

## **THE TOWN OF LINCOLN, NEW HAMPSHIRE DISORDERLY ACTIONS ORDINANCE**

*This ordinance is designed to protect the quality of life and welfare of every member of our community and to help keep the administration of these regulations within the purview of the Town of Lincoln.*

Pursuant to RSA 41:11, RSA 47:17, RSA 41:11-A, RSA 147:1, RSA 163-B, RSA 644:2, and RSA 645:1, it is hereby ordained by the Board of Selectmen of the Town of Lincoln, 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 an 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 provision 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 (with the exception of snow blowers) used outdoors daily between the hours of 10 p.m. and 7 a.m.

- 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 p.m. and 6 a.m.; or
  - f. Operating any motor vehicle within the Town of Lincoln 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 exists.
    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 to fornicate or expose one’s genitals on any public place or property, or in any private place or property viewable from any public place, under any circumstances which the person should know will likely cause affront or alarm.
- VI. 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 ground 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 Lincoln 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.

#### VII. EXEMPTIONS:

- a. The following uses and activities shall be exempt from regulation under this ordinance.
  - 1. Noises of safety signals and warning devices, when used for the purposes 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 Lincoln, Lincoln Public Works Department, the State of New Hampshire, or public utility companies; noises resulting from the provision of municipal services; noises resulting from private snowplowing services;
  - 4. Any other noise 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 designees from the Town of Lincoln;

#### 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, punishable by a fine of not less than \$100, but not exceeding \$1,000.
- b. For violations of Section IV and V, punishable by a fine of not less than \$150 if a first offense, or \$300 if a second offense, and in no case exceeding \$1,000.

#### IX. SEVERABILITY:

If any provision or language herein is found to be invalid or unenforceable, superseded, or preempted under any law or regulation, such invalidity shall not affect other remaining provisions or language which 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 Lincoln, New Hampshire, this 9th day of August, 2004.

Signed this 23rd day of August, 2004.

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Chairman Deanna Huot

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Selectman Peter Moore

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Selectman Patricia McTeague