of Amherst distribute any products containing tobacco or non-tobacco cigarette products for any commercial purpose.

Any person violating the provisions of this ordinance shall be punished by a fine of one hundred (\$100.00) dollars.

THE FINANCE COMMITTEE HAS NO RECOMMENDATION ON THIS ARTICLE.