

**AGENDA
LEBANON CITY COUNCIL
JUNE 5, 2019**

9. NEW BUSINESS:

**9.C – REQUEST FOR EXCEPTION FROM CITY CODE CHAPTER 110,
NOISE FROM SOUND AMPLIFICATION SYSTEMS –
8 PLEASANT STREET, WEST LEBANON**

BACKGROUND

City Code Chapter 110, "Noise from Sound Amplification Systems," allows residents to obtain a permit for sound amplification between the hours of 8am – 8pm Chapter 110-2(B) allows the City of Lebanon upon its motion, or upon application and for good cause shown, may modify, suspend, repeal or amend the provisions of any rule or regulation or section herein contained.

Charles and Valerie Martin of 8 Pleasant Street, West Lebanon were issued a Sound Permit from the Lebanon Police Department for a function on Saturday, August 31, 2019. The permitted time frame is 2:00pm – 8:00pm. The Martins are requesting an extension to allow the amplification equipment to be utilized until 10:00pm.

ACTION

Should the Council wish to grant permission, the following motion is offered for consideration:

MOVED, that the Lebanon City Council, in accordance with City Code Chapter 110, Noise from Sound Amplification System, §110-2, hereby authorize Charles and Valerie Martin of 8 Pleasant Street, West Lebanon, to utilize amplification equipment until 10:00pm on Saturday, August 31, 2019, provided that the area neighbors are notified in advance.

Included in this Section:

1. Lebanon Police Department Issued Sound Permit
2. City Code Chapter 110. Noise from Sound Amplification Systems

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LEBANON POLICE DEPARTMENT

36 Poverty Lane

Lebanon, New Hampshire 03766

603/448-8800

APPLICATION FOR SOUND PERMIT

Code of the City of Lebanon, Chapter 110



The following must be completed and submitted to the Lebanon Police Department at least two weeks prior to the date the permit will be used if approval needed by City Council.

Date of Application: 3/18/19

Applicant's Name: Valerie + Charles Martin Phone #: 603 298 5178

Applicant's Address: 86 Pleasant St. West Lebanon, NH 03784

Business Requesting Permit: N/A

Address of Business: N/A

Type of Sound Equipment: 2 speakers, sound board, 2 lights, monitor Number of Units: 6

Proposed Date(s) of Operation: 3/31/19 to 5/31/19 **Hours of Operation: 2pm to 10pm

Location of Permit Use: 86 Pleasant St. West Lebanon, NH 03784

Purpose: We would like to see if we could extend the hours. Usually it is only til 8pm. But we would like to extend it til 10pm. Thank you.

If a Sound Truck is Being Used:

Registration #: N/A Year/Make/Type of Vehicle: N/A

Name & Address of Vehicle Operator & Sound Amplifying Equipment Operator:

N/A

Proposed Route of Truck: N/A

Approximate maximum distance the sound will be audible from the point of orientation (the vehicle):

N/A

**According to City Code, Chapter 110, unless approved by City Council, hours of operation limited to 8:00 am to 8:00 pm Monday-Saturday and 1:00 pm to 5:00 pm Sunday.

CITY COUNCIL APPROVED: _____ (date)

REVIEWED and APPROVED / DENIED by the Chief of Police or his designee: [Signature] (initials)

If Approved, a P.A. Permit will be issued.

3/18/19

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Chapter 110

Noise From Sound Amplification Systems

[HISTORY: Adopted by the City Council of the City of Lebanon by Ord. No. 17; effective 9-1-1963. Amendments noted where applicable.]

GENERAL REFERENCES

Noise by vendors — See Ch. 179.

§ 110-1 **Declaration of policy.**

A. It is hereby declared that:

- (1) The use or operation of public address systems, loud speakers and other similar amplifying systems for the reproduction and amplification of the human voice, music and other sounds is a condition which has existed for some time and the extent and volume of such use is increasing; and that
 - (2) The continued uncontrolled use and operation of public address systems, loud speakers and other similar amplification systems on the street, in front of or outside of any building, place or premises, or in any vehicle operated, standing or being in or on any public street, highway, park or place, or from any stand, platform or other structure or anywhere on or in the public streets, parks or places is detrimental to the public health, comfort, convenience, safety and welfare of the citizens of the City of Lebanon, and that
 - (3) The continued uncontrolled use or operation of such public address systems, loud speakers and other similar amplifying systems diverts the attention of pedestrians and vehicle operators in the public streets, highways, parks and places, thus increasing traffic hazards and causing injury to life and limb; therefore
- B. It is hereby declared as a matter of legislative determination and necessity in the public interest that the rules, regulations and provisions hereinafter contained be and are hereby enacted for the purpose of securing and promoting the public health, comfort, convenience, safety and welfare, and the peace and quiet of the City of Lebanon and its inhabitants.

§ 110-2 **Application of rules and regulations.**

- A. The rules and regulations herein contained shall apply to any person, firm, corporation, association, club, partnership, society or any other form of association or organization.
- B. The City of Lebanon upon its own motion, or upon application and for good cause shown, may modify, suspend, repeal or amend the provisions of any rule or regulation or section herein contained. The sections of these rules and regulations, and the parts thereof, are separable. If any portion of these rules and regulations, or the application thereof to any person or circumstance, shall be held invalid, the remainder thereof or the application of such invalid portions to other persons or circumstances shall not be affected thereby.

§ 110-3 **Definitions.**

Wherever used in this article, the following terms shall mean and include;

PERSON

Includes the singular and plural and also any person, firm, corporation, association, club, partnership, society or any other form of association or organization.

SOUND-AMPLIFYING EQUIPMENT

Any public address systems, loud speakers, radios, phonograph machine, device or apparatus for the amplification and reproduction of the human voice, music or other sounds.

SOUND TRUCK

Any vehicle having mounted thereon or attached thereto any sound-amplifying equipment or apparatus.

§ 110-4 Permit required; profane speech and music prohibited.

- A. It shall be unlawful for any person to use or operate or cause to use or operate any sound-amplifying equipment for commercial or noncommercial purposes on the street, in front of or outside of any building, place or premises, or in any vehicle operated, standing or being in or on any public street, highway, park or place or from any stand, platform or other structure or anywhere on or in the public streets, highways, parks or places within the corporate limits of the City of Lebanon unless he/she shall first obtain a permit from the City of Lebanon in the manner hereinafter prescribed and in accordance with the provisions of this article.
- B. The use of profane, lewd, indecent or slanderous human speech and music reproduced or amplified by means of sound-amplifying equipment is expressly prohibited.

§ 110-5 Application for permit.

- A. Each applicant for a permit shall file a written application on an application form provided for this purpose with the Chief of Police at least three days prior to the date upon which such sound amplifying equipment or apparatus is to be used or operated.
- B. The application shall provide the following information:
 - (1) Name and address of applicant.
 - (2) Address of place of business.
 - (3) Date or dates of proposed use and operation of the sound-amplifying equipment.
 - (4) The proposed hours of use and operation of the sound-amplifying equipment.
 - (5) The purpose for which the sound-amplifying equipment will be used and operated.
 - (6) If a sound truck, the registration, motor number and make of the vehicle.
 - (7) Name and address of the vehicle operator and sound-amplifying equipment operator.
 - (8) The proposed route of the sound truck.
 - (9) The approximate maximum distance the sound will be audible from the point of origination.

§ 110-6 Terms for issuance of permits.

- A. The issuing authority shall be the Chief of Police, and a permit shall not be denied for any specific time, location or use to any applicant who complies with the provisions of this article, except as hereinafter excepted:
 - (1) Improper and incorrect application.
 - (2) Overlapping in the granting of permits for the same purpose or for more than one purpose within a maximum of 100 yards of each.

- (3) In any location within 100 yards of a school, courthouse, church, hospital or similar institution.
 - (4) In any location between the hours of 8:00 p.m. and 8:00 a.m.
 - (5) In or on any vehicle standing or in motion between the hours of 8:00 p.m. and 8:00 a.m.
 - (6) In any location where the volume of sound emitted from the sound-amplifying equipment will be audible for a distance in excess of 100 yards from the place or places where such sound-amplifying equipment or apparatus will be located.
 - (7) In any location where, upon investigations by the issuing authority, it shall be determined that the conditions of vehicular and/or pedestrian traffic are such that the use of sound-amplifying equipment or apparatus will constitute a threat to the safety of pedestrians or vehicle operators.
- B. The Chief of Police may issue permits for single occurrences, or on a quarterly, semiannual or annual basis. Permits issued quarterly, semiannually or annually shall be renewed on or before the anniversary date of the permit to allow continued use of the sound-amplifying equipment.

§ 110-7 Sundays and legal holidays.

Except between the hours of 1:00 p.m. and 5:00 p.m., on Sundays and legal holidays, and only by special permission of the City Council for good cause shown, permission to use and operate sound-amplifying equipment shall not be granted. This is so ordered to ensure against interference with religious services or civic observances and the general tranquillity of the community.

§ 110-8 Possession and display of permit.

The permit shall be kept at all times where it can be readily obtained and promptly shown to any police officer of the City of Lebanon upon request.

§ 110-9 Exceptions.

The provisions of this article shall not apply to the use of sound-amplifying equipment and apparatus in the following uses:

- A. Any church or synagogue on or within its own premises in connection with its religious rites or ceremonies.
- B. Authorized band concerts, street dances, street fairs and special events.
- C. Athletic contests when held within the confines of a stadium, athletic field or municipal park or playground.
- D. Use by the several departments of the municipal government in the proper exercise of their individual functions.
- E. Use in a nonresidential zoning district when specifically approved by the City Council after a duly noticed public hearing and found not to have any negative impacts and with any condition the City Council may choose to place on it. **[Added 8-7-1996]**

§ 110-10 Permit fees.

No permit fees shall be imposed upon any applicant for permit under the terms of this article.

§ 110-11 Penalties for offenses.

Any person who shall violate any provision of this article, upon conviction thereof, shall be punished as provided in Chapter 1, General Provisions.

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