

## NOISE

### Chapter 34

## NOISE

#### **S 34-1. Title.**

#### **S 34-2. Policy.**

#### **S 34-3. Definitions.**

#### **S 34-4. Maximum sound levels.**

#### **S 34-5. Prohibited acts.**

#### **S 34-6. Sound devices.**

#### **S 34-7. Exceptions.**

#### **S 34-8. Penalties for offenses.**

**[HISTORY: Adopted by the Attica Village Board 6-6-2000 by L.L. No. 3-2000. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Assemblages-See Ch. 4.

Dogs and other animals-See Ch. 13.

Parks-See Ch. 36.

Soliciting, hawking, peddling and auctioneering-See Ch. 49.

#### **S 34-1. Title.**

This chapter shall be known and may be cited as the “Noise Control Law of the Village of Attica.”

#### **S 34-2. Policy.**

It is hereby declared to be the policy of the Village Board to prevent unreasonably loud, disturbing and unnecessary noise and to reduce noise levels within the village so as to preserve, protect and promote the public health, safety and welfare and to foster convenience, peace and quiet within the village by the inhabitants and transients thereof. The Village Board finds that every person is entitled to have maintained noise levels which are not detrimental to life, health and the enjoyment of property and that excessive and unnecessary noise within the Village of Attica affects and is a menace to public health, safety, welfare and the comfort of the people of the village.

#### **S 34-3. Definitions.**

For the purpose of this chapter, the terms used herein are defined as follows:

DECIBEL (dB)-The practical unit of measurement of sound pressure level; the number of decibels of a measured sound is equal to 20 times the logarithm to the base 10 of the sound pressure of the measured sound to the sound pressure of a standard sound (20 micropascals); abbreviated “dB.”

NOISE-Any sound of such level and duration as to be or tend to be injurious to human health or welfare or that would unreasonably interfere with the enjoyment of life or property, exceeding the limits as set forth in this chapter.

NOISE CONTROL OFFICER-Any member of the Police Department empowered to issue a summons for violation of this chapter.

REAL PROPERTY LINE-Either the imaginary line, including its vertical extension, that separates one parcel of real property from another, or the vertical and horizontal boundaries of a dwelling unit that is one in a multi-dwelling-unit building.

SOUND DEVICE OR APPARATUS-Any apparatus or device for the making, reproduction or amplification of the human voice or other sounds.

SOUND LEVEL MEASURE-An instrument for the measurement of noise and sound.

UNNECESSARY-That which is not required by the usual circumstances.

WEIGHTED SOUND LEVEL-The sound level, in decibels, reported as measured by a sound-level-measuring instrument having an A-weighted network which discriminates against the lower frequencies according to a relationship approximating the auditory sensitivity of the human ear. The level so read is designated in dBA.

#### **S 34-4. Maximum sound levels.**

- A. No person shall cause, suffer, allow or permit the operation of any source of sound on a particular category of property or any public space or right-of-way in such a manner as to create a sound level that exceeds the particular sound level limits set forth as follows: between 7:00 a.m. and 10:00 p.m., 70 dBA's and between 10:00p.m. and 7:00 a.m., 60 dBA's when measured at the adjoining property line nearest the sound source.
- B. No person shall cause, suffer, allow or permit the existence of unnecessary sound which tends to injure, alarm, annoy, harass or disturb the peace or enjoyment of property of another.

#### **S 34-5. Prohibited acts.**

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this chapter, but the enumeration herein shall not be deemed to be exclusive:

- A. The use or operation of any radio, television, phonograph, musical instrument or other machine or device for the producing, reproducing or amplification of sound with louder volume than is necessary for convenient hearing for the

person or persons who are voluntary listeners thereto. It shall be prima facie evidence of a violation of this subsection if sound emanating from such machine or device is:

- (1) Audible beyond the property line of the premises upon which it is being used, between the hours of 9:00 p.m. and 8:00 a.m.
  - (2) Audible at a distance of 50 feet beyond the property line of the premises upon which it is being used, between the hours of 8:00 a.m. and 9:00 p.m.
- B. The keeping of any animal or bird which, by causing frequent or long-continued noise, shall disturb the comfort and repose of any person in the vicinity. (For the purpose of this section, a “noise disturbance from a dog” shall be defined as that created by a dog barking continually for five minutes or intermittently for 10 minutes, unless provoked.)
  - C. The use of any automobile, motorcycle, all-terrain vehicle, bus or vehicle in any manner as to create loud and unnecessary noise.
  - D. The discharge into the air of the exhaust of any steam engine, stationary internal-combustion engine or motor-vehicle engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
  - E. The erection, including excavation, demolition, alteration or repair, of any building other than between 7:00 a.m. 9:00 p.m. except in the case of urgent necessity in the interest of public safety, as determined by a law enforcement officer.
  - F. The creation of any excessive noise on any street or property adjacent to any school, institution of learning, court or church while the same is in session or adjacent to any hospital or nursing home which unreasonably interferes with the working of such institution.
  - G. The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle, or the opening and destruction of bales, boxes, crates and containers in such a manner as to create an unreasonable or unnecessary noise of unreasonable extent and duration.
  - H. The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any sale or display of merchandise by the creation of noise.
  - I. The shouting and crying of peddlers, hawkers, vendors and persons which disturbs the peace and quiet of the neighborhood.
  - J. The sounding of any horn or signal device on any vehicle, motorcycle, bus or other device, except as a warning signal pursuant to the provisions of Subdivision 1 of S 375 of the Vehicle and Traffic Law of the State of New York.
  - K. The use of any radio apparatus, talking machine, loudspeaker, public address system or amplifier attached thereto in such a manner that the loudspeaker shall cause the sound from such device to exceed the level set forth in S 34-4 at the property line nearest the sound source.

- L. The creation of any noise which causes public inconvenience or alarm or disturbs the public's peace, comfort and tranquility.

**S 34-6. Sound devices.**

- A. It shall be unlawful for any person to use or operate or cause to be used or operated any sound device or apparatus in, on, near or adjacent to any public street, park or place for commercial or business advertising purposes or for any person to operate or drive any automobile, truck or other vehicle for commercial or business advertising by means of any sound device or apparatus. The use of any trade, business or corporate name or the name of any person, proprietor or vendor in such commercial or business advertising shall be presumptive evidence that such advertising was conducted by that person, business or corporation.
- B. It shall be unlawful to operate any radio apparatus, talking machine, loudspeaker, amplifier or other sound-making device in any street, park or public gathering place in such a fashion as to exceed a noise level of over 60 dBS's as measured 20 feet from the sound-producing device.

**S 34-7. Exceptions.**

The following sounds shall not be deemed to be a violation of this chapter:

- A. Sounds created by church bells or chimes.
- B. Sounds created by any government agency by the use of public warning devices.
- C. Sounds created by lawn mowers, snowblowers or other real property maintenance equipment, when being used for the purpose intended.
- D. Sounds created by public utilities in carrying out the operation of their franchises.
- E. Sounds connected with sporting events of any public or private school, authorized carnival, fair, exhibition or parade.
- F. Sounds on private property which do not carry beyond the boundary lines of the property on which they are created.
- G. Sounds created in the exercise of any trade, industry, business or employment, provided that it is not conducted in such a manner as to create any unreasonable or unnecessary noise of any unreasonable extent and duration.

**S 34-8. Penalties for offenses.**

Any person violating any of the provisions of this chapter shall be guilty of a violation of this chapter and , upon conviction thereof, shall be punishable by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both.

