

Local Law Number 2 of the year 2001

A local law Noise Ordinance

Be it enacted by the Town Board of the Town of Sweden as follows:

Section 1. Declaration of Policy – Legislative Intent

The making and creating of disturbing, excessive or offensive noises within the jurisdictional limits of the Town of Sweden are a condition that has persisted and the level and frequency of occurrences of such noises continues to increase. It is hereby declared to be the policy of the Town Board of the Town of Sweden to prevent any unreasonable, loud, disturbing and unnecessary noise. These noise levels are a detriment to the public health, comfort, convenience, safety and welfare of the residents of the Town of Sweden. Every resident is entitled to an environment in which disturbing, excessive or offensive noise is not detrimental to his or her life, health or enjoyment of their property. The law is to be construed liberally but it is not intended to be construed so as to discourage the enjoyment by residents of normal, reasonable and usual activities.

Section 2. Definitions

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

Person: Any individual, firm, association or corporation, whether such person is the owner, lessee or charter member, its servants, agents or employees and/or their guests.

Sound Device or Apparatus: Any radio device or apparatus or any device or apparatus for the amplification of sounds from any radio, phonograph or other sound making or sound producing device or any device or apparatus for the reproduction or amplification of the human voice or other sounds.

To Use or Operate Any Sound Device or Apparatus In, On, or Near or Adjacent to Any Public Street, Park or Place: To use or operate or cause to be used or operated any sound device or apparatus in front of or outside any building, place or premises or in or through any window, doorway or opening of such building, place or premises abutting on or adjacent to any public street, park or place where sounds therefrom may be heard upon any public street, park or place or from any stand, platform or other structure or from any airplane or other device used for flying, flying over the Town of in any boat or on the waters within the jurisdiction of the Town or anywhere on or in the public streets, parks or places.

Unnecessary: That which is not required by usual circumstances.

Usual: The normal noise range for a particular type of vehicle or mechanism.

Section 3. Prohibited Noises

A. No person 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 the 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 among others by any person 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 sources which are of such character, intensity and duration as to be detrimental to the life or health of any individual or contrary to public welfare especially between the hours of 9:00 PM and 7:00 AM the following day.
2. Noise from a dog or other pet/animal that is continuously disturbing the comfort and repose of any person in the vicinity and exceeds fifteen (15) minutes.
3. The uses of any automobile, motorcycle or vehicle so out of repair or so loaded or operated in such a manner as to create loud and unnecessary noise. 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.
4. Noise from a burglar alarm, or other alarm system of any building, motor vehicle or boat that is continuous and exceeds fifteen (15) minutes.
5. Noise from any sound reproduction system, operating or playing any radio, portable radio, tape player, television, tape deck or similar device that reproduces or amplifies sound in such a manner as to be heard forty (40) feet from its source or over any property line.
6. Permitting or taking part in an unreasonably noisy or tumultuous party or gathering which disturbs the peace and quiet of a person or neighborhood.
7. Motor vehicles, excessive noise.
  - a) no person shall operate or cause to be operated any motor vehicle in such a manner that the sound emitted is excessive noise as defined in this chapter and:
    - (i) The excessive noise is audible at a distance of twenty-five (25) feet or more from the vehicle when operated on a public street or in a park or other public place; or
    - (ii) The excessive noise is audible at or beyond the property line when operated on private property.
8. The erection, including excavation, demolition, alteration or repair of any building other than between 7:00 AM and 8:00 PM except in cases of public safety or emergencies.

9. The operation of power equipment in residential zones outdoors between the hours of 9:00 PM and 7:00 AM the following day and on weekends between 9:00 PM and 8:00 AM the following day.
10. The sounding of any horn or signaling device of an automobile, motorcycle or other vehicle for any unnecessary or unreasonable period of time.
11. Offering for sale anything by shouting or outcrying upon the public. The use and operation of sound devices and apparatus for commercial or business advertising purposes are prohibited. 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.

#### Section 4. Exceptions

The provisions of this law shall not apply to the following acts:

1. The emission of sound for the purpose of alerting persons to the existence of an emergency.
2. Noise from Town sponsored celebrations or events.
3. Noise from non-Town sponsored events that have been authorized by the Town Board of the Town of Sweden.
4. The operation or use of any organ, radio, bell chimes or other instrument, apparatus or device by a church, synagogue or school licensed or chartered by the State of New York.
5. Noise generated by the installation and maintenance of utilities.
6. Noise generated by any use from commercial or industrial zoned property that existed prior to the adoption of this local law. However, if said use is terminated, abandoned or discontinued for a continuous period of six months, then said use shall be subject to the provisions of this local law.
7. Normal agricultural activities.
8. Firearms for hunting during state permitted hours.
9. Noise from emergency construction for which the Town Code Enforcement Officer has issued a permit.
10. The operation of snow removal equipment or emergency power equipment.

11. Federal and state regulations which preempt town authority.

Section 5. Penalties

Any person who violates any provision of this chapter shall be guilty of a violation and shall be subject to a fine of not less than one hundred dollars (\$100.00) and not to exceed two hundred and fifty dollars (\$250.00) for each offense. The Town may also seek injunctive relief to prevent the continued violation of the law.

Section 6. Enforcement

The members of the Monroe County Sheriff's Department, State Police or other peace officers shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter.

Section 7. Severability

If any word, 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 8. Effective Date

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