

THE NOISE POLLUTION CONTROL LAW

ARTICLE I - SHORT TITLE, POLICY AND DEFINITIONS

Section 1.01 SHORT TITLE:

This law shall be known as the Noise Pollution Control Law of the Town of Hunter.

Section 1.02 POLICY:

It is hereby declared to be the policy of the Town of Hunter to prevent excessive, unnecessary or unusually loud noise. It is further declared that the provisions hereinafter contained and enacted are in pursuance of and for the purpose of preserving, protecting, and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the Town of Hunter and its inhabitants.

This law shall be liberally construed so as to effectuate the purposes described in this section. Nothing herein shall be construed to abridge the emergency powers of any health department or the right of such department to engage in any necessary or proper activities. Nothing herein shall abridge the powers and responsibilities of any police department or law enforcement agency to enforce the provisions of this law.

Section 1.03 DEFINITIONS:

Unless otherwise indicated by context, the following terms and phrases shall mean:

A-weighted sound level shall mean the sound pressure level measured by the use of an instrument with the metering characteristics and A-weighting frequency response prescribed for sound level meters.

Activity shall mean any act or combination of acts which causes the production of sound.

ANSI shall mean the American National Standards Institute or its successor bodies.

Commercial operation shall mean any business or commercial activity that involves the purchase or utilization of goods or services, including but not limited to commercial dining establishments, motor vehicle services, retail and wholesale services, banks and office buildings, recreation and entertainment facilities, community services and public services.

Continuous sound shall mean any sound that is not an impulsive sound.

Daytime shall mean from 7:00 a.m. to 10:00p.m. (0700-2200).

dB (A) shall mean the abbreviation for A-weighted sound level in decibels.

Device shall mean any machine, mechanism or equipment which is intended to or which actually produces sound or vibration.

Discrete tone shall mean a sound wave whose instantaneous sound pressure varies essentially as a simple sinusoidal function of time. Such sound wave may exist alone or as a component of a complex sound wave.

Impulsive Sound shall mean a sound characterized by brief excursions of sound pressure which significantly exceed the ambient sound.

Law shall mean the noise control law of the Town of Hunter.

Person shall mean any individual, partnership, company, public or Private Corporation, association, firm, organization, political subdivision, governmental agency, administration or department, municipality, trust, estate, group of individuals, or any other legal entity whatsoever.

Public Highway shall mean any highway, road, street, avenue, alley, public place, public driveway or any other public way.

Real property boundary shall mean an imaginary line exterior to any structure, along the ground surface, which separates the real property owned by one person from that owned by another person, and the vertical extension of such line.

Sound shall mean an oscillation in pressure, stress, particle displacement, particle velocity, etc., in a medium with internal forces (e.g. elastic, viscous), or the superposition of such propagated oscillations.

Sound level shall mean the quantity in decibels measured by a sound level meter satisfying the requirements of American National Standards Specification for Sound Level Meters S1.4—1971. This publication is available from the American National Standard Institute, Inc., 1430 Broadway, New York, New York, 10018. Sound level is the frequency—weighted sound pressure level obtained with the standardized dynamic characteristic “fast” or “slow” and weighting A, B, or C; unless indicated otherwise, the A—weighting is understood.

Sound level meter shall mean an instrument including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of sound levels, Sound level meters shall conform to the requirements of ANSI Specification for Sound Level Meters S1.4-1971, Types 1, 2, S1A or S2A.

Sound pressure level shall mean twenty times the logarithm to the base ten of the ratio of the root mean squared pressure of a sound to a reference pressure of twenty micropascals. The unit applied to this measure shall be the decibel (dB).

Sound source shall mean any activity or device whatsoever that produces sound.

Sound source site shall mean a parcel of land, or a tract of land consisting of two or more parcels, which includes all contiguous land and water areas under the ownership or control of a person in or upon which one or more sound sources are located. The sound source site includes all individual sound sources that are mobile. A sound source site is created by the installation of one or more sound sources thereon.

Unnecessary Noise shall mean any excessive or unusually loud sound or any sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a person, or which causes injury to animal life or damages to property or business; standards to be considered in determining whether unnecessary noise exists in a given situation, include but are not limited to the following:

- (i) The intensity of the noise.

- (ii) Whether the nature of the noise is usual or unusual. (iii) Whether the origin of the noise is associated with nature
- (iii) Whether the origin of the noise is associated with nature or man-made activity.
- (iv) The intensity of the background noise, if any.
- (v) The proximity of the noise to sleeping facilities.
- (vi) The nature and the zoning district of the area within which the noise emanates.
- (vii) The time of the day or night the noise occurs.
- (viii) The time duration of the noise.
- (ix) Whether the sound source is temporary.
- (x) Whether the noise is continuous or impulsive.
- (xi) The presence of discrete tones.
- (xii) Whether alternate methods are available to achieve the objectives of the sound producing activity.

ARTICLE II - PROHIBITIONS

Section 2.01 GENERAL PROHIBITION:

No person shall make, continue, cause or permit to be made or continued any unnecessary noise. Non commercial public, public speaking and public assembly activities conducted in any public space shall be exempt from the operation of this Section. Any act in violation of any of the provisions of this article is deemed to be in violation of this section without in any way limiting the generality of the provisions of this section.

Section 2.02 CHURCHES, COURTS, AND SCHOOLS:

No person shall cause or permit the creation of any unnecessary noise through the use of any device on any street, side walk or public place adjacent to any church, court or school while such church, court or school is in use, provided that signs are displayed so as to identify such church, court or school.

Section 2.03. LOUDSPEAKERS AND PUBLIC ADDRESS SYSTEMS

- a) No person shall use, operate, or permit the use or operation of any loud speaker, public address system, or similar device for any non-commercial purpose between the hours of 10:00p.m. and 8:00 a.m. of the following day, such that the sound therefrom creates unnecessary noise across a residential real property boundary.
- b) No person shall use, operate, or permit the use or operation of any loudspeaker, public address system, or similar device for any commercial purpose:
 - (1) Such that the sound therefrom creates unnecessary noise across a real property boundary.
 - (2) Between the hours of 10:0:0 p.m. and 8:00 a.m. of the following day on a public highway.

Section 2.04 PLACES OF PUBLIC ENTERTAINMENT

No person shall operate or permit to be operated a place of, public entertainment, including but not limited to a restaurant, bar, cafe, discotheque, or dance hall, in which the sound level is equal to or exceeds 95 dB(A) sustained for more than 30 seconds measured at the location of •the spectators.

Section 2.05 SOUND REPRODUCTION

No person shall operate, play, or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device which produces, reproduces, or amplifies sound:

- (a) Between the hours of 10:00p.m. and 8:00 a.m. the following day in such a manner as to create unnecessary noise across a real property boundary, except for activities open to the public and for which a permit has been issued by the Town of Hunter according to the criteria set forth in Local Law No. 2 of 1981 of the Town of Hunter.
- (b) at a sound level equal to or exceeding 70 dB(A) sustained for more than 30 seconds measured in any point on, or within 10 feet of, the a particular activity is in excess of the standards set forth.

Section 3.02 SEPARABILITY :

If any clause, sentence, paragraph, section or part of the law shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder of this law but shall be confined in its operation, to the clause, sentence or paragraph, section or part thereof directly involved in litigation in which such judgment shall have been rendered.

Section 3.03 VIOLATIONS AND PENALTIES

For each and every violation of the provisions of this law, the person violating the same shall be guilty of an offense and shall be punished by not more than a \$250 fine or by imprisonment of not more than 20 days or both by such fine and imprisonment. Each and every day the violation continues after the owner has been notified of violation, shall be deemed to be a separate and distinct violation.

Section 3.04 APPLICABILITY

The Town Board of the Town of Hunter recognizes this statute arid the standards herein may be stricter and more comprehensive than existing statutes in areas of concurrent jurisdiction and it is the intention of the Town Board of the Town of Hunter that the provisions of this statute shall supersede any inferior statute in this regard.

Section 3.05 EFFECTIVE DATE

This law shall take effect immediately.