

# Temple-Greenville Police Department

38 Main Street, Greenville NH 03048

PO Box 478 Greenville NH 03048

PO Box 156, Temple NH 03084

Chief James H. McTague

603-878-2324 or 603-878-3474

---

5/13/2021

Isabella,

I have attached a copy of the New Hampshire RSA 644:2 Disorderly Conduct as Temple does not have a noise ordinance.

What is considered as unreasonable noise at an unreasonable hour is looked at on a case by case basis.

Under State v Murray, what is unreasonable cannot be determined by the Police.

Sincerely,

A handwritten signature in black ink, appearing to read "Chief James H. McTague", with a long horizontal flourish extending to the right.

Chief James McTague

# 2010 New Hampshire Statutes

## TITLE LXII CRIMINAL CODE

### CHAPTER 644 BREACHES OF THE PEACE AND RELATED OFFENSES

#### Section 644:2 Disorderly Conduct.

**Universal Citation:** NH Rev Stat § 644:2 (1996 through Reg Sess)

**644:2 Disorderly Conduct.** – A person is guilty of disorderly conduct if:

I. He knowingly or purposely creates a condition which is hazardous to himself or another in a public place by any action which serves no legitimate purpose; or

II. He or she:

(a) Engages in fighting or in 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 emergency 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 or remain away from any public place; or

III. He purposely causes a breach of the peace, public inconvenience, annoyance or alarm, or recklessly 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

(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.

III-a. When noise under subparagraph III(a) is emanating from a vehicle's sound system or any portable sound system located within a vehicle, a law enforcement officer shall be considered a person of average sensibilities for purposes of determining whether the volume of such noise constitutes a breach of the peace, public inconvenience, annoyance, or alarm, and the officer may take enforcement action to abate such noise upon detecting the noise, or upon receiving a complaint from another person.

IV. (a) Whenever a peace officer has probable cause to believe that a serious threat to the public health or safety is created by a flood, storm, fire, earthquake, explosion, riot, ongoing criminal activity that poses a risk of bodily injury, or other disaster, the officer may close the area where the threat exists and the adjacent area necessary to control the threat or to prevent its spread, for the duration of the threat, until related law enforcement, fire, and emergency medical service operations are complete, by means of ropes, markers, uniformed emergency service personnel, or any other reasonable means, to any persons not authorized by a peace officer or emergency services personnel to enter or remain within the closed area.

(b) Peace officers may close the immediate area surrounding any emergency field command post activated for the purpose of abating any threat enumerated in this paragraph to any unauthorized persons, whether or not the field command post is located near the source of the threat.

(c) Any unauthorized person who knowingly enters an area closed pursuant to this paragraph or who knowingly remains within the area after receiving a lawful order from a peace officer to leave shall be guilty of



disorderly conduct.

V. In this section:

(a) "Lawful order" means:

(1) A command issued to any person for the purpose of preventing said person from committing any offense set forth in this section, or in any section of Title LXII or Title XXI, 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;

(2) A command issued to any person to stop him from continuing to commit any offense set forth in this section, or in any section of Title LXII or Title XXI, when the officer has reasonable grounds to believe that said person is presently engaged in conduct which constitutes any such offense; or

(3) A command not to enter or a command to leave an area closed pursuant to paragraph IV, provided that a person may not lawfully be ordered to leave his or her own home or business.

(b) "Public place" means any place 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.

VI. Disorderly conduct is a misdemeanor if the offense continues after a request by any person to desist; otherwise, it is a violation.

**Source.** 1971, 518:1. 1983, 200:1. 1985, 309:1. 2005, 192:1, 2, eff. June 30, 2005; 260:2, 3, eff. July 22, 2005.