

Local Law 2023-1 – Noise Control

1. The intent of this Local Law is to prevent unreasonably loud and disturbing noises of a character, intensity, or duration as to be detrimental to the peace, quiet, comfort, repose, welfare, and order of the people of the Town of Catharine. For these purposes, no land or lot in any zone or area of the town shall be used in a manner as allows, permits, causes, or emits unreasonable noise. 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:
 - a. The intensity of the noise.
 - b. The duration of the noise.
 - c. The intensity of the background noise, if any.
 - d. The zoning district within which the noise emanates and all zoning districts that lie within 500 feet of the source of the sound.
 - e. The time of the day or night the noise occurs.
 - f. The proximity of the noise to sleeping facilities.
 - g. Whether the noise is continuous or impulsive.
 - h. The existence of complaints concerning the noise from one or more persons who are affected by the noise.
 - i. Whether the nature of the noise is usual or unusual.
 - j. Whether the noise is due to a natural or a human-made activity.
 - k. Any other factor referenced in this § 2, including in the definitions hereunder.
2. Definitions: As used in this § 2, the following terms have the following definitions and general meanings:

DECIBEL – A unit for measuring the volume of a sound and pressure of a sound.

EMERGENCY – Any occurrence or circumstance involving actual or imminent physical or property damage which demand immediate action.

EMERGENCY SIGNAL DEVICE – Any siren, gong, whistle air horn or similar device permitted for emergency vehicle use by the New York State Vehicle and Traffic Law.

EXCESSIVE NOISE – A sound which is annoying, causes alarm, or disturbs the quiet use and enjoyment of one's life and property. Such sounds include but are not limited to: mechanically increased volume of music, the human voice, or any other mechanically enhanced sound producing or reproducing apparatus or device. Also included are any incessant or repeated sounds that have the effect of disturbing the welfare, comfort, peace and quiet, or exceed 85 decibels. A video recording with sound will be considered prima facie evidence of a violation.

MOTOR VEHICLE – Every device or vehicle which is propelled or operated by any power other than muscular power. This definition includes, but is not limited to: automobiles,

trucks, vans, motorcycles, scooters, dune buggies, all-terrain vehicles, snowmobiles, minibikes, trail bikes, scooters, motorized watercraft, and any other type of recreational vehicle.

PROPERTY LINE – The imaginary line (including vertical extensions) that separates one parcel of real property from another, or the vertical and horizontal boundaries of a dwelling that is part of a multi-dwelling-unit building (apartments, bed and breakfast, etc.)

3. Prohibited Acts

- a. Excessive noise. No person shall make, cause, or allow, permit, or continue to make (or contribute to) any excessive noise.
- b. Signaling devices. No person shall cause the sounding of any signaling device, horn, whistle, or air horn on any vehicle except as a danger warning as stated in the New York State Vehicle and Traffic Law.
- c. Motor vehicles excessive noise - No person shall operate or cause to be operated any motor vehicle in such a manner that the sound emitted is audible at a distance of 25 feet or more from the vehicle when operated or parked in a public place, or the excessive noise is audible beyond the property line when a vehicle is operated or parked on private property. No person shall operate a vehicle in such a manner as to cause unreasonable noise, such as spinning or squealing the tires of such vehicle.

4. Sound Reproduction Devices Used for Miscellaneous Purposes

- a. No person shall use, operate, or permit to be used or operated any radio, television, phonograph, tape or other recorder, musical instrument or other apparatus, machine or device for the production, reproduction, or amplification of sound louder than the volume necessary for convenient hearing by the person or persons voluntarily listening thereto. It shall be prima facie evidence of a violation if the sound emanating from such apparatus, machine, or device is:
 1. Audible beyond the property line of the premises where it is being used from Sunday through Thursday between the hours of 10:00 p.m. and 8:00 a.m. the following day, and Friday and Saturday between the hours of 11:00 p.m. and 8:00 a.m. the following day.
 2. Audible at a distance of 50 feet from such apparatus when operated in a public place.
 3. Audible at a distance of 50 feet of the premises which it is being used between the hours of 8:00 a.m. and 10:00 p.m. on the same day in an area where houses or dwellings are within 100 feet of each other.
 4. Audible at a distance of 50 feet when such machine or device is operated from a vehicle on a public street.
- b. The provisions of this article shall not apply to the following:
 1. Funeral processions or use of such devices by a church.
 2. The production of music with a parade authorized by any provision of law.

3. Special events such as festivals, picnics, fund raisers, races, walks, or gatherings of individuals that require special permits issued by the Town Board or Code Enforcement Officer.
 4. The use of amplifiers or sound producing equipment associated with permitted religious, political, or athletic competition held on athletic fields within the Town.
5. Exceptions
- a. Nothing in this Local law shall be construed as to interfere with the lawful activities related to Law Enforcement, Fire Department, or Emergency Services agencies.
 - b. The use of snow blowers or snowplows when used in the customary manner provided that such equipment is equipped with intake and exhaust mufflers.
 - c. The use of lawnmowers, leaf blowers, chain saws, tillers, mulchers, chippers, and other domestic tools for maintenance of lawns, yards, and vegetation between the hours of 7:00 a.m. and sunset.
6. Permits
- a. Authorization for permit. The Town Board, in its discretion, is authorized to grant a permit for a specific waiver from the requirements of this section. Such waivers may be granted in those circumstances where the applicant demonstrates that on balance the need for and benefits of the waiver outweigh the needs and rights of the surrounding neighbors to a peaceable and quiet environment. In determining whether to grant a permit, the Town Board shall consider factors including but not limited to the volume of the noise, the proximity of the noise to sleeping facilities, the time of day or night the noise occurs, the time duration of the noise, and the impact of the noise on persons living or working in different places or premises who are affected by the noise
 - b. An application for such a permit shall be filed with the Town Clerk no less than 30 days before the anticipated need and shall provide the following information:
 1. The name of the applicant.
 2. The adult person responsible for compliance with the permit, if different from the applicant, which adult person shall also sign the application and agree to be responsible for compliance with the permit terms and any conditions attached to the permit.
 3. The reasons for such usage.
 4. Plans and specifications of the use.
 5. Noise abatement and control methods to be used.
 6. Time schedule.
 7. Demonstration why the applicant cannot conform to this section.
 8. Such other information as the Town Clerk or Town Board may reasonably require to adequately consider the permit request.
 - c. The Town Board may in its sole discretion waive the application filing requirement of 30 days upon good cause shown or for other unique, special, or extenuating circumstances.
 - d. At the time of the filing of the permit application or applications, the applicant shall pay the Town a nonrefundable fee as set from time to time by Town Board resolution.
 - e. One application may be submitted for events of a similar scope and size occurring at a single address or location within a consecutive six-month period, and any permit issued

may make different decisions and impose different conditions on individual events contained within an application for multiple events.

- f. A public hearing before the Town Board shall be held in connection with the application no less than five days after publication of notice of such hearing in the Town's official newspaper. The issuance of permits shall be discretionary. The Town Board may impose any conditions deemed necessary by such Board to minimize the intrusion of sound that might occur by the exercise of the privileges granted by the permit.
- g. Any permit issued shall state that the permit only applies to this section and all permits must contain a written warning that New York State Penal Law § 240.20(2) provides that "A person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof: ... he makes unreasonable noise."
- h. If a permit is issued, a copy of the permit stipulating any and all conditions imposed by the Town Board shall be furnished to the appropriate local police or County Sheriff's Office by the Town Clerk, simultaneously upon the issuance of the permit to the applicant.
- i. The Town Board may, in its sole discretion, waive the holding of a public hearing.

7. Revocation of noise permits.

Noise permits may be suspended or revoked when it is determined that there is a violation of a condition under which the permit was issued, any information submitted with or in support of the permit is found to be false, misleading, or materially inaccurate, or if information submitted in connection with the permit application or with a condition of the permit was incorrect, inaccurate, or incomplete.

8. Penalties for Offenses

A violation of this local law pursuant to chapter 135 of New York State Town Law is hereby declared to be a misdemeanor, punishable by a fine of up to \$1,000.00 and imprisonment for up to sixty (60) days, or both.