

THE TOWN OF PLYMOUTH, NEW HAMPSHIRE

DISORDERLY ACTIONS ORDINANCE

Pursuant to RSA 41:11 and RSA 47:17, it is hereby ordained by the Board of Selectmen of the Town of Plymouth, New Hampshire, as follows:

Disorderly Actions: A person is guilty of disorderly actions if:

- I. Such person creates a condition which is hazardous to such person or another in a public place by any action which serves no legitimate purpose; or
- II. Such person:
 - a. Engages in fighting or violent, tumultuous or threatening behavior in a public place; or
 - b. Directs at another person in a public place obscene, derisive, or offensive words which are likely to provoke a violent reaction on the part of any ordinary person; or
 - c. Obstructs vehicular or pedestrian traffic on any public street or sidewalk or the entrance to any public building; or
 - d. Engages in conduct in a public place which substantially interferes with a criminal investigation, a firefighting operation to which RSA 154:17 is applicable, the provision of emergency medical treatment, or the provisions of other services when traffic or pedestrian management is required; or
 - e. Knowingly refuses to comply with a lawful order of a peace officer to move from any public place; or
- III. Such person causes a breach of the peace; public inconvenience, annoyance or alarm, or creates a risk thereof, by:
 - a. Making loud or unreasonable noises in a public place, or making loud or unreasonable noises in a private place which can be heard in a public place or other private places, which noises would disturb a person of average sensibilities; or continuing, or causing or allowing to be made or continued, any of the foregoing noises after having been requested by any person to diminish or terminate such noises; or
 - b. Disrupting the orderly conduct of business in any public or governmental facility; or
 - c. Disrupting any lawful assembly or meeting of persons without lawful authority; or
 - d. Making loud or unreasonable noises by operating any mechanically-powered saw, grinder, drill, lawn mower or garden tool, or similar device used outdoors, with the exception of snowblowers, between the hours of 10:00 pm and 6:00 am Monday through Saturday and between the hours of 10:00 pm (Saturday) and 10:00 am (Sunday); or
 - e. Making loud or unreasonable noise by loading, unloading, opening, closing, or otherwise handling boxes, crates, containers, building materials, trash cans, dumpsters, or similar objects between the hours of 10:00 pm and 6:00 am; or

- f. Operating any motor vehicle within the Town of Plymouth so as to make excessive noise by any of the following means:
 - 1. Misuse of power, acceleration or traction so as to spin the wheels in the manner commonly known as "laying rubber".
 - 2. Misuse of brake and stopping power in the deceleration of a motor vehicle where no emergency exits.
 - 3. Misuse of power, acceleration or traction by means of rapid upshift or downshift of transmission gears.
 - 4. Racing of engine by means of the accelerator, carburetor, gear selector, either when the motor vehicle is in motion or stationary.

- IV. Such person dumps, discards, deposits, throws or leaves, or causes or permits the dumping, discarding, depositing, throwing or leaving of litter on any public place; or

- V. Such person urinates or defecates on any public place or property, or in any private place or property viewable from any public place: or who fornicates or exposes their genitals on any public place or property, or in any private place or property viewable from any public place, under any circumstances which they should know will likely cause affront or alarm.

- VI. DEFINITIONS: as used in this Ordinance
 - a. "Lawful Order" means:
 - 1. A command issued to any person for the purpose of preventing said person from committing any offense when the officer has reasonable grounds to believe that said person is about to commit any such offense, or when said person is engaged in a course of conduct which makes his commission of such an offense imminent; or
 - 2. A command issued to any person to stop him from continuing to commit any offense when the officer has reasonable grounds to believe that said person is presently engaged in conduct which constitutes any such offense;
 - b. "Public Place" means any place within the Town of Plymouth to which the public or a substantial group has access. The term includes, but is not limited to, public ways, sidewalks, schools, hospitals, government offices or facilities, and the lobbies or hallways of apartment buildings, dormitories, hotels or motels.
 - c. "Litter" means any and all waste products, papers, cans, bottles, glass, rubbish, refuse, garbage, trash debris, animal carcasses, organic waste, or other discarded materials of every kind and description, whether solid, liquid or gaseous.
 - d. "Way" shall have the same meaning as defined in RSA 259:125.
 - e. "Unreasonable Noise" means:
 - 1. Any noise that is created in a private place that can be heard in a public place after 10:00 pm and before 6:00 am Monday through Saturday and 10:00 pm and 10:00 am Saturday to Sunday.

2. Or any noise that is created in a private place that can be heard in any area outside of the property boundary of the property generating the noise in question after 10:00 pm and before 6:00 am Monday through Saturday and 10:00 pm and 10:00 am Saturday to Sunday.

VII EXEMPTIONS:

- a. The following uses and activities shall be exempt from regulations under this ordinance:
 1. Noises of safety signals and warning devices when used for the purpose for which they were intended and emergency pressure relief valves;
 2. Noises resulting from any authorized vehicles, when responding to an emergency call or acting in time of emergency.
 3. Noises resulting from emergency and maintenance work as performed by the Town of Plymouth, by the State of New Hampshire, Plymouth State University, Plymouth Highway Department, Plymouth Water and Sewer employees or other public utility companies, noises resulting from the provision of municipal services; noises resulting from private snowplowing services;
 4. Any other noises resulting from activities of a temporary duration permitted by law and for which a license or permit thereof has been granted or issued by the Selectmen or their designee from the Town of Plymouth;
 5. Parades and public gatherings for which the Town of Plymouth, or State of New Hampshire has issued a permit;
 6. Bells, chimes or carillons that are presently installed and in use for any purpose;
 7. Agricultural operations under RSA 430 c:1, c:2, c:3, c:4.

VIII PENALTIES:

Any person who violates the provisions of this ordinance shall be guilty of a violation, punishable as follows:

- a. For violations of Sections I, II and III b-f, punishable by a fine of not less than \$100.00, but not exceeding \$1,000.00; For violations of Sections III a, punishable by a fine of not less than \$300.00 if a first offense, or \$600.00 if a second offense, and in no case exceeding \$1,000.00;
- b. For violations of Section IV and V, punishable by a fine of not less than \$150.00 if a first offense, or \$300.00 if a second offense, and in no case exceeding \$1,000.00;

IX SEVERABILITY:

If any provision or language herein is found to be invalid or unenforceable, superseded, or pre-empted under any law or regulation, such invalidity shall not affect other remaining provisions or language can be given effect without the invalidated portion.

X REFERENCES

As used herein, references to New Hampshire Statutes shall be to the current Revised Statutes Annotated, or its successors as amended, superseded, or revised.

This ordinance shall take effect upon passage and shall remain in full force and effect until amended or repealed by appropriate authority. This ordinance supersedes all prior ordinances on similar subject matter.

Passed and approved by the Board of Selectmen of the Town of Plymouth, New Hampshire

23rd day of May, 2011

Signed this 23rd day of May, 2011

Valerie Scarborough

Wm Ray Gosney

M L H

Richard R Lewis

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Board of Selectmen
Plymouth, New Hampshire