



## ORDINANCE

### TO AMEND THE CITY NOISE ORDINANCES BY ADDING PROHIBITIONS AGAINST NOISES CREATED BY OR EMANATING FROM MOTOR VEHICLES AND OTHER NOISES WHICH DISTURB THE PUBLIC PEACE

### *CITY OF NASHUA*

*In the Year Two Thousand and Five*

*The City of Nashua ordains* that Chapter 14 “Offenses and Miscellaneous Provisions”, Article III “Nuisances” of the Nashua Revised Ordinances, as amended, is hereby amended by deleting the struck-through language, adding new language in underline as follows:

**“Sec. 14-34. Noises created by or emanating from a motor vehicle.**

(a) A person operating in or in control of a parked or moving motor vehicle shall not operate or permit the operation of an electrically amplified sound system in or on the motor vehicle so as to produce sound that is clearly audible more than fifty (50) feet (fifteen (15) meters) from the motor vehicle except as otherwise authorized.

(b) A person shall not operate a motor vehicle so as to make any loud, unusual, or unnecessary noise occasioned by any one or more of the following actions by the operator:

- (1) Misuse of power, exceeding tire traction limits in acceleration sometimes known as “laying down rubber” or “peeling rubber” or excessive acceleration where there is no emergency.
- (2) Misuse of braking power, exceeding tire traction limits in deceleration where there is no emergency.
- (3) Rapid acceleration by means of quick up-shifting of transmission gears with either a clutch or manual transmission or automatic transmission.
- (4) Rapid deceleration by means of quick down-shifting of transmission gears with either a clutch or manual transmission or automatic transmission.
- (5) Racing of engines by manipulation of the accelerator, gas pedal, carburetor, or gear selection whether the vehicle is either in motion or standing still.

- (6) Use of a straight pipe exhaust system, meaning any straight-through exhaust system that does not contain baffles or otherwise does not meet the definition of muffler in New Hampshire Revised Statutes Annotated 259:66.
- (7) Sounding of any horn or signaling device on any street or public place, except as a danger warning; the creation by means of any such signaling device of any unreasonable loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time.

**Sec. 13-35. Same— Noises disturbing the public peace.**

The following acts and conduct are prohibited:

(a) The using, operating, or permitting to be played, used or operated any radio, receiving set, ~~musical instrument~~, television, phonograph, stereo, record player, tape player, cassette player, compact disc player, loud speaker, sound amplifier, or any other ~~machine or~~ electronic device for the producing, ~~or~~ reproducing, or amplifying of sound in such a manner as to disturb the peace, quiet and comfort of the inhabitants of neighboring premises. The operation of any such set, instrument, machine or device in such a manner as to be clearly audible at a distance of fifty (50) feet (fifteen (15) meters) from the building, premises or structure in which it is located shall be prima facie evidence of a violation of this section.

(b) The using, operating or permitting to be played, used or operated of any radio, receiving set, musical instrument, phonograph, loud speaker, television, stereo, record player, tape player, cassette player, compact disc player, sound amplifier, or any other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising, or attracting the attention of the public to any building or structure.

(c) Yelling, shouting, hooting, whistling, or singing on the public streets, ~~particularly~~ between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in neighboring premises.

(d) The creation of any unreasonable or excessive noise on streets adjacent to any school, institution of learning, church or court while the same are in use or adjacent to any hospital so as to annoy or disturb the quiet, comfort, or repose of patients in the hospital, provided that conspicuous signs are displayed on such streets indicating that a school, hospital or court is located thereon.

(e) The provisions of this section shall apply to city produced or sponsored events except that subsection (a) shall not apply to sporting events at Holman Stadium or Stellos' Stadium.

**Sec. 14-36. Same—Hours of construction and demolition.**

**Sec. 14-37. Same—Emergency work.**

**Sec. 14-38. Same—Enforcement.**

**Sec. 14-39. Same—Violation.**

(a) Any person who violates any portion of sections 14-34 and 14-35 shall be, upon conviction, guilty of a violation and fined not less than one hundred dollars (\$100.00).

(b) Any person who violates any portion of sections 14-36 and 14-37 shall receive a written order to cease or abate the noise immediately or within such reasonable time period as the enforcing official shall order.

(c) If the order to cease or abate construction is not complied with, or is complied with and then violated again within twenty-four (24) hours, the person found in violation of any of the provisions of sections 14-36 and 14-37 shall be guilty of a violation of these sections. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable under the general penalty provisions of the Nashua Revised Ordinances.

**Sec. 14-40. Abandoned, unattended or discarded containers.**

**Sec. 14-41. Control of particle emission during construction, demolition.**

**Secs. 14-42--14-45. Reserved.”**

PASSED BY THE BOARD OF ALDERMEN – AUGUST 9, 2005  
APPROVED BY THE MAYOR – AUGUST 10, 2005

ATTEST: PAUL R. BERGERON, CITY CLERK