

ORDINANCE 01-2015

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 10, ARTICLE IV OF THE LAKE PARK CODE BY REPEALING SECTIONS 10-151 THROUGH 10-161 AND ADOPTING A NEW ARTICLE IV REGULATING NOISE IN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida (“Town”) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes.

WHEREAS, the Town Commission has previously adopted general provisions pertaining to noise control within the Town; and

WHEREAS, Town Commission has determined that there is a need to update and substantially revise the regulations in the Town which govern noise; and

WHEREAS, the Town’s Community Development Department has recommended to the Town Commission that Chapter 10, Article IV be repealed and a new Article IV regulating noise in the Town be adopted; and

WHEREAS, the Town Commission has determined that the amendments recommended by the Town’s Community Development Department would further the public’s health, safety and general welfare.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA.

Section 1. The whereas clauses are incorporated herein as true and correct and as legislative findings of the Town Commission.

Section 2. The provisions of Chapter 10, Article IV of the Town Code of Ordinances is hereby repealed in their entirety:

Sec. 10-151. - Policy.

~~In furtherance of the mandate of the people, as expressed in Article II, Section 7 of the Constitution of the State of Florida (Fla. Const. art. II, § 7), it shall be the policy of the town to conserve and protect its natural resources and scenic beauty and adequate provision shall be made by ordinance for the abatement of loud, excessive and unnecessary noise.~~

Sec. 10-152. - Acoustical terminology.

~~All acoustical terminology and all definitions thereof shall be that contained in ASA S1.1-1960, as amended, American Standard Acoustical Terminology of the American National Standards Institute (ANSI). Any tests for sound measurements shall be conducted pursuant to procedures and standards prescribed by ANSI or other nationally recognized standards.~~

Sec. 10-153. - Definitions.

For the purpose of this article, whenever any of the following words, terms or definitions are used herein they shall have the meanings respectively ascribed to them in this section except where the context requires otherwise:

~~Authorized emergency vehicle means vehicles of the county fire department (fire patrol), police vehicles and such ambulances and emergency vehicles of municipal departments, public service corporations operated by private corporations, and the department of transportation as are designated or authorized by the department or the chief of police of an incorporated city or any sheriff of any of the various counties.~~

~~A-weighted sound level means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dBA.~~

~~Decibel means a unit for measuring the intensity of a sound, the mathematical formula for which is expressed as the volume of a sound which is equal to ten times the logarithm of the ratio of the intensity of the sound to the intensity of a specified standard sound, abbreviated "dBA."~~

~~Emergency work means work made necessary to restore property to a safe condition following a natural disaster or public calamity; or work required to protect persons or property from imminent danger caused by hurricanes, tornados, floods or other natural disasters or public calamity; or work by private or public utilities when installing or restoring utility service.~~

~~Fixed source means a machine or device capable of creating a noise level at the property line upon which it is located, including but not limited to industrial and commercial process machinery and equipment, pumps, fans, air conditioning apparatus, refrigeration machines or pool heaters.~~

~~Fluctuating noise means a noise in which the loudness varies with time. This is expressed technically as a noise whose sound pressure level varies significantly and exceeds the ambient noise level.~~

~~Holidays means New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas.~~

~~Impulsive noise means a very short duration noise. An impulsive noise is a noise characterized by brief exertions of sound pressure which significantly exceed the ambient sound pressure.~~

~~Motorecycle means any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.~~

~~Motor-driven cycle means any motorcycle, and any motor scooter with a motor which produces not to exceed five brake horsepower, including every bicycle with a motor attached.~~

~~Motor vehicle means any vehicle which is self-propelled.~~

~~• Noise disturbance means any sound which:~~

~~(1)~~

~~Endangers or injures the safety or health of humans or personal or real property;~~

~~(2)~~

~~Exceeds any dBA limit established pursuant to this article;~~

~~(3)~~

~~Is loud and raucous;~~

~~(4)~~

~~Tends to annoy a substantial number of persons in the community; or~~

~~(5)~~

~~Is plainly audible and causes or tends to cause an adverse psychological or physiological effect on human beings.~~

~~Noise sensitive zone means any area within the town, designated by the town as such, for the purpose of ensuring quiet.~~

~~Period of observation means the time interval during which acoustical data and facts are obtained. All periods of observation made hereunder shall be determined with regard to the character of the noise being measured, and the particular instrument used to make the measurement, and shall be made in accordance with the standards contained in ANSI S1.13-1971 as amended on the American National Standards Institute or its updated version.~~

~~Sound means a temporal and spatial oscillation in pressure, or other physical quantity in a medium with internal forces causing compression and rarefaction of that medium, and propagating at finite speed to distant points.~~

~~Sound pressure level means the sound pressure level, in decibels, of a sound 20 times the logarithm to the base ten of the ratio of the pressure of the sound to the reference sound pressure. The reference is 0.0002 μ bar. The sound pressure level may be evaluated using FLAT, A, B or C scales as defined by the American National Standards Institute and shall be labeled dB, dBA, dBB or dBC, respectively. The A-weighted sound pressure level measured with fast response on an instrument meeting American National Standards Institute specifications or its successor bodies, except that only the A-weighting and fast dynamic response need be provided, shall be called the "sound level."~~

~~Steady noise means a nonfluctuating noise or a noise the level of which remains essentially constant during the period of observation.~~

~~Zoning district means any of the several designated categories in the zoning code of the town (chapter 78).~~

Sec. 10-154. ~~Noise disturbance prohibited.~~

~~No person shall make, continue or cause to be made or continued any noise disturbance as defined herein.~~

Sec. 10-155. ~~Maximum permissible sound levels by receiving land use.~~

~~No person shall operate or cause to be operated any source of sound in such manner as to create a sound level which exceeds the limits set forth for the receiving land use district in Table 1, for more than 50 percent of any period of observation which shall not be less than ten minutes, when measured at the boundary of the receiving land use and as a result of a source of sound being located on some other property.~~

TABLE 1

Sound Levels by Receiving Land Use

Receiving Land Use	Time	Sound Level Limit dBA
Conservation	6:00 a.m. — 7:00 p.m.	<u>55</u>
	7:00 p.m. — 6:00 a.m.	50
Residential	7:00 a.m. — 10:00 p.m.	<u>55</u>
	10:00 p.m. — 7:00 a.m.	50
Commercial/Residential and Downtown	7:00 a.m. — 10:00 p.m.	<u>55</u>
	10:00 p.m. — 7:00 a.m.	50
Commercial	At all times	<u>60</u>
Commercial/Light Industrial	At all times	<u>65</u>
Public Buildings/Grounds and Other Public Facilities	7:00 a.m. — 10:00 p.m.	<u>60</u>
Recreation and Open Space	10:00 p.m. — 7:00 a.m.	<u>55</u>

Sec. 10-156. ~~Noise sensitive zones.~~

~~It shall be unlawful to create any noise disturbance on any street or any adjacent area within 500 feet of any hospital or within 500 feet of any school, institution of learning, public park, church or courtroom in the town during the period of use thereof, where such noise causes interference with the workings of such facility or disturbs or annoys the persons using such facility. There shall be no conviction for violation of this provision, however, unless signs bearing an appropriate warning legend are posted and displayed in a conspicuous manner on the streets approaching facilities.~~

Sec. 10-157. -- Specific prohibitions.

~~The following specific acts, and the causing thereof, are declared to be in violation of this article notwithstanding the noise levels set forth in Section 10-155:~~

~~(1)~~

~~Radios, television sets, musical instruments and similar devices. Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, compact disc or similar device which produces, reproduces or amplifies sound:~~

~~a.~~

~~Between the hours of 7:00 p.m. and 7:00 a.m. the following day in such a manner as to create a noise disturbance across a real property boundary or within a noise sensitive zone (except for activities open to the public and for which a permit has been issued by the town);~~

~~b.~~

~~In such a manner as to create a noise disturbance at 50 feet from such device, when operated in or on a motor vehicle on public right-of-way or public space, or in a boat on public waters;~~

~~c.~~

~~In such a manner as to create a noise disturbance to any person other than the operator of a device, when operated by any passenger on a common carrier; or~~

~~d.~~

~~In such a manner or at such a level that would disturb or annoy a substantial number of persons in the community within any residentially zoned area of the town at any time.~~

~~(2)~~

~~Loudspeaker/public address systems.~~

~~a.~~

~~Using or operating for any noncommercial purpose any loudspeaker, public address system or similar device between the hours of 8:00 p.m. and 7:00 a.m. the following day, such that the sound therefrom creates a noise disturbance across a residential real property boundary or within a noise sensitive zone; or~~

~~b.~~

- Using or operating for any commercial purpose any loudspeaker, public address system or similar device for the purpose of commercial advertising or attracting the attention of the public to any building or structure.
- (3) ~~Street sales. Offering for sale or selling anything by shouting or outcry within any residential or commercial area of the town, except by permit issued by the town.~~
- (4) ~~Animals and birds. Owning, possessing or harboring any animal or bird which frequently or for continued duration howls, barks, meows, squawks or makes other sounds which create a noise disturbance across a residential real property boundary or within a noise sensitive zone.~~
- (5) ~~Loading and unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans or similar objects between the hours of 7:00 p.m. and 7:00 a.m. the following day in such a manner as to cause a noise disturbance across a residential real property boundary or within a noise sensitive zone. Any properties lying west of Old Dixie Highway in the commercial districts shall be exempt from the hours of the provision above.~~
- (6) ~~Vehicle or motorboat repairs and testing. Repairing, rebuilding, modifying or testing any motor vehicle, motorcycle or motorboat in such a manner as to cause a noise disturbance across a residential real property boundary or within a noise sensitive zone.~~
- (7) ~~Explosives, firearms and similar devices. The use or firing of explosives, firearms or similar devices which create impulsive noise so as to cause a noise disturbance across a real property boundary or on a public space or right-of-way without first obtaining a permit issued by the town.~~
- (8) ~~Powered model vehicles. Operating or permitting the operation of powered model vehicles so as to create a noise disturbance across a residential real property boundary in a public space or within a noise sensitive zone between the hours of 7:00 p.m. and 7:00 a.m. the following day. Maximum sound levels in a public space during the permitted period of operation shall conform to those set for residential land use in section 10-155 and shall be measured at a distance of four feet from any point on the path of the vehicle. Maximum sound levels for residential property and noise sensitive zones, during the permitted period of operation, shall be governed by sections sections 10-155 and 10-156, respectively.~~
- (9) ~~Domestic power tools. Operating or permitting the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, or similar device used outdoors in residential areas between the hours of 7:00 p.m. and 7:00 a.m. the following day so as to cause a noise disturbance across a residential real property boundary.~~
- (10)

~~Engines, generators, pumps, motors and other machinery. Operating or permitting the operation of any engines, generators, pumps, motors or other machinery, including air conditioning and air handling equipment, so as to cause a noise disturbance at any time.~~

(11)

~~Vehicle defect or condition of load. It shall be unlawful for any person to operate a motor vehicle or motor propelled boat so out of repair or defective, or under any condition of load, acceleration or deceleration so as to create a noise disturbance, including but not limited to grating, grinding, rattling or explosive noise.~~

(12)

~~Noise from buildings or premises. No person who owns, leases or controls any building or premises shall use the same for any business, employment, residential use, or for any purpose of pleasure or recreation, where such use shall cause a noise disturbance across a real property boundary or within a noise sensitive zone.~~

(13)

~~Construction. It shall be unlawful for any person to do, perform or engage in any construction work, building, excavating, hoisting, grading, pile driving, pneumatic hammering, demolition, dredging, building alteration or repair work of any nature to any building or structure or upon any site for the same in the town without a permit issued by the town:~~

~~a.~~

~~Between the hours of 7:00 p.m. and 7:00 a.m. the following day, and at all times on Sundays and holidays, such that the sound therefrom creates a noise disturbance or exceeds 50 dBA at a real property boundary;~~

~~b.~~

~~At any other time such that the sound level at a real property boundary creates a noise disturbance or exceeds 80 dBA for the daily period of operation.~~

~~This section shall not apply to the use of domestic power tools as described in subsection (9) of this section.~~

(14)

~~Lawn maintenance devices. It shall be unlawful to operate lawnmowers, edgers, trimmers and power driven hedge shears in the town between the hours of 9:00 p.m. and 7:00 a.m. the following day.~~

(15)

~~Idling vehicles. It shall be unlawful for any person to operate any motor of a motor vehicle of a weight in excess of 8,000 pounds for a consecutive period of time longer than two minutes while such vehicle is standing on private property and located within a 150 feet of property zoned and used for residential purposes, except where such vehicles are standing within a completely enclosed structure. Emergency vehicles and public transportation vehicles shall be exempt from this provision of this article. Delivery vehicles shall be exempt when such a motor is an integral component of the delivery process in question.~~

(16)

Mufflers. No person shall modify or change the exhaust muffler, intake muffler or any other noise-abatement device of a motor vehicle in a manner such that the noise emitted by the motor vehicle is increased above that emitted by the vehicle as originally manufactured.

(17)

Boats. No person shall operate any engine-powered pleasure vessel, engine-powered craft or motorboat on any body of water, lake, canal or waterway being within the town which creates a noise disturbance or emits frequent or long-continued noise that exceeds 90 dBA from a distance of 50 feet.

(18)

Motoreycles, trailbikes, minibikes, scooters. It shall be unlawful and declared a public nuisance to use or operate any motorecycle, trailbike, minibike, scooter or vehicle, as defined in F.S. § 316.003, which creates a noise disturbance or emits frequent or long-continued noise that exceeds 75 dBA from a distance of 50 feet. Exemption: This section shall not apply to those vehicles regulated by state statute.

(19)

Motor vehicle horns and signaling devices. Sounding any horn or other signaling device on or in any motor vehicle on any public right-of-way or public space, except as a warning of danger.

(20)

Refuse collection vehicle. No person shall collect refuse with a refuse collection vehicle between the hours of 7:00 p.m. and 6:00 a.m. of the following day in a residential area or noise sensitive zone; nor shall such vehicle be operated in any other area which violates the provisions of section 10-155 between the hours of 7:00 p.m. and 6:00 a.m. the following day.

(21)

Motor vehicles operating on a public right-of-way. Motor vehicles on a public right-of-way are regulated as set forth in the Florida Motor Vehicle Noise Prevention and Control Act of 1974, as set forth in F.S. §§ 316.272, 316.293 and 403.415.

(22)

Air conditioning or air handling equipment. Operating or permitting the operation of any air conditioning or air handling equipment in a residential area which creates a noise disturbance, but excluding cooling towers.

Sec. 10-158. -- Exemptions from permissible sound levels.

The provisions of section 10-155 shall not apply at any time to:

(1) Routine maintenance of public service utilities.

(2) Noise generated for the purpose of alerting persons to the existence of an emergency or noise generated in the performance of emergency work.

Sec. 10-159. -- Noise measurement procedure.

~~For the purpose of determining and classifying any noise as a noise disturbance which is hereby declared to be unlawful and prohibited by this article, the requirements and provisions in section 10-155 may be applied; provided, however, a violation of this article may occur without the occasion of the measurements being made as therein provided.~~

Sec. 10-160. -- Procedure for motor vehicle noise.

~~The procedure for enforcing operating motor vehicle noise standards shall be as established in F.S. § 316.293, and applicable rules and regulations of the state department of environmental protection with the cooperation of the state department of highway safety and motor vehicles.~~

Sec. 10-161. -- Exemptions.

~~The following are exempt from the provisions of this article except the operation of motor vehicles under F.S. § 316.293, which specifically exempts certain vehicles:~~

- (1) ~~All public parks, schools, playgrounds, and recreation areas specifically designated for such activity in performance of that activity.~~
- (2) ~~Any public performance being conducted in accordance with the provisions of a special permit issued by the town.~~
- (3) ~~All equipment tests required by law.~~
- (4) ~~All procedures or processes required by law.~~

Section 3. A new Article IV of Chapter 10 of the Town's Code of Ordinances is hereby adopted as follows:

Section 10-151. -- Policy.

It shall be the policy of the Town to provide for the peaceful enjoyment of the properties, businesses, and residences of the Town by adopting appropriate regulations to regulate noise throughout the Town in order to promote the public health, safety and general welfare of the public.

Section 10-152. – Applicability

This article shall apply to all property within the Town of Lake Park and shall be used in conjunction with the Policies for Facility Rentals adopted by Resolution.

Section 10-153 – General Prohibitions – “Noise Disturbance” Definition and Enforcement

The term “Noise Disturbance” shall mean any sound emanating from public or private property which is plainly audible when observed from within the boundaries of a receiving property for a period of at least ten minutes. As used in the preceding sentence, the term “plainly audible” shall mean any sound, regardless of content, that can be clearly heard on the receiving property by a person using his or her normal auditory faculties for a period of at least ten minutes. Any person who shall cause a Noise Disturbance shall be in violation of Section 10-153, and, accordingly, that person shall be subject to a fine as provided for in a fine schedule approved by Resolution. The Resolution referenced in the preceding sentence shall provide a fixed fine amount for the first violation of Section 10-153, and, if an additional violation of Section 10-153 occurs after a time period of at least 30 minutes has elapsed from the first citation for a violation of Section 10-153, an additional fine shall be imposed as provided for in the Resolution. Additional fines for additional violations of Section 10-153 that occur within the same 24-hour period shall be included in the Resolution and imposed on the person causing the Noise Disturbance for every additional Noise Disturbance caused by that person after at least a period of 30 minutes has elapsed from the previous citation for a Noise Disturbance. Citations issued to privately-owned residential and non-residential properties in the Town will serve as the Notice of Violation and Notice of Hearing and will be the responsibility of the property owner. These citations are subject to the enforcement proceeding in Section 9-36 of the Town Code.

Section 10-154. – Specific Prohibitions.

The definition of “Noise Disturbance” in Section 10-153 shall not apply to Section 10-154, as any one of the following specific acts, and the causing of them, shall be considered a *per se* noise disturbance, regardless of the length of time of the disturbance. Any person who causes a *per se* noise disturbance shall be in violation of Section 10-154, and shall be subject to the same fine structure as outlined in the Resolution referenced in Section 10-153.

(1) *Horns, signaling devices.* The sounding of any horn or audible signal device of any motor vehicle, boat, train, engine, machine or stationary boiler of any kind except as required by law or as a warning.

(2) *Public streets and parks.* The operating or playing of any radio, television, phonograph, musical instrument or similar device, regardless of content, on the public rights-of-way or in public parks in a manner as to be plainly audible at a distance of 100 feet from the sound source at any time.

(3) *Loud speakers and sound amplifiers.* The using or operating of any loud speaker, loud speaker system, sound amplifier, radio, television, phonograph, musical instrument or other similar device within or adjacent to inhabited residential land such that the sound therefrom,

regardless of content, is plainly audible across the property line of another inhabited property at any time. This section shall not apply to any special events, such as parades, festivals or sporting events, but shall apply to lounges, restaurants, or nightclubs.

(4) *Street sales advertising.* The use or operation of any loudspeaker, sound amplifier or musical instrument which produces or reproduces sound which is cast or emitted upon the public streets and sidewalks for the purpose of commercial advertising or for attracting the attention of the public to any particular building, structure or place when such sound that is emitted is plainly audible from another inhabited property.

(5) *Machinery and construction work.* The operation of any machinery, demolition equipment, construction equipment, excavating equipment, power tools, equipment of semi-mechanical devices or undertaking construction work which emits sound across the line of another inhabited residential property between the hours of 7:00 p.m. and 7:00 a.m., Monday through Saturday. All major construction work, including grading and site preparation, assembly, erection, substantial repair, alteration or demolition of a building or structure is prohibited anytime on Sunday. This shall not prohibit individuals from performing home repair or maintenance, between the hours of 9:00 a.m. and 6:00 p.m. on Sunday nor shall it prohibit the use of pumps or machinery which, because of its very nature and purpose, is required to be operated 24 hours a day.

(6) *Lawn equipment.* The operation of lawn and garden equipment that emits sound across a property line to another inhabited residential land except between the hours of 7:00 a.m. and 7:00 p.m. daily and between the hours of 9:00 a.m. and 6:00 p.m. on Sundays.

Section 10-155. – Exemptions.

The following shall be exempt from the standards of this section:

(1) Sound emitted from the operation of motor vehicles legally operating on any public right-of-way, which are regulated by F.S. Ch. 316, the Uniform Traffic Control Law.

(2) Any noise generated by activities to the extent such activities are preempted by applicable state or federal laws or regulations.

(3) Any noise generated as a result of emergency work, as a danger-warning device, or for the purpose of alerting persons to the existence of any emergency.

(4) Any noise generated by any event which is a Town-sponsored event or is an event that has been granted a special event permit by the Town whether conducted on public lands or privately-owned lands. Such events must be open to the public in order to be exempted.

(5) Any noise generated within any public right-of-way, including parades, pursuant to a special events permit.

(6) Non-amplified crowd noises at sporting events.

(7) Sound emitted from the operation of equipment associated with maintenance of public or private grounds when the equipment is utilized in the normal operation and operating hours of those grounds, provided the equipment is used only between the hours of 7:00 a.m. and 7:00 p.m. daily. All construction activities, including machinery and equipment such as chain saws, are not included within the exemption provided herein.

Section 3. **Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. **Repeal of Laws in Conflict.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. **Codification.** The sections of the Ordinance may be made a part of the Town Code of Laws and Ordinances and may be renumbered or relettered to accomplish such, and the word “ordinance” may be changed to “section,” “article,” or any other appropriate word.

Section 6. **Effective Date.** This Ordinance shall take effect immediately upon adoption.

Upon First Reading this 18 day of March, 2015, the foregoing Ordinance was offered by Commissioner O'Rourke, who moved its approval. The motion was seconded by Vice-Mayor Glas-Castro and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER MICHAEL O'ROURKE	<u>/</u>	_____
COMMISSIONER KATHLEEN RAPOZA	<u>/</u>	_____

PUBLISHED IN THE PALM BEACH POST THIS 22 DAY OF March, 2015

Upon Second Reading this 6 day of May, 2015, the foregoing Ordinance, was offered by Commissioner O'Rourke, who moved its adoption. The motion was seconded by Commissioner Rapoza and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER MICHAEL O'ROURKE	<u>/</u>	_____
COMMISSIONER KATHLEEN RAPOZA	<u>/</u>	_____

The Mayor thereupon declared **Ordinance No.** 01-2015 duly passed and adopted this 6 day of May, 2015.

TOWN OF LAKE PARK, FLORIDA

BY: James DuBois
Mayor, James DuBois

ATTEST:

Vivian Mendez
Town Clerk, Vivian Mendez
(Town Seal)

TOWN OF LAKE PARK
SEAL
FLORIDA

Approved as to form and legal sufficiency:

Thomas J. Baird
Town Attorney, Thomas J. Baird