

NOISE
Local Law No.1 of 1982

Section 1. Purpose. It is found and declared that:

- (a) the making and creation of loud, unnecessary or unusual noise within the limits of the Village of Allegany is a condition which has existed for some time and the extent and volume of such noises is increasing;
- (b) the making, creation or maintenance of such loud, unnecessary, unnatural or unusual noises which are prolonged, unusual and unnatural in their time, place and use affect and are detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the Village of Allegany; and
- (c) the necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare, and prosperity and the peace and quiet of the Village of Allegany and its inhabitants;
- (d) The causing or performance of any noise prohibited herein which occurs in any one day shall be considered as a separate violation of this local law. Each day during which the prohibited activity continues shall be considered a new violation.

Section 2. Noise prohibited. It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others within limits of the Village.

Section 3. Acts prohibited. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this local law, but said enumeration shall not be deemed to be exclusive, namely:

- (a) Horns, signaling devices, etc. The sounding of any horn or signaling device or any automobile, motorcycle, street car or other vehicle on any street or public place of the village, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary or unreasonable period of time. The use of any signaling device; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.
- (b) Radios, phonographs, etc. The using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners

thereto. The operation of any such set, instrument, phonograph, machine, or device between the hours of eleven PM and seven AM in such a manner as to be plainly audible at a distance of fifty feet from the building, structure or vehicle in which it is located shall be *prima facie* evidence of a violation of this section.

- (c) Loudspeakers, amplifiers for advertising. The using, operating or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting attention of the public to any building or structure or to a candidate in an election campaign.
- (d) Yelling, shouting, etc. Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of eleven PM and seven AM or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.
- (e) Animals, birds, etc. The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.
- (f) Exhaust. The discharge into the open air of exhaust of any steam engine, stationary internal combustion engine, or motor vehicle except through the muffler or other device which will effectively prevent loud or explosive noises there from.
- (g) Defect in vehicle or load. The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- (h) Loading, unloading, opening boxes. The creation of loud and excessive noise in connection with loading and unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers.
- (i) Construction or repairing of buildings, The erection (including excavation), demolition alteration or repair of any building or the performance of any construction work, tree removal, debris removal, operation or maintenance of equipment other than between the hours of seven AM and eight PM on weekdays or during any hours on Sunday, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector, which permit may be granted for a period not to exceed three days or less while the emergency continues. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of six PM and seven AM and if he shall further determine the loss or inconvenience would result to any part in interest, he may grant permission for such work to be done within the hours of six PM and seven AM, upon application being made at the time the permit for the work is awarded or during the progress of the work.

(j) Schools, courts, churches, hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court when the same are in use, or adjacent to any hospital, which unreasonably interfere with the workings of such institutions, or which disturbs or unduly annoys patients in the hospital provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.

(k) Hawkers, peddlers. The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.

(l) Drums. The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise or any performance, show or sale.

(m) Metal rails, pillars and columns-Transportation thereof. The transportation of rails, pillars or columns of iron, steel, or other material, over and along streets and other public places upon carts, drays, cars, trucks, or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.

(n) Pile drivers, hammers, etc. The operation between the hours of nine PM and seven AM of any pile driver, steam shovel, pneumatic hammers, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noises.

(o) Blowers. The operation of any noise creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.

Section 4. Penalties. Any person who violates any provision of this local law shall be deemed guilty of a violation and upon conviction thereof shall be fined not exceeding Two Hundred and Fifty Dollars or by imprisonment for not more than fifteen days for each violation or by both said fine and said imprisonment.

Section 5. Separability. It is the intention of the Board of Trustees that each separate provision of this local law shall be deemed independent of all provisions herein, and it is further the intention of the Board of Trustees that if any provision of this local law shall be declared to be invalid; all other provisions thereof shall remain valid and enforceable.

Section 6. This local law shall take effect on the Approval of the Secretary of State.