

TOWN WARRANT
ANNUAL TOWN MEETING
April 27, 1987

Hampshire, ss.

To one of the Constables of the Town of Amherst, in said county,
Greetings:

In the name of the Commonwealth of Massachusetts you are directed to notify the registered voters of the town of Amherst of the Annual Town Meeting to be held in the Auditorium of the Amherst REgional Junior High School in said Amherst at seven-thirty o'clock p.m. on Monday, the twenty-seventh day of April, nineteen hundred and eighty seven when the following articles will be acted upon by town meeting members:

Article 1. Reports of Committees (Board of Selectmen) To see if the Town will vote to hear the reports of the Town officers, the Finance Committee, the Planning Board, and any other Town boards or committees.

Article 2. Special Act - Zoning By-Law Amendments During Moratorium (Board of Selectmen) To see if the Town will 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 Amendment of May 5, 1986, and on or prior to June 30, 1988; and
2. Land shown on any subdivision plan first submitted subsequent to the effective date of the Zoning By-Law amendment of May 5, 1986, and on or prior to June 30, 1988; and
3. Any lot for single or two-family residential use as defined in the fourth (4th) paragraph of Chapter 40A Section 6 recorded or endorsed subsequent to the effective date of the Zoning By-Law amendment of May 5, 1986, and on or prior to June 30, 1988; and
4. Land shown on any plan referred to in Section Eighty-one P of Chapter 41 submitted subsequent to the effective date of the Zoning By-Law amendment of May 5, 1986, and on or prior to June 30, 1988.

Article 49. Town By-Laws - Recission of Landlord-Tenant Relations Committee By-Laws (Board of Selectmen) To see if the Town will amend the Town By-Laws by rescinding the Landlord-Tenant Relations Committee By-Laws.

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.
- 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 engage 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 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.

Section 4. Other Remedies. 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.

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.