

## **Noise Control Law**

**[Adopted by the Town Board of the Town of Newark Valley  
on 11-15-2011 Local Law No. 2-2011]**

### **Title**

This chapter shall be known as the “Noise Control Law of the Town of Newark Valley”

### **Findings**

It is found and declared that:

A. The making, creating or maintaining of such loud or unreasonably intrusive noises is a detriment to the health, comfort, convenience, safety, welfare and prosperity of the residents of the Town of Newark Valley.

B. The purpose of this chapter is to preserve the public health, peace, comfort, repose, welfare, safety and good order by suppressing the making, creating, or maintaining of loud or unreasonably intrusive noises.

C. It is hereby declared as a matter of legislative determination and public policy that the provisions and prohibitions hereinafter contained and enacted are in the public interest and in pursuance of and for the purpose of securing and promoting the health, comfort, convenience, safety, welfare and prosperity of the residents of the Town of Newark Valley.

### **Definitions:**

DECIBEL (dB) – A unit for measuring the volume of sound, equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure of 20 micronewtons per square meter.

LOUD NOISE - Any sound which produces a sound level of seventy (70) decibels or more during the hours of 7:00 AM to 10:00 PM, local time, and fifty (50) decibels or more during the hours of 10:00 PM to 7:00 AM, local time, as measured on the A scale of a standard sound-level meter having characteristics defined by the American National Standards Institute specifications for sound level meters S1.4-1971, as amended, said sound level being measured by a microphone placed no closer than a distance of ten (10) feet from any property line of the complaining person’s property or the nearest parcel of public property.

SOUND DEVICE – Any apparatus or device for the making, transmitting, reproducing or amplification of the human voice or other sounds, including but not limited to blow horns and devices that play music or other recorded or transmitted sounds. An example of a sound device is a CD player.

### **Methods of measurement**

The measurement of any sound or noise shall be made with a sound-level meter using an A-scale decibel level and shall be measured by a microphone placed no closer than a distance of ten (10) feet from any property line of the complaining person’s property or the nearest parcel of public property, whichever is closer.

**Prohibitions for loud noises:**

The following noises, if they are loud noises as defined herein, are prohibited:

- A. Horns, signaling devices, etc: The sounding of any horn or signaling device on any automobile, motorcycle, bus, truck, or other vehicle while stationary if not for purposes of human safety.
- B. Human sounds: Yelling, shouting, crying, hooting, whistling or singing if not for the purposes of human safety.
- C. Sound devices: The using or operating of (or permitting to be played, used or operated) any sound device.
- D. Exhausts: The discharge into the open air of the exhaust of any device, including but not limited to any steam engine, motor vehicle engine, or stationary internal combustion engine.
- E. Heavy machinery and equipment: The operation of compressors, pumps, generators, or other heavy machinery or equipment.
- F. Construction work: Sounds made as the result of construction, including but not limited to building, repairing, blasting, grading, leveling and excavating.
- G. Heavy trucks: The operation of loading trucks, forklifts, front end loaders, and heavy trucks.

**Additional prohibition for unreasonably intrusive noises:**

A. Noise in conduct of business in particularly sensitive areas: Any noise between the hours of 7:00 AM and 10:00 PM that is created in the operation, conduct and/or maintenance of any business, factory, plant, yard or manufacturing establishment, including excavating, blasting, grinding, breaking, crushing or processing of any substance or materials, is prohibited if the activity is conducted within one hundred (100) feet of the property line of any school properties, day care facilities, senior housing facilities, or hospitals.

**Exceptions**

- A. Sounds created by any government agency or railroad agency by the use of public warning devices are exempted from the limitations of this chapter.
- B. Sounds connected with emergency situations, including those made by public utilities, fire or rescue services or police agencies, utilized as warning signals, or made for safety or temporary repair purposes, shall be exempted from the limitations of this chapter.
- C. Sounds produced by the operation of municipal-owned snow removal equipment or other municipal-owned road maintenance or brush-removal equipment are exempted from the limitations of this chapter.
- D. Sounds produced by or on railroads are exempted from the limitations of this chapter.

E. Agricultural field machinery used and maintained in accordance with the manufacturer's specifications are exempted from the limitations of this chapter.

F. Sounds created between 7:00 AM and 10:00 PM by sports, amusement, or entertainment events or other public gatherings on school property or public property, including athletic contests, carnivals, fairs, parades, band and orchestra activities, and public celebrations are exempted from the limitations of this chapter.

### **Penalties for offenses**

A. Any person violating any provision of this chapter shall, upon conviction, be punished for a violation by a fine not exceeding \$250, or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment.

B. Each day during which the prohibited activity continues shall constitute a separate violation.

### **Enforcement**

A. The provisions of this chapter shall be enforced by the local policing agency or other officials designated by the Town Board of the Town of Newark Valley.

This local law shall take effect upon filing in the office of the Secretary of State or as otherwise provided by law.