

Chapter 113

NOISE

§ 113-1. Authorization.

This chapter is adopted pursuant to the authority granted to the Town of South Bristol by New York Municipal Home Rule Law § 10.

§ 113-2. Title; purpose.

This chapter shall be known as and may be cited as the Noise Law of the Town of South Bristol. The purpose of this chapter is to regulate noise within the Town.

§ 113-3. Legislative finding.

The Town Board of the Town of South Bristol finds and hereby determines that excessive or otherwise unreasonable noise within the Town can negatively affect the protection, order, conduct, safety, health, welfare and well-being of the persons and property within the Town of South Bristol. Therefore, the Town Board of the Town of South Bristol hereby further finds and determines that noise shall be regulated within the Town.

§ 113-4. Definitions.

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

EXCESSIVE NOISE — Any excessive or unusually loud sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace, safety or welfare of a reasonable person of reasonable sensitivities or which causes injury to animal life or damage to a property or business. Standards to be considered in determining whether excessive noise exists in a given situation include, but are not limited to, the following:

- A. The volume or intensity of the noise;
- B. Whether the nature of the noise is unusual or rare;
- C. Whether the origin of the noise is created by man or is natural;
- D. The volume or intensity of the ambient or background noise;
- E. The proximity of the noise to sleeping facilities;
- F. The nature of the area and the zoning district where the noise emanates from and into;
- G. The time of the day or night the noise occurs;
- H. The duration of the noise;

I. Whether the noise is continuous.

PROPERTY LINE — In addition to the boundaries of real property established by deeds, this also includes those boundaries created by rental or lease agreements.

§ 113-5. Excessive noise prohibited

Excessive noise is prohibited within the Town of South Bristol and shall be a violation of this chapter. For the purpose of this chapter, the Code Enforcement Officer or any law enforcement officer having jurisdiction within the Town to enforce this chapter, including the Ontario County Sheriff's Department and New York State Police, shall be considered a reasonable person of reasonable sensitivities.

§ 113-6. Specific acts deemed excessive noise.

Any noise which falls within the excessive noise definition herein shall be excessive noise and thus a violation of this chapter. Given the aforementioned, excessive noise includes, but is not limited to, the following:

- A. The following shall constitute excessive noise at all times:
- (1) The sound of a horn, except as an emergency signal or warning, including novelty horns, audible at 25 feet from the vehicle.
 - (2) The unnecessary creation of sound from a motor vehicle, including the squealing of tires, racing of engines, and playing of electronic equipment, including radios, audible at 25 feet from the vehicle.
 - (3) The operation of equipment, including motor vehicles, generators, engines, compressors, and HVAC units, that are in such disrepair as to create noise beyond the design specifications for the equipment, such that the sound is audible 25 feet or more beyond the property line of the premises upon which the sound is created. Disrepair includes the reduction in effectiveness of or elimination of any required muffling devices.
 - (4) Barking of a dog which violates Chapter 61 of the South Bristol Town Code.
 - (5) Any noise which is intentionally caused to annoy, disturb, harass, or injure any other person or business.
 - (6) The playing of any radio, television, musical instrument, or other machine or device for producing, reproducing, or amplification of sound, such that the sound is audible at 25 feet or more beyond the property line of the premises upon which it is being used.
- B. The following shall constitute excessive noise from the hours of 10:00 p.m. until 7:00 a.m. Sunday through Thursday and 11:00 p.m. until 7:00 a.m. Friday and Saturday.

- (1) The deliberate creation or allowance of sounds that disturb the ambient quiet 25 feet or more beyond the property line of the premises upon which the sound is created.

§ 113-7. Exemptions.

The following shall not constitute excessive noise. Rather, the following is permitted by this chapter:

- A. Audible alarm and alerting devices designed to identify, alert the owner to and/or deter crime and emergencies, given that said alarm or device is working properly and is not malfunctioning and is in compliance with Chapter 58 of the South Bristol Town Code.
- B. Lawfully permitted fireworks displays.
- C. Ringing of bells or chimes in conjunction with normal church or religious activities.
- D. Sounds created by emergency vehicles, equipment and operations while lawfully operating.
- E. Sounds created by the normal operation of a properly functioning heating or cooling unit.
- F. Reasonable production of sound or noise in connection with any reasonable military, civic or authorized parade, funeral procession, religious ceremony, or wedding conducted at a reasonable time and with reasonable frequency.
- G. Reasonable use of properly maintained and operated lawnmowers, hedge trimmers, leaf blowers, snow blowers, recreational vehicles and other domestic power tools and devices utilized for the care and maintenance of residential property between the hours of 7:00 a.m. and 9:00 p.m. **[Amended 12-9-2019 by L.L. No. 7-2019]**
- H. A gathering permitted by Chapter 170 of the South Bristol Town Code as long as said gathering is operating within the permit granted by the Town.
- I. Lawful discharge of firearms.
- J. Agricultural activities as defined in Chapter 56 of the South Bristol Town Code.
- K. Snow removal and normal property maintenance conducted by, but not limited to, a governmental agency, ski resort, golf course, private contractor, owner or owner's agent. **[Amended 12-9-2019 by L.L. No. 7-2019]**

§ 113-8. Enforcement; penalties for offenses.

- A. Enforcement. It shall be the duty of the Code Enforcement Officer, the Ontario County Sheriff's Department, New York State Police and any other law enforcement officer with the requisite jurisdiction to enforce this chapter.
- B. Violation. Any person, firm or corporation who or which fails to comply with or violates any of the provisions of this chapter shall be guilty of a violation and subject to the penalties of that violation or violations. Separate violations may be deemed committed during the same day if additional violations continue or occur after one is cited with a violation that same day.
- C. Penalties. For each violation, any person, firm, company or corporation who or which neglects or refuses to do any act required by this chapter shall be punishable as follows:
 - (1) For the first violation, a fine of up to \$250.
 - (2) For a second violation committed within three months from the commission of any prior offense, a fine of up to \$500.
- D. Civil enforcement. Appropriate actions and proceedings may be taken by law or in equity proceedings to prevent any violation of this chapter, to recover damages, to restrain and correct or abate a violation. These remedies shall be in addition to the penalties described above. Consequently, the Town may institute any appropriate action or proceeding to prevent and to restrain, correct or abate such violation or to prevent any illegal act, conduct, business or use in and about such premises.