

## **A LOCAL LAW REGULATING NOISE IN THE TOWN OF EDEN**

**Be it enacted by the Town Board of the Town of Eden, County of Erie, State of New York, as follows:**

Chapter 146 of the Town of Eden Code entitled “Noise” is hereby repealed in its entirety and replaced with the following:

### **Chapter 146. Noise**

#### **Article I Vehicular Noise**

##### **§ 146-1. Improper noise or disturbance prohibited.**

No person shall make, aid, countenance, or assist in making any improper noise or disturbance or operate a motor vehicle or motorcycle in such a manner as to cause excessive squealing or other excessive noise of the tires or motor of said vehicle or motorcycle on the streets of the Town of Eden.

##### **§ 146-2. Noises deemed improper.**

The phrase “excessive squealing or other excessive noise of the tires or motor of said vehicle or motorcycle” is hereby defined as any noise of the motor or squealing of the tires of a vehicle or motorcycle caused by an unwarranted or unusual acceleration or deceleration of the motor vehicle or in making a turn with said vehicle or motorcycle in such a manner as to cause unnecessary squealing of the tires.

##### **§ 146-3. Penalties for offences.**

Any person or persons who shall violate any of the provisions of this article shall be guilty of an offence and shall be punished, upon conviction, by a fine of not more than \$250 or imprisonment for not more than 15 days, or both.

#### **Article II Noise Control**

##### **§ 146-4. Purpose**

The Eden Town Board determines that the creation of unreasonable noise within the Town limits of Eden is detrimental to the comfort, convenience, safety, health, and welfare, and to the quality of life of the citizens of the Town. Therefore, it intends hereby to prohibit all unreasonable noise from all sources subject to its police power in order to preserve, protect and promote the health, safety and welfare, and the peace, quiet, comfort and repose of all persons within the Town.

##### **§ 146-5. Definitions**

As used in this chapter, the following terms shall have the meanings indicated:

##### **AMBIENT NOISE LEVEL**

The sound-pressure level of the all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources and/or the A-

weighted sound-pressure level exceeded 90% of the time based on a minimum period of 10 minutes.

#### A-WEIGHTED SOUND-PRESSURE LEVEL

The sound-pressure level in decibels as measured on a sound-level meter using the A-weighting network by a trained operator. The level so read is designated dB(a) or dBA.

#### DECIBEL (dB)

The practical unit of measurement for sound-pressure level.

#### REAL PROPERTY BOUNDARY LINE

The imaginary line, including its vertical extension, which separates one parcel of real property from another, or the vertical and horizontal boundaries of a dwelling unit located within a multiple-dwelling-unit building.

#### SOUND-LEVEL METER

An instrument for the measurement of sound levels conforming to American National Standards Institute Type I or II standards.

#### SOUND-REPRODUCTION DEVICES

Any device, instrument, mechanism, equipment, or apparatus for the amplification of any sounds from any radio, phonograph, tape player, compact disc player; also, musical instruments, television, loudspeaker or other sound-making or sound-producing device, or any device or apparatus for the production, reproduction or amplification of the human voice or other sound.

#### UNREASONABLE NOISE

Any noise defined in §146-8 of this chapter.

#### **§ 146-6. Unreasonable noise prohibited.**

It shall be unlawful for any person to make, continue, cause to be made or permit to be made any unreasonable noise within the geographic boundaries of the Town of Eden.

#### **§ 146-7. Determination of unreasonable noise.**

A determination as to the existence of unreasonable noise may be established by the specific acts enumerated within § 146-8 of this chapter.

#### **§ 146-8. Prohibited acts.**

The following acts and the causes thereof are declared to be in violation of this chapter:

- A. The sound or use of any sound-reproduction device, from inside or outside of a structure or vehicle whereby the sound is audible on property at a level exceeding those in Table I at the nearest property line.
- B. The sound or use of any sound-reproduction device from a vehicle which would constitute a threat to the safety of pedestrians or vehicle operators or that the sound would deprive the public of the right to the safe, comfortable, convenient, and peaceful enjoyment of a public street, park, or public area.
- C. Operation of minibikes, snowmobiles, motorcycles, dune buggies or other motored devices on private property closer than 200 feet from any residence unless with permission or invitation (except for ingress and egress to or from the operator's

- residence) between the hours of 9:00 p.m. and 8:00 a.m. unless equipped with an adequate muffler designed and manufactured to suppress exhaust noises.
- D. Operation of minibikes, snowmobiles, motorcycles, dune buggies or other motored devices on any public grounds, including town-owned land, which shall include, but not be limited to, parks, streets, easements, and sidewalks, unless specifically designated, set aside, and reserved by resolution of the Eden Town Board.
  - E. The use or operation of any audible burglar alarm or motor vehicle burglar alarm unless the operation of such alarm shall be terminated within 10 minutes after such alarm is first activated.
  - F. The conducting of any construction activities, including but not limited to erection of buildings, earthmoving, and landscaping, which project a noise which is audible on a neighboring property, unless such activities may be conducted between 7:00 a.m. and 7:00 p.m. on Monday through Saturday. Construction activities are prohibited on Sundays and Federal Holidays.
  - G. The making of any noise for advertising purposes in any street or public place, sidewalk, or entrance to a place of business by means of any horn, megaphone, siren, bell, radio or any other sound-producing or sound-amplifying mechanism, instrument, or device.
  - H. Noise level table:

For noise that is not defined as a violation in items A through H of § 146-8, it shall be unlawful for any person to operate or permit to be operated any noise source in such a manner as to create a sound-pressure level in dB(A)s which exceed the limits set forth in Table I when measured at the property boundary.

**Table I: Maximum Permissible Sound Levels By Receiving Land Use Category:**

<u>Hours</u>	<u>Maximum Receiving Permissible Sound Level (dBAs)</u> (Receiving Land Use Categories)		
	<u>Residential</u>	<u>Mixed Use/Business</u>	<u>Industrial</u>
7:00 a.m. to 11:00 p.m.	60	65	75
11:00 p.m. to 7:00 a.m.	50	50	75

**§ 146-9. Permitted Sounds.**

The following sounds shall not be considered to be in violation of this chapter:

- A. The sound created by any agency or public warning device for the purpose of alerting persons to the existence of an emergency.
- B. The sound created by public utilities in conducting emergency work.
- C. The sound created by bells or chimes associated with places of public worship.
- D. The sounds created by sporting events of any public organization or private school, or carnival, fair, exhibition or parade, provided that such event shall take place between the hours of 7:00 a.m. to 11:00 p.m.
- E. Sounds created by farming operations, and incorporated shooting ranges.
- F. Routine yard maintenance activities performed by residential property owners during daylight hours.

**§ 146-10. Enforcement.**

- A. When the enforcement officer or official seeks to apply the decibel provisions set forth in the aforementioned Table I relative to any violation of this chapter, such officer shall use a sound-level meter conforming to ANSI (American National Standards Institute). Type II standards shall be used and shall be calibrated at least annually. Qualified Town personnel approved by the Chief of Police shall operate, witness, and read the sound-level meter(s) and related equipment.
- B. The Police Department of the Town of Eden shall enforce this chapter.

**§ 146-11. Penalties for offenses.**

Any person who shall violate any of the provisions of this chapter shall be guilty of a violation and shall be punishable by a fine of not more than \$500 or imprisonment for not more than 15 days, or both. Each day that such violation occurs shall be considered a separate offense punishable as such and must be resolved before the attempt of a similar event in the future. The Town of Eden Police Department shall enforce this chapter.

**§ 146-12. Effective.**

This chapter shall become effective immediately upon adoption by the Eden Town Board.