



Sunderland Town By-Laws / Massachusetts General Laws

TBL 89-1 Noise

It shall be unlawful for any person or persons occupying, having the charge of or being present in or about any building, structure, premises, shelter, vehicle, boat or conveyance or any part thereof in the Town (other than that section of any establishment licensed under Chapter 138 of the General Laws) at any time to cause, suffer, allow or countenance any unnecessary loud, excessive or unusual noise, including any such noises in the operation of any radio, phonograph or other mechanical sound-making device or instrument or reproducing devices or instrument, or in the playing of any band, orchestra, musician or group of musicians or in the use of any device to amplify the aforesaid or the making of loud and boisterous singing by any person or group of persons or in the use of any device to amplify the aforesaid noise, where such noise is plainly to abutting residential units, also including abutting properties. The fact that the noise is plainly audible to said abutting residential units or abutting properties shall constitute prima facie evidence of a violation of this chapter. Any person shall be deemed in violation of the chapter who shall make or aid and abet or cause or suffer or assist in the making of any such noise.

Penalties- Verbal warning or **\$300 civil infraction** or any person or persons who violate this by-law **may be arrested** without a warrant, provided that the violation occurs in the presence or view of a Police Officer.

TBL 89-2 Open Containers of Alcohol / Public Property

It shall be unlawful for any person who has not attained the age of twenty-one (21) to consume or have in his or her possession alcoholic beverages in public places within the town. It shall be unlawful for any person to consume alcoholic beverages on public highways or in public parking places, including vehicles thereon, within the town.

Penalties- TBL Violation **\$300 civil infraction** or any person or persons who violate this by-law **may be arrested** without a warrant, provided that the violation occurs in the presence or view of a Police Officer. Violations of an Operator of a MV would fall under Mass General Law C.90s.24(I) & \$500 fine.

MGL C.138 s.134C Minor Possession/Transporting Alcohol

Section 34C: **Whoever, being under twenty-one years of age and not accompanied by a parent or legal guardian, knowingly possesses, transports or carries on his person, any alcohol or alcoholic beverages**, shall be punished by a fine of not more than fifty dollars for the first offense and not more than one hundred and fifty dollars for a second or subsequent offense; provided, however, that this section shall not apply to a person between the ages of eighteen and twenty-one who knowingly possesses, transports or carries on his person, alcohol or alcoholic beverages in the course of his employment.

Penalties- **A police officer may arrest without a warrant any person who violates this section.** A conviction of a violation of this section shall be reported forthwith to the registrar of motor vehicles by the court, and said registrar shall thereupon suspend for a period of ninety days the license of such person to operate a motor vehicle.

TBL 89-6

Gatherings on Private Property (Nuisance Home)

In accordance with the Town of Sunderland's home rule authority and to protect the health, safety, and welfare of the inhabitants of the Town, this bylaw shall permit the Town to impose liability on owners and other responsible persons for the nuisances and harm caused by loud and unruly gatherings on private property and shall discourage the consumption of alcoholic beverages by underage persons at such gatherings.

PUBLIC NUISANCE -- Means a gathering of persons on any premises in a manner which constitutes a violation of law or creates a substantial disturbance of the quiet enjoyment of private or public property in a significant segment of a neighborhood. Unlawful conduct includes, but is not limited to, excessive noise, excessive pedestrian and vehicular traffic, obstruction of public streets by crowds or vehicles, illegal parking, public urination, the service of alcohol to underage persons, fights, disturbances of the peace, and litter.

Penalties- **This bylaw shall be enforced by criminal complaint in the District Court.** Violators may be fined in the amount of \$300 for first and subsequent offenses; in the alternative it may be enforced by the noncriminal disposition process of MGL C.40 s.21D. For the purpose of noncriminal enforcement, the enforcing persons shall be any police officer of the Town of Sunderland. If enforced pursuant to noncriminal disposition, all violations shall be \$300. The Town of Sunderland may additionally see administrative costs and response costs associated with enforcement.

The above information is intended as a reference only. It is provided for you by the Town of Sunderland Police Department.