

Chapter 127

NOISE

GENERAL REFERENCES

Noisy animals — See Ch. 67.

Curfew — See Ch. 84.

Building construction — See Ch. 76.

Peddling and soliciting — See Ch. 139.

§ 127-1. Declaration of policy; construal.

- A. It is the declared policy of this chapter to promote and assure an environment free from noise that threatens or affects the well-being of the people; to protect, promote and preserve the public health, safety and welfare by reducing and regulating sound and noise levels that are audible beyond the property boundaries from which they emanate; to promote the use and enjoyment of property; to protect the value of property; to protect the enjoyment of sleep and repose; and to protect and improve the quality of life.
- B. It is the further purpose of this chapter to allow all residents and businesses of the Village to coexist harmoniously and in a manner which is mutually respectful of the interest, rights and obligations of all persons.
- C. The necessity for legislature intervention by the enactment of the provisions of this chapter is hereby declared as a matter of legislative determination, and this chapter should be construed liberally to effect its purpose.

§ 127-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AUDIBLE — Capable of being heard by a person of average hearing ability.

BOUNDARY LINE — The line marking the confines or line of division between lots or parcels of real property and any street and lots or parcels of real property.

HEAR (HEARD) — To perceive sound.

MOTORCYCLE — An unenclosed motor vehicle having a saddle for the use of the operator and two or three wheels in contact with the ground, including but not limited to motor scooters and minibikes.

MOTOR VEHICLE — Every vehicle which is self-propelled.

PERSON — Includes the singular and plural and also any natural person, firm, corporation, political subdivision, government, agency, association, club, partnership, society or any other form of association or organization of any legal entity whatsoever. “Person” shall also include the owner, manager, proprietor or person in charge of a bar, tavern or restaurant.

UNNECESSARY NOISE — Any sound that:

- A. Endangers or injures the safety or health of humans or animals.
- B. Is not required by the usual circumstances.
- C. Is excessive or unusually loud or any sound that either annoys, disturbs, injures or endangers the comfort, repose, peace or safety of a reasonable person of normal sensitivities, or which unreasonably interferes with the sleep, comfort or repose of others, or which causes disturbance or injury to animal life, or which causes damage to property or business.

§ 127-3. Prohibited acts. [Amended 10-15-2007 by L.L. No. 3-2007]

The following acts are prohibited:

- A. Sound reproduction devices.
 - (1) No person shall operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, CD player, tape recorder or similar device which produces, reproduces or amplifies sound:
 - (a) In such a manner as to create unnecessary noise across a real property boundary, except for activities open to the public and for which a permit has been issued by the Village Clerk pursuant to rules and regulations promulgated by him or her.
 - (b) From within a motor vehicle so that the sound is plainly audible at a distance of 50 or more feet from the vehicle or, in the case of a motor vehicle or motorcycle on private property, beyond the property line. For the purpose of this subsection, “plainly audible” means any sound which clearly can be heard by unimpaired auditory senses based on a direct line of sight of 50 or more feet; however, words or phrases need not be discernible and said sound shall include bass reverberation. Prohibitions contained in this section shall not be applicable to emergency or public safety vehicles, vehicles owned and operated by the Village government or any utility company, for sound emitted unavoidably during job-related operation, or any motor vehicle used in an authorized public activity for which a permit has been granted by the appropriate agency of the Village government.
 - (c) In such a manner as to create unnecessary noise to any person other than the operator of the device, when operated by any passenger on a common carrier.
 - (2) This subsection shall not apply to noncommercial spoken language covered under Subsection B of this section.
- B. Loudspeakers; public address systems. Using or operating for any noncommercial purpose any loudspeaker, public address system or similar device between the hours of 10:00 p.m. and 8:00 a.m. the following day, such that the sound therefrom can be heard a distance of 50 feet beyond the boundary line of the real property from which such sound emanates.

- C. Motor vehicle repairs and testing. Repairing, rebuilding, modifying or testing any motor vehicle or motorcycle or motorboat in such a manner as to cause sound from such repairing, rebuilding or modifying or testing to be heard in excess of 50 feet beyond the boundary line of the real property from which said sound emanates.
- D. Burglar alarms. Sounding or permitting the sounding of any exterior burglar alarm on any building, motor vehicle or boat, unless such burglar alarm shall terminate its operation within 15 minutes of its being activated. Any vehicle or boat upon which a burglar alarm has been installed shall permanently display the telephone number at which communication may be made with the owner of such motor vehicle or boat.
- E. Refuse-compacting vehicles. The operating or permitting to be operated of any motor vehicle which can compact refuse between the hours of 8:00 p.m. and 6:00 a.m. the following day in residential areas.
- F. Heavy construction equipment. The operating or permitting to be operated of any motor vehicle which is considered to be heavy construction equipment between the hours of 8:00 p.m. and 6:00 a.m. the following day in residential areas. Examples of heavy construction equipment include but are not limited to dump trucks, pay loaders, graders, cranes and backhoes.
- G. Engine braking. Except in an emergency situation, no person may slow a vehicle by the practice known as engine braking, also referred to as "Jake® braking" or "dynamic braking" whereby rapid downshifting of a vehicle's engine is used in lieu of applying a vehicle's brakes, causing loud noises to emit from the vehicle's engine and exhaust system.
- H. The use and operation of all terrain vehicles, dirt bikes and off-road motorcycles on private property in such a manner as to cause sound from such vehicle or motorcycle to be heard in excess of 50 feet beyond the boundary line of real property from which sound emanates.

§ 127-4. Exceptions.

- A. Nothing contained in this chapter shall be construed to prevent the production of music, the ringing of bells or carillons, sounding of gongs or blowing of any whistle, horn or signaling devices in connection with any military, civic or authorized parade, funeral procession or religious ceremony, nor to prevent any musical performance conducted by consent of the Village Board.
- B. The provisions of this chapter shall not apply to the sounding of bells, horns, sirens or any other instrument by a fire apparatus or station, police or any other vehicle or person in the event of an emergency situation.
- C. The provisions of this chapter shall not apply to the creation of sounds by public utilities in carrying out the operation of their franchises, including required emergency repairs.
- D. The provisions of this chapter shall not apply to the creation of sounds connected with sporting events of any public or private school.

- E. The provisions of this chapter shall not apply to the creation of sounds connected with an authorized carnival, fair, exhibition, parade, etc., allowed by permit of the Board of Trustees, which permit shall specify the dates and times during which such event is authorized.

§ 127-5. Penalties for offenses.

If any person shall violate the provisions of this chapter, said person shall be punished by a fine of up to \$100 for a first offense; a fine up to \$250 for a second offense; a fine of up to \$500 for a third offense; a fine of \$1,000 for a fourth offense; and a fine of \$2,000 for a fifth offense. In addition to specified fines, violators are subject to imprisonment for up to 15 days.

§ 127-6. Enforcement.

This chapter shall be enforceable by state, county and local police officers and/or by the Village Code Enforcement Officer, who are authorized to issue appearance tickets for violations of this chapter in accordance with the Criminal Procedure Law of the State of New York.