*Local Law #2*

*Noise Control*

*Title:*

*This chapter shall be known as the Noise Control Law of the Town of Nichols*

*Findings:*

*It is found and declared that;*

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

*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 are prohibitions hereinafter contained and enacted are in the public interest and pursuance of and for the purpose of securing and promoting the health, comfort, conveniences, safety, welfare, and prosperity of the residents of the Town of Nichols.*

*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 ninety (90) decibels or more during the hours of 7:00AM to 11:00PM, local time, and fifty (50) decibels or more during the hours of 11:00PM to 7:00 AM, local time, as measured on the A scale of 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 the property line of the complaining person’s property or the nearest parcel of public property.*

*SOUND DEVICE: Any apparatus or device for making, reproducing or amplification of the human voice or other sounds, including but not limited to television and radio receiving sets, phonographs, musical instruments, loudspeakers, sound amplifiers and other machines and devices for the production or reproduction of sound.*

*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 the property line of the complaining person’s property or the nearest parcel of public property whichever is closer.*

*Prohibited Noises:*

*A. Horns – signaling devices. The sound of any horn or signal device on any automobile, motorcycle or other vehicle while stationary, except as a danger signal when an approaching vehicle is apparently out of control or if in motion, only as a danger signal after or as breaks are being applied and deceleration of the vehicle is intended, the creation by means of any such signal device of any unreasonably load or harsh sound or the sounding of any such devise for an unnecessary period of time.*

*B. Noisy Vehicles – the use of an automobile, motorcycle or other vehicle so out of repair, so loaded in such a manner as to create loud, unnecessary grating, grinding, rattling, or other noise.*

*C. Discharge of Exhaust – the discharge in the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or boat engine or motor except through a muffler or other device which will effectively prevent loud or explosive noise therefrom.*

*D. Construction – (demolition, excavation) the erection, including, excavating, demotion, alteration, or repair, of any building further than between 7: AM and 6:00Pm on weekdays, except in case of a urgent necessity in the interest of public safety and then only with a permit from the Code Enforcement Officer, which permit may be renewed for a period of three days or less while the emergency continues.*

*E. Noise near schools or other institutions – The creation of any excessive noise on any street adjacent to any school, institution of learning, Church or Court while the same is in session or adjacent to any hospital which unreasonably interferes with the workings of such institutions, provided that conspicuous signs are displayed in such streets indicating that the same is a School, Hospital, Church or Court street.*

*F. Loading/Unloading – The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes crates and containers.*

*G. Hawking/ Peddling – The shouting and crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of the neighborhood.*

*H. Drums/Loudspeakers/similar devices – the use of a drum, loudspeaker or any other sound producing instrument or device for the purpose of attracting attention to any election campaign, performance show or sale or display of merchandise by the creation of noise, except where authorized by a noise ordinance application to be issued by the Code Enforcement Officer, who shall make reasonable rules and regulations there from.*

*I. Noise in conduct of Business – the creation of any unnecessary noise of operation, conduct and/or maintenance of any business, factory, plant, yard or manufacturing establishment, including excavating, blasting (where permitted), grinding, breaking, crushing, or processing of any substance or materials.*

*Exceptions;*

*A. Sounds created by any government agency or railroad agency by the use of public warning devices, are exempted from the limitations or the chapter.*

*B. Sounds connected with emergency situation, 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 limitation 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 limitation of this chapter.*

*D. Sounds produced by or on railroads are exempted from the limitations of the chapter.*

*E. All agricultural activities, including 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 7:00AM and 11:00PM by sports, amusement, or entertainment events or other public gatherings on school 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 part of this section upon conviction, shall be subject to a fine of not less than $100.00 and not more than $250.00 or imprisonment for not more than, fifteen days or both fine and imprisonment as determined by the Court. Each week’s continued violation constituting a separate additional violation.*

*B. Any person violating any part of this section shall be subject to a civil penalty for each and every week that such violation continues recoverable by a lien placed against the property and will be added to the property owner’s taxes.*

*C. The remedies provided for herein shall be cumulative and shall be in addition to any other remedy provided by law, in addition to the enforcement provisions described herein, an administrative fee plus the cost of the removal or correction of any violation shall be assessed against the property owner in the amount as set forth from time to time by resolution of the Board of Trustees, said administrative fee, if unpaid will also be included in any lien placed against the property and will be added to the property owner’s taxes.*

*Enforcement;*

*A. The provisions of this chapter shall be enforced by local policing agencies, the Code Enforcement Officer of the Town of Nichols, and/or other officials designated by the Nichols Town Board.*