# NOISE AND OPEN CONTAINER ORDINANCE

Section I.

A person shall be guilty of disorderly actions if:

1. He/she knowingly creates a condition which is hazardous to said person or another in a public place by any action which serves no legitimate purpose;

    a. Operates any motor vehicle in a public place so as to make excessive noise by any of the following means:

        i. Misuse of power, acceleration, or traction so as to spin the wheels or lose traction;

        ii. Misuse of brake and stopping power in the deceleration of a motor vehicle where no legitimate emergency exists;

        iii. Racing of an engine by means of the accelerator, carburetor or gear selector, either when the motor vehicle is in motion or is stationary;

        iv. Use of the horn other than as a warning signal or to use the vehicle in any manner to create noise which is not incidental to the vehicle's use as a mode of transportation; or

        v. When noise under subparagraph 3(a) is emanating from a vehicle's sound system or any portable sound system located within a motor vehicle, a law enforcement officer shall be considered a reasonable person of average sensibilities for purposes of determining whether the volume of such noises constitutes a breach of the peace, public annoyance, or alarm, and the officer may take such enforcement action to abate such noises upon detecting the noise, or upon receiving a complaint from another person. Said officer may take the corresponding action as outline in this Town ordinance.

b. No person shall carry, transport, possess or otherwise have under his/her control any intoxicating liquor, and/or beverage, within the limits of or upon any way, public place, public building or grounds of said buildings, except in the original container and with the seal unbroken.

## Section II. Definitions

As used in this ordinance:

1. Intoxicating liquor shall have the same meaning as defined in RSA 21:33.

2. Loud noise means any noise as previously described in 3(a) herein.

3. Public building means any local government or school offices, facilities or buildings.

4. Public place means any place within the Town of Lancaster to which the public or a substantial group has access. The term includes, but is not limited to, public ways, sidewalks, parking lots, retaining walls, parks, recreational areas, schools, medical or governmental offices or facilities and the lobbies or hallways of apartment buildings, dormitories, and hotels or motels.

5. Way shall have the same meaning as defined in RSA 259:125.

## Section III. Application for Special Permit

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 or any other reasonable ground may be made by submitting a request in writing to the Board of Selectman with a copy to the chief of police.

Any permit granted by the Board of Selectman shall be in writing and set forth all conditions pertaining to the specified noise and reasonable time limit for its abatement.

Said request shall be filed in a timely manner to allow review such request.

**Section IV. Penalties**

Any person who violates the provisions of this article shall be guilty of a violation, punishable by a fine of not less than fifty dollars ($50), but not exceeding one thousand dollars ($1,000).

**Section V. Repeal**

The provisions of this ordinance shall replace all previous ordinances regulating noise and open container, issued by the Town of Lancaster, and any previous noise and open container ordinances are hereby rescinded.

**Section VI. Adoption and Effective Date**

The Board of Selectmen adopted this ordinance at Town Meeting on March 10, 2026, and is effective immediately.

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Shane Beattie

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Leon Rideout

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Kathy Jean Lavoie