

3 OF 1984

A Local Law To Prevent Excessive, Disturbing, Unnecessary or Unreasonable Noise Within The Village Of Wellsville.

Adopted: -7/23/84

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WELLSVILLE AS FOLLOWS:

SECTION I POLICY AND PURPOSE:

It is hereby declared to be the policy of the Village of Wellsville 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 public health, comfort, safety, welfare and the peace and quiet of the Village of Wellsville and its inhabitants.

SECTION II GENERAL PROHIBITION:

It shall be unlawful for any person to make, continue, aid, countenance, cause to be made or assist in making any excessive, disturbing, unnecessary or unreasonable noise, except as hereinafter provided, within the limits of the Village of Wellsville.

SECTION III STANDARDS:

Standards to be considered in determining whether any sound existing in a given situation constitutes excessive, disturbing, unnecessary or unreasonable noise within the prohibition of this Local Law 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,
- g. The time of the day or night the noise occurs,
- h. The time duration of the noise,
- i. Whether the sound source is temporary,
- j. Whether the noise is continuous, impulsive or intermittent.

#### SECTION IV ENUMERATION OF UNNECESSARY AND UNREASONABLE NOISES:

The following acts, among others, are declared to be excessive, disturbing, unnecessary and unreasonable noises in violation of this Local Law, but any enumeration herein shall not be deemed to be exclusive:

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 a necessary or reasonable warning.

b. Bands, musical instruments, radios, etc. The playing of music by any band, orchestra, radio, phonograph, musical instrument or other device for the production or reproduction of sound in such manner as to disturb the peace, quiet and comfort or neighboring inhabitants or at any time with louder volume than necessary for convenient hearing for the person or persons who are voluntary listeners thereto, except on a special occasion for which permission of the Village Board is first 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 10:00 p.m. and 7:00 a.m. without such permission and in a manner as to be plainly audible on adjacent properties shall be prima facie evidence of a violation of this Local Law.

c. Loudspeakers and amplifiers for advertising. The using, operating or permitting to be used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other device for the production or reproduction of sound which is cast upon the public streets for the purpose of commercial advertising.

d. Yelling, shouting, etc.

(1) Yelling, shouting, hooting, whistling or singing on the public streets or any public place between the hours of 10:00 p.m. and 7:00 a.m.

(2) Shouting and crying of peddlers, hawkers and vendors.

e. Guns, firecrackers, etc. The firing or discharging of a gun, firecracker, gun powder, or other explosive substance within the limits of the Village of Wellsville, except on some special celebration or occasion for which permission of the Village Board is first obtained, which permission shall specify the date, time and place that 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 repose of any persons in the vicinity.

g. Exhaust of engines. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, air compressor or motor vehicle engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

h. Noise near a hospital, etc. Any excessive noise on any street or highway adjacent to any public or parochial school or hospital or nursing home, provided that conspicuous signs are displayed on such street or highway indicating that the same is a school or hospital zone.

#### SECTION V ENUMERATION OF PERMITTED NOISES:

a. Sound created by persons engaged in construction work during the hours of 7:30 a.m. to 8:00 p.m. 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 lawn mowers or power tools in use between the hours of 8:00 a.m. and 9:00 p.m. weekdays and 10:00 a.m. and 8:00 p.m. on Sundays.

d. Sound created by public utilities in carrying out the operation of their franchise.

e. Sounds connected with sporting or other authorized events of any public or private school.

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f. Sounds necessarily connected with special events for which permission of the Village Board has been obtained, which permission shall specify the date, time and place that the activity is authorized.

#### SECTION VI 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 VII PENALTIES:

Any person who shall violate any of the provisions of this Local Law shall, upon conviction, be subject to a fine not to exceed the sum of Two Hundred Fifty and no 100 dollars (\$250.00) or to imprisonment in the County Jail for a period not to exceed fifteen (15) days or to 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 violations is continued.