

A LOCAL LAW TO PREVENT EXCESSIVE, DISTURBING, UNNECESSARY OR UNREASONABLE NOISE AND TO PROMOTE PEACE AND QUIET WITHIN THE VILLAGE OF WELLSVILLE (NOISE ORDINANCE)

Local Law #4 of 2016.

Be it enacted by the Board of Trustees of the Village of Wellsville, in the County of Allegany, as follows:

SECTION 1. PURPOSE AND INTENT:

The purpose of this local law is to prevent excessive, disturbing, unnecessary or unreasonable noise within the Village. The provisions and prohibitions hereinafter stated are in pursuance of and for the purpose of preserving, protecting and promoting peace and quiet within the Village of Wellsville and the public health, comfort, safety and welfare of its residents.

SECTION 2. GENERAL PROHIBITION:

Except in connection with the conduct of a business or calling, or the protection or preservation of safety, life or property, as determined by the village board, it shall be unlawful for any person to make, continue, aid, cause or permit to be made any unreasonable, unnecessary or unusual noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensitivities.

SECTION 3. STANDARDS:

Standards to be considered in determining whether any sound constitutes excessive, disturbing, unnecessary or unreasonable noise, which is prohibited hereby, include:

- A. The volume of the noise,
- B. The intensity of the noise,
- C. Whether the noise is usual or unusual,
- D. Whether the origin of the noise is natural or unnatural,
- E. The volume and intensity of background noise, if any,
- F. The proximity of the noise to residential sleeping facilities, hospitals, nursing homes or schools,
- G. The time duration of the noise,
- H. Whether the sound source is temporary and,
- I. Whether the noise is continuous, impulsive or intermittent.

SECTION 4. UNNECESSARY AND UNREASONABLE NOISES MAY INCLUDE:

The following is a non-exclusive list of noises which are deemed to be excessive, disturbing, unnecessary, unreasonable and in violation of this Local Law:

- A. Horns, signaling devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle (other than an emergency vehicle) on any street or public place, except as necessary or with reasonable warning.

- B. Bands, musical instruments, radios, etc. The playing of music by any band, radio, stereo system, musical instrument or other device for the production or reproduction of sound in such a manner as to disturb the peace, quiet and comfort of neighboring residents or at any time with louder volume than necessary for convenient hearing for the person(s) who are voluntary listeners thereto except on a special occasion for which permission of the Village has first been obtained, which permission shall specify the date, time and place that the activity is authorized (The playing or operating of any such band, instrument or device between the hours of 11:00 pm and 7:00 am without such permission and in a manner to be plainly audible on adjacent properties shall be prima facie evidence of a violation of this Local Law).
- C. Loudspeakers and amplifiers for commercial advertising.
- D. Yelling, shouting, hooting, whistling or singing by peddlers, vendors or others on the public streets between the hours of 10:00 pm and 7:00 am.
- E. Guns, firecrackers, etc. The firing or discharge of a gun, firecracker, gun powder or other explosive substance within the limits of the Village, except on some special occasion for which permission from the Village Board is first obtained, which permission specifies the date, time and place such activity is authorized.
- F. Animals. The keeping or harboring of any animal which by causing frequent, loud or continued noise shall disturb the comfort or peace of any person(s) in the vicinity.
- G. The Discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, air compressor or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- H. Excessive noises in a school or hospital zone, as defined by conspicuous signage.

SECTION 5. PERMITTED NOISES:

- A. Sounds created by person(s) engaged in construction work during the hours of 7:30 am to 8:00 pm, weekdays, including but not limited to building, repairing, grading, leveling and excavating.
- B. Sound created by any government agent or agency by the use of signaling or public warning devices.
- C. Sound created by mowers or power tools in use between the hours of 8:00 am and 9:00 pm weekdays and 10:00 am and 11:00 pm on weekends.
- D. Sound created by public utilities in carrying out the operation of their franchise.
- E. Sounds connected with sporting or other authorized public or private school events.
- F. Sounds necessarily connected with special events for which permission of the Village Board has been obtained which shall specify the date, time and place that the activity is authorized.

SECTION 6. ENFORCEMENT:

The police department shall investigate all complaints about the alleged violation of this law. If the investigating officer deems doing so appropriate, he or she may issue a warning to the alleged violator that he, or she, desist from making the noise objected to or be subject to the penalties hereunder.

SECTION 7. SEVERABILITY:

If any clause, sentence, paragraph, or part of this Local Law shall be adjudged by any Court of competent jurisdiction to be invalid, such determination shall not effect, impair or invalidate the remainder of this Local Law.

SECTION 8. PENALTIES FOR OFFENSES:

Any person violating any of the provisions of this Local Law shall, upon conviction, be subject to a fine not to exceed the sum of Two Hundred and Fifty dollars (\$250.00) or imprisonment not exceeding 15 days, or both such fine and imprisonment. The continuation of a violation of this Local Law shall constitute a separate and distinct offense hereunder for each twenty-four (24) hour period that the violation is continued. These fines may from time to time be amended by resolution of the Village Board of Trustees.

SECTION 9. EFFECTIVE DATE:

This local law shall be effective immediately upon filing with the Secretary of State.

DRAFT