

Village of Cayuga Heights
Local Law 5 of 2012
ARTICLE 36
Noise Ordinance

Section I Purpose and Intent

The purpose and intent of this Local Law is to preserve the public health, peace, comfort, repose, welfare, safety and good order by suppressing the making, creation or maintenance of excessive, unnecessary, unnatural, or unusually loud noises which are prolonged, unusual or unnatural in their time, place and use or which are detrimental to the environment.

Section II Title

This Local Law shall be known and may be cited as the "Village of Cayuga Heights Noise Ordinance."

Section III Definitions

When used in this Local Law, the following words and phrases will have the following meanings:

- A. ADULT PERSON- A person who is at least 16 years old.
- B. DAYTIME HOURS- The hours beginning at 7:00am local time on any day and ending at 9:00pm local time.
- C. EMERGENCY WORK- Work made necessary to restore property to a safe condition following a public calamity, or work necessary to protect persons or property from an imminent exposure danger.
- D. IMPULSIVE SOUND - A sound lasting of a short duration, usually less than one second, and of high intensity with an abrupt onset and rapid decay.
- E. MOTOR VEHICLES- Includes, but is not limited to, automobiles, trucks, buses, motorcycles, mopeds, mini-bikes and any other vehicle as defined by the Vehicle and Traffic Law of the State of New York, as it may be amended from time to time.
- F. NIGHTTIME HOURS- The hours beginning at 9:00pm local time on any day and ending at 7:00am, local time on the following day.
- G. PERSON- Includes the singular and plural and also any individual , any property owner and/or lessee, any firm, corporation, political subdivision, government agency, association or organization including but not limited to officers, directors, employees, agents and/or independent contractors thereof, or any legal entity.
- H. RESIDENTIAL ZONE- Any portion of the Village located within either the Village's Residential District or Multiple Housing District as defined in the Village of Cayuga Heights Zoning Ordinance. "Residential Zone" also includes any special land use district or planned development zone defined by such ordinance wherein one of the principal land users is residential. If the Zoning Ordinance is amended or replaced and as a result additional zoning districts are added or denominated differently, the term "Residential Zone" as used in this Local Law shall mean those zoning districts in which the predominant intended land use is residential.

- I. **SOUND AMPLIFYING EQUIPMENT**- Any machine or device used for the amplification of the human voice, instrumental music or any other sound. Sound-amplifying equipment shall not include standard automobile sound systems when used and heard only by the occupants of the motor vehicle in which such automobile sound system is installed. As used in this chapter, sound-amplifying equipment shall not include warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes, or authorized fire horns or other authorized emergency alarms.
- J. **VILLAGE**- All the geographical area that is the corporate limits of the Village of Cayuga Heights.
- K. **UNREASONABLE NOISE**- Any excessive or unusually loud sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensitivities, or which causes injury to animal life or damages to property or business.

Section IV Unreasonable Noise Prohibited

No person shall intentionally cause public inconvenience, annoyance, or alarm, or recklessly create a risk thereof, by making unreasonable noise or by causing unreasonable noise to be made.

- A. For the purpose of implementing and enforcing the standard set forth in this section, factors to be considered in determining whether unreasonable noise exists in a given situation include, but are not limited to, any or all of the following:
 1. The intensity of the noise.
 2. The duration of the noise.
 3. The intensity of the background noise, if any.
 4. The zoning district within which the noise emanates and all zoning districts that lie within 500 feet of the source of the sound.
 5. The time of the day or night the noise occurs.
 6. The proximity of the noise to sleeping facilities.
 7. Whether the noise is continuous or impulsive.
 8. The existence of complaints concerning the noise from one or more persons who are affected by the noise.
 9. Whether the nature of the noise is usual or unusual.
 10. Whether the noise is due to a natural or human-made activity.

Section V Unlawful Noise Sources

The provisions of Article IV shall be employed to complement and supplement the other provisions of this Local Law and shall be interpreted and applied in accordance with and in addition to, and not in lieu of, those other provisions.

- A. **Radios, Television Sets, Computers and Other Sound-Producing or Amplifying Devices.**
 1. It shall be unlawful for any person within any Residential Zone, or within 500 feet of a Residential Zone, to use or to operate any radio or receiving set, musical instrument (including drums), phonograph, television set, computer or any other machine or device for the producing or reproducing of sound or any other sound-amplifying equipment in a loud, annoying or offensive manner such that noise form the device interferes with the comfort, repose, health or safety of members of the public or recklessly creates a risk thereof, within any building or, outside of

a building, at a distance of 25 feet or more from the source of such sound or interferes with the conversation of members of the public who are 25 feet or more from the source of such sound.

2. For the purposes of this Section V(A), the term "person" will more specifically mean:

a. For an offense that occurs on any public property where permission was obtained to use that public property, a "person" shall include the person or persons who obtained permission to utilize that property for that event.

b. For an offense that occurs on private property, a "person" shall include any adult person or persons who live in or on the property that is involved in the offense.

B. Security, Fire and any Other Sound Producing Alarm System

1. It shall be unlawful for any person within any Residential Zone, or within 500 feet of a Residential Zone, to have their security, fire, or any other type of alarm system equipped with sound-amplifying equipment capable of producing a loud, annoying or offensive noise repeatedly create such noise in a manner that interferes with the comfort, repose, health or safety of members of the public or recklessly creates a risk thereof, within any building or, outside of a building, at a distance of 25 feet or more from the source of such sound or interferes with the conversation of members of the public who are 25 feet or more from the source of such sound.

2. For the purpose of this Section IV(B), the term "repeatedly" shall mean more than two (2) times within an eight (8) consecutive hour time period. It will be considered a new offense if the alarm repeatedly produces noise again after the first notification to the Village Police Department.

3. For the purpose of this Section V(B), the term "person" will more specifically mean:

a. For an offense that occurs on any public property where permission was obtained to use that public property, a "person" shall include the person or persons who obtained permission to utilize that property for that event.

b. For an offense that occurs on private property, a "person" shall include any adult person or persons who live in or on the property that is involved in the offense.

C. Construction and Other Machinery

1. During nighttime hours it shall be unlawful for any person within a Residential Zone, or within 500 feet of a Residential Zone, to operate or cause to be operated any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, electric or pneumatic drill, front-loaded garbage collection vehicles performing commercial pickups, or other commercial industrial equipment, except to perform emergency work.

2. If any domestic power or hand tool, including, but not limited to, mechanically powered saws, sanders, grinders, and lawn and garden tools, is operated during

nighttime hours, no person shall operate such machinery so as to cause noise within a residential building or across a residential real property boundary where such noise interferes with the comfort, repose, health or safety of members of the public within any building or, outside of a building, at 25 feet or more from the source of the sound. Side- and rear-loaded garbage collection vehicles, and garbage collection vehicles that do not have compactors, may be operated for residential pickup beginning at 6:00am local time as long as they do not create noise within a residential building or across a residential real property boundary where such noise interferes with the comfort, repose, health or safety of members of the public within any building or, outside of a building, at 25 feet or more from the source of the sound.

D. Parties and Other Social or Fund-Raising Events or Gatherings

1. It shall be unlawful for any person in charge of a party or other social or fund-raising event or gathering that occurs on any private or public property to allow that event to produce noise in a loud, annoying or offensive manner, or recklessly create the risk thereof, such that noise from the event interferes with the comfort, repose, health or safety of members of the public within any building or, outside of a building, at a distance of 25 feet or more from the source of such sound. It shall also be unlawful for any participant in that event to contribute to such noise.
2. For the purposes of this section, a "person in charge of a party or other social or fund-raising event or gathering":
 - a. That occurs on any public property shall include the person or persons who obtained permission to utilize that property for that event.
 - b. That occurs on private property shall include the person who owns the premises involved and any adult person who lives in or on the premises involved in such party or social event.
 - c. For any violation of this Section V(D) that occurs where beer is being served from a keg on the premises, the person to whom the keg is registered also shall be presumed to be responsible for the violation, in addition to any person designated in subsection (a) or (b) above.

E. Mufflers

1. It shall be unlawful for any person to discharge into the open air the exhaust of any steam engine, stationary internal-combustion engine, air-compressor equipment, motor vehicle or other power device, which is not equipped with an adequate muffler in constant operation and properly maintained to prevent any unreasonable noise or noise disturbance, and no such muffler or exhaust system shall be modified or used with a cutoff, bypass or similar device which causes said engines, vehicles or other power devices to create an unreasonable noise.

F. Shouting.

1. It shall be unlawful for any person to shout, yell, call, hoot, whistle or sing on public streets or in public places, in such a manner or for such a period of time, as to be unreasonable under the circumstances.

G. Animals

1. Any person who owns, harbors or is the custodian of a dog in the Village of Cayuga Heights is subject to the noise and other requirements in Local Law No.1 of the Year 1980 of the Village of Cayuga Heights Laws & Ordinances titled "Dog Control Law," and upon violation thereof shall be subject to the penalties set forth in that Local Law.

Section VI Violations and Penalties

A. Enforcement of violations

1. Enforcement may be facilitated by, but shall not be dependent upon, complaint by a resident of the Village to the Village Code Enforcement Officer or Village Police Officer, or any other law enforcement officer. Any police officer or peace officer or any person who may be lawfully designated by the Village Board shall have the authority to issue appearance tickets in connection with any violation in this Local Law.

B. Penalties for violations

1. A violation of this Local Law is hereby declared to be an offense, with conviction of a first offense punishable by a minimum fine of \$50.00 and not to exceed a fine of \$500 or imprisonment not to exceed 15 days, or both. For conviction of a second or subsequent offense which was committed within a period of five years from the commission of the prior offense, a violator shall be subject to a minimum fine of \$100.00 and not to exceed \$1,000 or imprisonment not to exceed 15 days, or both. With respect to continuous emissions of sound, each day of such emission shall constitute a separate violation.
2. In addition, persons who violate this Local Law shall be liable for a civil penalty of \$500 for a first violation and \$1,000 for a second or subsequent violation which was committed within a period of five years from the commission of the prior violation. With respect to continuous emissions of sound, each day of such emission shall constitute a separate violation. The Attorney for the Village or his or her designee may commence an action or special proceeding against the violator in a court of component jurisdiction to collect these penalties, together with costs, disbursements and recoverable attorneys' fees, and/or to compel compliance with this chapter or restrain by injunction any such violation.
3. Each such act which either continues or is repeated more than ½ hour after issuance of a written notice of violation of this Local Law shall be a separate offense and shall be prosecuted as such.

C. Liability of owner

1. The owner of any real property (except public highways, and other publicly owned facilities) from which property sounds prohibited by this Local Law emanate shall be guilty of a violation of this Local Law, whether or not such owner was on the premises or occupied the premises when the proscribed sounds emanated from the same.

