

**PROPOSED LOCAL LAW  
(AMENDING CHAPTER 151 – NOISE)**

**Section 1. Title**

The title of this local law shall be “A Local Law Amending Chapter 151 - Noise.”

**Section 2 – Amendments to Chapter 151 – Noise**

Chapter 151 is amended so as to repeal the current § 151-1 through § 151-4, and to add a new § 151-1 and § 151-2 to read as follows:

§ 151-1 Prohibited noises.

A. General prohibition. It shall be unlawful for any person to willfully make or continue or cause to be made or continued any loud or unnecessary or unusual noises which disturb the peace and quiet of any neighborhood or which cause discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area. The standard which may be considered in determining whether a violation of the provisions of this section exists may include but are not limited to the following:

- (1) The level of the noise.
- (2) Whether the nature of the noise is usual or unusual.
- (3) Whether the origin of the noise is natural or unnatural.
- (4) The level and intensity of the background noise, if any.
- (5) The proximity of the noise to residential sleeping facilities.
- (6) The nature and zoning of the area within which the noise emanates.
- (7) The density of the inhabitation of the area within which the noise emanates.
- (8) The time of day or night the noise occurs.
- (9) The duration of the noise.
- (10) Whether the noise is recurrent, intermittent, or constant.

B. Express prohibitions. The following acts, which enumeration shall not be deemed to be exclusive, are declared to be noise disturbances:

- (1) Continuous animal noises between the hours of 11:00 p.m. to 6:00 a.m., except those related to the raising, keeping, or protection of livestock used in an agricultural enterprise.

- (2) Construction or demolition noises. Construction or demolition which emits such noise is prohibited between the hours of 9:00 p.m. and 7:00 a.m., except in the event of an emergency requiring immediate construction or demolition.

(3) Motor vehicles. Motor vehicle sound level limits and equipment shall be in compliance with provisions of any state law, including but not limited to §§ 386 and 375 of the New York State Vehicle and Traffic Law.

a. No person shall operate a vehicle in such a manner as to cause unreasonable noise by spinning or squealing the tires of such vehicle.

b. No person shall allow noise from an automobile alarm in excess of five minutes after it has been activated.

c. No person shall cause or permit to be caused the excessive sounding of any horn or other auditory signaling device on or in any motor vehicle except to serve as a warning of danger.

(4) No person shall cause or permit to be caused noise from power tools, lawn mowers, leaf blowers or agricultural equipment when operated on a residential property between the hours of 10:00 p.m. and 7:00 a.m.

(3) Refuse or Solid Waste Collection. No person or entity shall:

a. Operate or permit the operation of the compacting mechanism of any motor vehicle which compacts refuse and which creates, during the compacting cycle, a sound level in excess of 90 dBA when measured 23 feet [seven meters] from any point on the vehicle.

b. Collect refuse or solid waste with a refuse collection vehicle between the hours of 9:00 p.m. and 6:00 a.m.

(5) No person shall collect refuse from residential property with a refuse collection vehicle between the hours of 9:00 p.m. and 6:00 a.m., except that this subsection shall not apply to the collection of refuse during an emergency, such as a storm or other unexpected event, which causes delays in refuse collection.

(64) Radios, televisions, record players, tape recorders, etc. Radios, televisions, record players, tape recorders, CDs, MP3 players and other like devices shall be so modulated as not to annoy or cause discomfort to surrounding neighbors.

(75) Minibikes, snowmobiles, motorcycles, off-road and all-terrain vehicles. Between the hours of 10:00 p.m. and 7:00 a.m.,

minibikes, snowmobiles, motorcycles, off-road and all-terrain vehicles of any description designated for either on- or off-road use shall not be operated on private property closer than 200 feet to any residence except the residence of the owner or operator thereof or any residence to which the owner or operator may be invited; or in such a manner as to unreasonably interfere with or disturb the peace, quiet or comfort of the public.

(86) Internal-combustion engines without an adequate muffler designed and manufactured to suppress exhaust noises to a minimum.

~~(7) Parties and other social events. Notwithstanding Subsection A, it shall be unlawful for any person who is participating in a party or other social event to actively make unreasonably loud noise. A "party or other social event" is defined as a gathering upon the premises of one or more persons not residing at the premises. "Unreasonably loud noise" is noise that unreasonably interferes with the peace or health of members of the public or is plainly audible between the hours of 10:00 p.m. and 7:00 a.m. through the walls between units within the same building, from another property or from the street. It shall also be unlawful for any resident of a premises to allow a party or other social event occurring in or about the premises to produce unreasonably loud noise. There is a rebuttable presumption that all residents of the premises have allowed such party or other social event to occur in or about the premises. All residents of the premises are responsible for such unreasonable noise made, each having joint and several liability.~~

~~(9) No person shall cause or permit to be caused any noise which, when measured by a sound level meter at the real property line of the parcel of residential or commercial property, public space or the dwelling unit (within a multi-unit building) from which it is emanating, is in excess of 65 dBA between the hours of 10:00 p.m. and 7:00 a.m. on Sunday through Thursday or between the hours of 11:00 p.m. and 7:00 a.m. on Friday and Saturday.~~

~~C. Exceptions: Regardless of the decibel limits, the provisions of this chapter shall not apply to:~~

~~(1) Sound and vibration emitted for the purpose of alerting people in an emergency, including, but not limited to, sirens and public address systems.~~

~~(2) Sound and vibration emitted in the performance of correcting an emergency.~~

- (3) Sounds created by bells, chimes or similar instruments and devices as part of a religious observance or service or used by a cemetery or school licensed or chartered by the State of New York.
- (4) Sounds from agricultural equipment when operated on a farm.
- (5) Noise from equipment operated for the purpose of snow removal or ice control, including but not limited to snow blowers, snow throwers, sanders, and snow plows, provided such equipment is operated with a muffler.
- (6) Noise from a burglar alarm on any building or motor vehicle, provided such burglar alarm shall terminate its operation within five minutes after it has been activated. If the alarm does not terminate its operation within five minutes it shall nevertheless be exempt if there have been less than three such incidents involving the building or motor vehicle within the previous 12 months.
- (7) Noise from a public service facility or a public service industrial facility.
- (8) Noise from military, civic or authorized parades, or funeral processions.
- (9) Noise from emergency generators used during power outages.
- (10) Noise from construction, repair, and/or demolition performed by or on behalf of a governmental entity, and emergency work.

#### § 151-2. Enforcement Officers.

The noise control requirements established by this chapter shall be administered and enforced by the Town of Schodack Police Department, the Town of Schodack Code Enforcement Officer, and such other trained employees and/or officials authorized by the Town Supervisor.

#### § 151-~~32~~. Penalties for offenses.

Any person or individual violating any provision of this Chapter shall be fined in an amount up to \$50 for a first offense, up to \$100 for a second offense, and up to \$250 for a third offense. Any business or commercial enterprise violating any provision of this Chapter shall be fined in an amount up to \$500 for a first offense, up to \$1,000 for a second offense, and up to \$2,500 for a third offense.