

# CHAPTER 29

## NOISE

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### ***SECTION 1. LEGISLATIVE INTENT***

The making and creating of disturbing, excessive, or offensive noises within the jurisdictional limits of the Village is a condition which has persisted, and the level and frequency of occurrences of such noises continues to increase. These noise levels are a detriment to the public health, comfort, convenience, safety, and welfare of the citizens. Every person is entitled to an environment in which disturbing, excessive, or offensive noise is not detrimental to his or her life, health, or enjoyment of property. The law is to be construed liberally, but it is not intended to be construed so as to discourage the enjoyment by resident of normal, reasonable and usual activities.

### ***SECTION 2. PROHIBITED ACTS***

- A. No person, Corporation, Partnership, Association and/or other Legal Entity with the intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, shall cause, suffer, allow or permit to be made unreasonable noise. For purpose of this law, unreasonable noise is any disturbing, excessive, or offensive sound that disturbs a reasonable person of normal sensitivities.
- B. The following acts are declared to be prima facie evidence of a violation of this law. This enumeration shall not be deemed exclusive.
1. Any unnecessary noise from any source between the hours of 11:00 p.m. and 7:00 a.m. the following day which is transmitted beyond the property lines.
  2. Noise from a dog or other pet animal that is continuous or repetitive.
  3. Noise from any sound reproduction system, operating or playing any radio, portable radio or tape player, television, tape deck or similar device that reproduces or amplifies sound in such a manner as to be heard over any property line.

4. The erection, including excavation, demolition, alteration or repair of any building other than between 7:00 a.m. and 9:00 p.m., except in case of a public safety and emergency.
5. The operation of power equipment in residential zones outdoors between the hours of 10:00 p.m. and 7:00 a.m. the following day, and on weekends between 10:00 p.m. and 8:00 a.m.
6. The sounding of any horn or signaling device of an automobile, motorcycle or other vehicle for any unnecessary or unreasonable period of time.
7. The making of improper noise or disturbance or operating an automobile or motorcycle in such a manner as to cause excessive squealing or other excessive noise of the tires.
8. The idling of automobiles, motorcycles, trucks, trailers or any other vehicles when not being used on public highways of the State of New York that is continuous and exceeds fifteen (15) minutes.

### ***SECTION 3. EXCEPTIONS***

The provisions of this law shall not apply to the following acts: a) the emission of sound for the purpose of alerting persons to the existence of an emergency; b) noise from municipally sponsored celebrations or events; c) noise from individually sponsored events where a permit for public assembly or other relevant permission has been obtained from the Village Clerk; d) the operation or use of any organ, radio, bell, chimes or other instrument, apparatus, or device by any church, synagogue, or school licensed or chartered by the State of New York, provided such operation or use does not occur between the hours of 10:00 p.m. and 8:00 a.m.; e) noise generated by the installation and maintenance of utilities.

### ***SECTION 4. PENALTIES***

Any person, Corporation, Partnership, Association and/or any other Legal Entity, who violates any provision of this chapter shall be guilty of a violation and shall be punishable by fine not exceeding \$350.00 or imprisonment of a period not to exceed six months and for a conviction of a second offense both of which were committed within a period of five years shall be subject to a fine not to exceed not less than \$350.00 nor more than \$700.00 or imprisonment not to exceed six months, or both, or for conviction of a third or subsequent offense all of which were committed within a period of five years by a fine not less than \$700.00 nor more than \$1,000.00 or imprisonment for a period not to exceed six months, or both. Each day's continued violation shall constitute a separate and additional violation. The Village may also seek injunctive relief to prevent the continued violation of this law.

### ***SECTION 5. SEVERABILITY***

If any work, phrase, or part of this local law shall be declared unconstitutional, the same shall be severed and separated from the remainder of this local law, and said remainder shall continue in full force and effect.

**SECTION 6. EFFECTIVE DATE**

This law shall become effective immediately upon filing with the Secretary of State.

Original Law

Local Law No. 1-1982

Adopted: June 1, 1982

Filed: July 1, 1982

Repealed and Replaced

Local Law No. 7-1997 changed to 1-1998

Adopted: January 20, 1998

Filed: February 12, 1998

Amended

Local Law No. 4-1999

Adopted: October 19, 1999

Filed: October 27, 1999

Amended

Local Law No. 1-2000

Adopted: January 18, 2000

Filed: January 25, 2000