

**VILLAGE OF WESLEY HILLS
ROCKLAND COUNTY, NEW YORK**

LOCAL LAW NO. 11 OF 1984

TO PROHIBIT UNREASONABLE NOISE

NOVEMBER, 1984

AS AMENDED BY LOCAL LAW NO. 6 OF 2006

TABLE OF CONTENTS

	<u>Page</u>
SECTION 1 – TITLE	1
SECTION 2 – LEGISLATIVE INTENT	1
SECTION 3 – DEFINITIONS	1
SECTION 4 – PROHIBITED ACTS	2
SECTION 5 – EXEMPTIONS	3
SECTION 6 – ENFORCEMENT	3
SECTION 7 – VIOLATIONS AND PENALTIES	3
SECTION 8 - SEVERABILITY	4
SECTION 9 – EFFECTIVE DATE	4

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WESLEY HILLS, as follows:

Section 1. Title.

This local law shall be cited and may be referred to hereinafter as the "Noise Pollution Control Law of the Village of Wesley Hills".

Section 2. Legislative intent.

It is the intention of the Board of Trustees of the Village of Wesley Hills by the adoption of this local law to establish and impose restrictions upon the creation of excessive, unnecessary or unusually loud noise within the limits of the Village of Wesley Hills in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare, prosperity and the peace and quiet of the Village of Wesley Hills and its inhabitants.

Section 3. Definitions.

EMERGENCY - Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

EMERGENCY WORK - Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

MOTOR VEHICLE - Any vehicle, such as but not limited to a passenger vehicle, truck, truck-trailer, trailer or semitrailer, propelled or drawn by mechanical power, and shall include motorcycles, snowmobiles, minibikes, go-carts and any other vehicle which is self-propelled.

PERSON - Any individual, association, partnership or corporation, including any officer, employee, department, agency, or instrumentality of the state or any political subdivision of a state.

New 6-06

PLAINLY AUDIBLE - An adjective referring to any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. It is not necessary for the listener to be able to determine the title, specific words, or the artist performing the song.

REAL PROPERTY BOUNDARY - A line along the ground surface and its vertical extension, which separates the real property owned by one person from that owned by another person.

New 6-06

PUBLIC RIGHT-OF-WAY - Any street, avenue, boulevard, road, highway, sidewalk, alley, or easement that is owned, leased, or controlled by a governmental entity.

New 6-06

PUBLIC SPACE - Any real property or structures thereon that are owned, leased, or controlled by a governmental entity.

UNREASONABLE NOISE - A noise of a type or volume that a reasonable person of normal sensitivities, under the circumstances, would not tolerate.

Section 4. Prohibited Acts

A. No person, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, shall make, or cause or allow to be made, unreasonable noise.

B. (1) No person shall engage in any activity which results in or causes the production of noise which exceeds, at any point on or beyond any lot line, the maximum decibel level for the designated octave band as set forth in the following table:

Octave Band (cycles per second)	Sound Pressure Level (decibels)
0 - 74	60
75 - 149	52
150 - 299	49
300 - 599	44
600 - 1,199	39
1,200 - 2,399	36
2,400 - 4,799	32
4,800 - 20,000	29

(2) For the purpose of measuring the intensity and frequencies of sound, sound level meters and octave filters shall be employed. Octave band analyzers calibrated with pre-1960 octave bands (American Standards Association Z24.10-1953, Octave Bank Filter Set) shall be used. Sounds of short duration, which cannot be measured accurately with the sound level meter, shall be measured with an impact noise filter in order to determine the peak value of the impact.

C. No person shall keep, permit or maintain any animal under his control which makes sounds which create a public nuisance or create unreasonable noise across a residential real property boundary. The provisions of this subsection shall apply with equal force to veterinarian facilities, kennels, and animal shelters of any type.

D. No person shall operate or permit to be operated any tools, machinery or equipment used in construction, drilling or demolition work except between the hours of 8:00 A.M. and 9:00 P.M. on Mondays through Fridays and 10:00 A.M. and 6:00 P.M. on Saturdays, Sundays and legal holidays.

E. No person shall operate or permit the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, lawnmower or similar device used outdoors in residential areas between the hours of 9:00 P.M. and 8:00 A.M. of the following day.

F. No person shall cause or permit to be caused the sounding of any horn or other auditory signaling device on or in any motor vehicle except to serve as a danger warning.

G. No person shall repair, rebuild, modify or test any motor vehicle in such a manner as to cause unreasonable noise across a residential real property boundary.

H. No person shall discharge into the open air the exhaust of any steam engine, stationary internal-combustion engine, air-compressor equipment, motor vehicle or other power device, which is not equipped with an adequate muffler in constant operation and properly maintained to prevent any unreasonable noise, and no such muffler or exhaust system shall be modified or used with a cutoff, bypass or similar device which causes said engines, vehicles or other power devices to create unreasonable noise.

Rev 6-06

I. No person shall operate or cause to be operated a sound reproduction device that produces unreasonable noise across a real property boundary. The operation of a sound reproduction device which produces noise across a real property boundary between the hours of 10:00 P.M. and 8:00 A.M. of the following day shall be conclusively presumed to be a violation of this subsection.

J. (1) No person shall operate or use or cause to be operated or used any sound reproduction device in any public place in such a manner that the sound emanating therefrom creates unreasonable noise across a real property boundary.

(2) This subsection shall not apply to any person participating in a school band or in a parade, or sounds emanating from sporting, entertainment or other public events where such devices are used.

K. No person shall load any garbage or trash on a compactor truck or any other truck whereby the loading, unloading or handling of boxes, crates, equipment or other objects is conducted between the hours of 9:00 P.M. and 6:00 A.M. of the following day.

New 6-06

L. No person shall operate or cause to be operated music or sound amplification or reproduction equipment in such a manner that it is plainly audible at a real property boundary between the hours of 10:00 P.M. and 8:00 A.M. of the following day.

New 6-06

M. No person shall operate or cause to be operated self-contained, portable, hand-held music or sound amplification or reproduction equipment on a public space or public right-of-way in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 A.M. and 10:00 P.M. Between the hours of 10:00 P.M. and 8:00 A.M. of the following day, sound from such equipment shall not be plainly audible by any person other than the operator.

Section 5. Exemptions.

The provisions of this local law shall not apply to:

A. The emission of sound for the purpose of alerting persons to the existence of an emergency.

B. The emission of sound in the performance of emergency work.

Section 6. Enforcement.

This local law shall be enforced by Police Department personnel or the Mayor, Deputy Mayor, or Code Inspector of the Village of Wesley Hills.

Section 7. Violations and penalties.

a. Any person who shall refuse or neglect to comply with any section or provision of this local law shall be guilty of a violation. Each and every violation of this local law shall be punishable by a fine not to exceed five hundred (\$500.00) dollars or a sentence of imprisonment not to exceed fifteen (15) days, or both. Each day's continued violation shall constitute a separate violation.

b. In addition to all other remedies provided for herein, the Board of Trustees may also enforce obedience to this local law by injunction or by any other remedy available to it by virtue of the judicial process.

Section 8. Severability.

The invalidity of any section, clause, sentence or provision of local law shall not affect the validity of any other part of this local law which can be given effect without such invalid part or parts.

Section 9. Effective date.

This local law shall take effect immediately.