

TOWN OF RUMNEY DISORDERLY ACTIONS ORDINANCE

Pursuant to the grants of authority contained in RSAs 41:11 and 47:17 VII, the Board of Selectmen of the Town of Rumney adopt the following ordinance defining and regulating disorderly actions.

I. Definitions

A. Lawful order: a command issued to any person:

1. 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 their commission of such an offense imminent; or
2. 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: any place to which the public or a substantial group has access; including but not limited to public ways, sidewalks, schools, hospitals, government offices or facilities, and the lobbies or hallways of apartment buildings, dormitories, hotels or motels.

II. Disorderly Actions. It shall be unlawful for any person to:

- A. knowingly or purposely create a condition which is hazardous to him or herself or another in a public place by any action which serves no legitimate purpose.
- B. engage in any of the following acts:
1. fighting or violent, tumultuous or threatening behavior in a public place.
 2. directing 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.
 3. obstructing vehicular or pedestrian traffic on any public street or sidewalk or the entrance to any public building.
 4. conduct in a public place which substantially interferes with a criminal investigation, a firefighting operation to which RSA 1545:17 is applicable, the provision of emergency medical treatment, or the provision of other services when traffic or pedestrian management is required.
 5. knowingly refuses to comply with a lawful order of a peace officer to move from any public place.
- C. purposely cause a breach of the peace, public inconvenience, annoyance or alarm, or recklessly creates a risk thereof, by any of the following:
1. 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.

2. disrupting the orderly conduct of business in any public or governmental facility.
3. disrupting any lawful assembly or meeting of persons without lawful authority.
4. 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, before 5:30 a.m. Monday through Saturday and before 6:00 am Sunday
5. 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 11:00 p.m. and 5:00 a.m..
6. operating any motor vehicle within the town of Rumney so as to make excessive noise by any of the following means:
 - a) misuse of power, acceleration or traction so as to spin the wheels in the manner commonly known as "laying rubber".
 - b) misuse of brake and stopping power in the deceleration of a motor vehicle where no emergency exists.
 - c) misuse of power, acceleration or traction by means of rapid upshift or downshift of transmission gears.
 - d) racing of engine by means of the accelerator, carburetor, gear selector, either when the vehicle is in motion or stationary.
7. continuing, or causing, or allowing to be made or continued any action under the preceding sections 1 through 6.

III. **Exemptions.** The following uses and activities shall be exempt from the prohibitions of the prior disorderly actions section:

- A. noises of safety signals and warning devices when used for the purposes for which they were intended and emergency pressure relief valves.
- B. noises resulting from any authorized vehicles, when responding to an emergency call or acting in time of emergency.
- C. noises resulting from emergency and maintenance work as performed by the Town of Rumney, State of New Hampshire or other public utility companies; or from the provision of municipal services; or from private snowplowing services.
- D. any other noise permitted by law and for which a license or permit thereof has been granted or issued by the Town of Rumney, such as logging operations, mills or manufacturing establishments or other businesses operating with more than one shift.
- E. parades and public gatherings for which the Town of Rumney has issued a permit.
- F. bells, chimes or carillons that are presently installed and in use for any purpose.
- G. agricultural operations under RSA 430c:1-4.

IV. Special Permits.

Prior to the commencement of activity which may violate this ordinance, application for a special permit for relief from this ordinance on the basis of undue hardship may be made to the Board of Selectmen. Any permit granted by the Selectmen shall be in writing and set forth all conditions pertaining to the specified noise and a reasonable time limit for its abatement.

V. Penalties.

Disorderly actions is a violation punishable by a fine of not less than \$50 nor more than \$1000.

VI. Effective date.

This ordinance shall take effect upon passage and supersede any previous ordinance.

Signed this 23 day of Nov., 1998

Kevin A. Maes
Kevin Maes, Chairman
Arthur A. Morrill
Arthur A. Morrill
Robert A. Berti
Robert A. Berti

Board of Selectmen
Rumney, New Hampshire

Received on 24 day of November, 1998 at 8:30 am.

Linda Whitcomb
Linda Whitcomb, Town Clerk