

## **CHAPTER 7 CONDUCT REGULATIONS**

### **700 Purpose**

The purpose of this Chapter is to define the various sections relative to public conduct and action within the geographical limits of Exeter.

### **701 Unnecessary Noise**

It shall be unlawful for any person, firm or corporation to make, create, maintain or simulate any excessive, unnecessary or unusually loud noises which are prolonged, unusual and unnatural in their time, place and use effect, and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the Town of Exeter.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of the ordinance, but said numeration shall not be deemed to be exclusive namely:

- 701.1 Radios, Stereos, etc: The using or operating of any radio receiving set, musical instrument, phonograph or other machine or device for producing or reproducing the sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of such between the hours of eleven (11:00) o'clock PM and seven (7:00) o'clock AM in such a manner as to be plainly audible beyond the noisemaker's premises, building, structure or vehicle, as applicable and which is unreasonable and offensive as above described shall be prima facie evidence for a violation of this Section.
- 701.2 Loud Speakers, Amplifiers, Public Address Systems and etc., for Advertising. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker or other machine or device for the producing or reproducing of sound which is used upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure, without a permit and only between the hours of 8AM and 7PM.
- 701.3 Yelling, Shouting, etc: Yelling, shouting, hooting, whistling or singing on the public streets between the hours of 11PM and 7AM or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.
- 701.4 Exhausts and Unloading: Loading, unloading, opening boxes: The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers between the hours of 11PM and 7AM.

Open Exhausts: The discharge into the open air of any unmuffled exhaust from any engine, mobile or stationary or any compressor unit that emits a noise level at a distance of 50 feet or greater.

- 701.5 Construction or Repairing of Buildings: The erection (including excavation), demolition, alteration or repair of any building other than between the hours of 7AM and 10PM except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Inspector should s/he determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways between the hours of 10PM and 7AM and if he shall further determine that loss or inconvenience would result to any party in interest, s/he may grant permission for such work to be done within the hours of 10PM and 7 AM upon application being made at the time the permit for the work is awarded or during the progress of the work.
- 701.6 Schools, Courts, Churches, Hospitals: The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital, church or court.
- 701.7 Pile Drivers, Hammers, etc: The operation between the hours of 10PM and 7 AM of any pile driver, shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise
- 701.8 Exemptions: Public Works and Public Safety equipment required for the effective delivery of public services shall be exempt from the provisions of this Section.

702

**Loitering**

Two or more persons shall not loiter, assemble or congregate on any public way or sidewalk, or in any public place in the Town of Exeter, in such a way as to impede the progress of, or cause annoyance to any person, nor shall any person remain upon any public street after being ordered by a Police Officer to move on. Violation of this Section shall be deemed disorderly conduct.

703

**Public Drinking**

No person shall consume any alcoholic beverage, or have in his/her possession any open container of alcoholic beverage, while upon any public park, playground, sidewalk, commons, town-owned property or any public way within the geographic limits of Exeter. Exemptions to this section shall only apply to events properly licensed under Chapter 809 of these Town Ordinances.

703.1 No person shall consume any alcoholic beverage, or have in his/her possession any open container of alcoholic beverage while in any vehicle within the geographical limits of Exeter.

704 **Discharging Firearms**

No person shall discharge any cannon, pistol or other firearms on the property of GTE Osram/Sylvania located on Portsmouth Avenue in Exeter.

704.1 No person, firm or corporation shall fire or discharge any cannon, gun pistol or other firearm, rocket or squibs within the compact area of the Town of Exeter.

No person, firm or corporation shall, while on the property of another, fire or discharge any cannon, gun pistol or other firearm, rocket or squib within three hundred (300) feet of a dwelling, building or person.

704.2 Compact Area Defined:

Compact area shall mean the area bounded by the Department of Public Works and Highways compact zones.

704.3 Discharge of firearms on town property:

Notwithstanding the provisions of 705.1 above, no person, except a Law Enforcement Officer in the proper execution of his duties, firm or corporation shall fire or discharge any cannon, gun, pistol or other firearm, rocket or squibs upon any property owned or leased by the Town of Exeter except that at the following locations the following activities shall be permitted:

- a. A designated firing range approved by the Board of Selectmen upon recommendation of the Chief of Police with the concurrence of the Town Manager at which instruction in the use of firearms shall be allowed as part of the Police Department's training procedures:
- b. The Sportsman's Club maintained on the Water Works property, so-called, off Portsmouth Avenue, at which Sportsman's Club, the Club members shall be allowed to carry out their customary firearms activities;
- c. The following properties under the supervision of the Exeter Conservation Commission, on which property hunting for birds and mammals according to New Hampshire State Law shall be allowed:

Oaklands Town Forest  
 Little River Conservation Area  
 Smith-Page Conservation Area

705 **Standard of Conduct – Municipal Officers**

No Town officer, employee or agent shall solicit or accept any gratuity, favor or anything of monetary value from any contractor or potential contractor with

the Municipality relative to the procurement of any State and/or federal grant funds; and the offering and/or giving of any such matter of monetary value by such a contractor or their agents to any Municipal Officer, employee or agent is hereby prohibited. In addition to any penalties which may be provided by law, any appropriate disciplinary action including, in the case of an officer, removal from office; in the case of employees, termination of such agency.

**706 Use of Waterways**

The purpose of this ordinance is to regulate the activity on Town property associated with bodies of water under the Town's control.

**706.1 Areas affected:**

Water Works Pond  
Pickpocket Dam Pond  
Brickyard Pond  
Colcord Pond  
Clemson Dam

**706.2 Fishing allowed:**

Fresh water line fishing will be allowed on these areas provided all persons conform to NH Revised Statutes Annotated and Fish and Game Regulations.

**706.3 Prohibited Acts:**

No person, firm or corporation shall operate any boat, float, canoe, raft or kayak with a motor on these water ways.

**706.4 Prohibited Areas for Health & Safety Concerns:**

Dikes, dams, berms, sewer lagoons, holding ponds and the structures of any spillways shall be prohibited areas for persons fishing. Persons found in violation of this Section shall be considered trespassing.

**706.5 Other Laws Prevail:**

Town and State laws and regulations governing littering, liquor laws, health and open lewdness shall prevail and will be strictly enforced.

**707 Use of Water Works Pond**

**707.1** No person, firm or corporation shall operate any vehicle on the open or ice covered waters of the Water works pond, so-called.

**707.2** No person, firm or corporation shall kindle a fire of any kind on the shores of or on the ice covering of the Water Works pond.

**707.4** No person shall fish within 300 feet of the Water Works Pond dam.

**707.5** No person, while fishing, shall litter the waters of Water Works pond.

**707.6** No recreational use of the public water supply known as "Water Works Pond"

is permitted with the exception of fishing from the shore of the Pond where not excluded by other ordinance(s).

**708 Smelt Shack Regulations**

708.1 During temporary ice loss on the River, smelt shacks may be removed to the Town parking lot adjacent to the landing. Such shacks shall be allowed to remain there for no more than twenty-four (24) hours, at which time they shall either be placed back on the ice or removed from the lot.

708.2 Smelt shacks not removed from the Town parking lot adjacent to the Town landing within twenty-four (24) hours, will be removed to Town custody. Smelt shacks will be released to their owners only upon payment of the penalty described in 710 below, and costs assessed by Public Works.

708.3 Smelt shacks shall not be launched onto or removed from the ice from any town-owned or maintained property with the exception of Stewart/Waterfront Park Boat Ramp.

708.4 Smelt shacks shall not be anchored or affixed to any town-owned or maintained property.

**709 Penalties**

Any person violating any provision of Chapter 7 shall be punished by a fine of not more than one hundred (\$100) dollars for each offense.

**710 Town Conservation Land**

No person shall operate a motorized vehicle on posted Town Conservation Land without the written permission of the Town Manager. Human powered wheeled vehicles (such as bicycles) are permitted only on well-established, marked trails where noted. Off trail biking is prohibited.

**711 Drug Paraphernalia**

It shall be a violation of this section for any person to retain or possess Drug Paraphernalia with the intent to use, sell, employ or allow the same to be used, sold or employed for an unlawful purpose. An Unlawful purpose shall mean any act prohibited pursuant to RSA 318-B:2.

Drug Paraphernalia means any tool, equipment, product or implement adapted or designed to make, store, dispense, ingest or conceal a controlled substance. The definition of Drug Paraphernalia includes all equipment, products and materials as described by RSA 318-B:1, X-a.

A controlled substance means any controlled drug or controlled drug analog as defined by RSA 318-B:1, VI and VI-a.

The District Court having jurisdiction may order Drug Paraphernalia forfeited and destroyed in the manner of controlled drugs prescribed by RSA 318-B:17.