

**TOWN OF IRA
NOISE LAW**

(Version of May21, 1999 – Amended 2000)

SECTION 1. TITLE

Town of Ira Noise Law.

SECTION 2. PURPOSE

The purpose of this Law is to preserve the public health, peace, welfare, and good order by suppressing the making, creation, unnecessary, unnatural or unusually loud noises which are prolonged, unusual, and unnatural in their time, place and use and such are detrimental to the environment.

It is recognized that people have the right to an environment free from excessive noise that may jeopardize their health or safety or welfare or degrade the quality of life. This Law is enacted to protect, preserve, and promote the health, safety, welfare or degrade the quality of life for the citizens of the Town of Ira through the reduction, control, and prevention of excessive noise.

SECTION 3. NOISE LEVEL STANDARDS

Any noise exceeding the ambient noise level at the property line of any property in such a manner as to disturb the peace, quiet, and the comfort of neighboring residents or any reasonable person of normal sensitiveness residing in the area shall be unlawful under the provisions of this Law.

Where the emitting and receiving premises are in different zones, the limits governing the stricter zone shall apply to any regulated noise entering that zone.

SECTION 4. DEFINITIONS

As used in the Law, unless the context otherwise clearly indicates, the words and phrases used in this Chapter are defined as follows:

Ambient Noise: Ambient noise is the all-encompassing noise associated with a given environment, being a composite of sounds from many sources near and far.

Barking dogs: A dog that barks, bays, cries, howls, or makes any other noise continuously and/or incessantly for a period of ten minutes or barks intermittently for one-half hour or more to the disturbance of any person at any time of the day or night, regardless of whether the dog is physically situated in or upon private or commercial property, provided, however, that a dog shall not be deemed a “barking dog” for purpose of this Law, if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated or for any other legitimate cause which teases or provoked the dog.

Commercial Facility: Any premises, property, or facility involving traffic in goods or furnishing of services for sale or profit.

Compliance Report: The source document shall be prepared by the Town of Ira constable or other law enforcement officer after receiving a complaint from a complainant detailing an incident. The report when duly signed by the officer shall be come a matter of record. The report shall remain on file until its use requires destruction or retirement. Each complaint shall be investigated by the responding officer and attested to as the validity of said complaint.

Constable: The law enforcement officer appointed by the Town of Ira.

Day-Time Hours: The hours between 7:00 a.m. and 10:00 p.m., Monday through Saturday, and the hours 9:00 a.m. through 10:00 p.m. on Sundays.

Demolition: Any dismantling, intentional destruction, or removal of buildings or structures.

Domestic Power Equipment: Power equipment but not limited to, power saws, drills, grinders, lawn and garden tools, and other domestic power equipment intended for use in residential areas by a homeowner.

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

Emergency Vehicle: Any government authorized motor vehicle with sound warning devices such as sirens and bells which can lawfully be uses when responding to an emergency.

Emergency work: Work made necessary to restore property to a safe condition following an emergency, or work required to protect persons or property from exposure to imminent danger.

Improper vehicle noise: Excessive squealing or other noise from the tires or engine of said vehicle is hereby defined as any noise of the engine or squealing of the tires of a vehicle causes by an unwarranted or unusual acceleration or deceleration of the motor vehicle or in making a turn with said vehicle in such a manner as to cause squealing of the tires.

Lot: Any parcel of land under one ownership or under common control of any group of persons acting in concert as part of a common scheme or plan.

Loud and Unreasonable Noise: Loud noises which are prolonged, unusual, and unnatural in their time, place, and use and such are detrimental to the environment.

Motor Vehicle: Any vehicle which is propelled or drawn on land by a motor, such as, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, go-carts, snowmobiles, amphibious craft on land, dune buggies, or racing vehicles, including

motorcycles, trail bikes, go-carts, dirt-bikes, or mini-bikes, and motorized all-terrain-vehicles.

Muffler: A device for abating sounds such as escaping gases from an internal combustion engine.

Night-Time Hours: Hours between 10:00 p.m. and 7:00 a.m., Sunday evening through Saturday morning, except that night shall mean the hours between 10:00 p.m. Saturday and 9:00 a.m. Sunday.

Person: Any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency, or political or administrative subdivision of the State or other legal entity of any kind.

Premises: Any building, structure, land or portion thereof, including all appurtenance, and shall include yards, lots, courts, inner yards, and real properties without building or improvements, owned or controlled by a person.

Property Line: That real or imaginary line along the ground surface and its vertical extension which (a) separated real property owned or controlled by any person from contiguous real property owned or controlled by another person, and (b) separated real property from the public right-of-way.

SECTION 5. EXCEPTIONS TO REGULATION

These levels shall not apply to noise emitted by or related to:

Agricultural Practices

Events: The provisions of this section shall not be construed to prevent any funeral procession or religious ceremony; nor shall the terms of this section be construed to prevent the production of music in connection with any parade authorized under provision of law; nor shall this section prevent any music performance upon any public street or place where authorized by law for such purpose; nor shall this section prevent the use of amplifiers or other sound producing instruments in connection with any athletic competition or recreational event held on athletic fields, stadiums or public parks, nor shall such provisions apply to police or fire apparatus while used in the performance of public duty.

Natural phenomena

Church bells: Rung as a part of any church ceremony or service.

Tower clock bells: Ringing the hour during daytime hours.

Sirens, whistles, or bells: Lawfully used in any emergency situation, provided, however, that burglar alarms not termination within thirty (30) minutes after being activated shall be unlawful.

Other devices: Required by OSHA or other State or Federal safety regulations.

Domestic power equipment: Noise from such as, but not limited to, power saws, sanders, grinders, lawn and garden tools or similar devices operated during day-time hours.

Timber harvesting: Felling trees and removing logs from the woods.

Construction of demolition equipment: Noise generated during the day-time hours. The operation of construction equipment during night-time hours shall be allowed by permit. Emergency construction or repair work by public utilities shall also be exempt.

Refuse and solid waste collection:

Recreational activities: Noise which is permitted by law and for which a license or permit has been granted by Town, including, but not limited to, parades, sporting events, concerts, and firework displays.

SECTION 6. SPECIFIC PROHIBITIONS

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this Law, but this list shall not be deemed to be exclusive, namely:

Radio, television sets, and similar devices: It shall be unlawful for any person to use or operate any radio receiving set, musical instrument, phonograph, television set, or other machine or device for the producing or reproducing of sound (between the hours of 10:00 p.m. of one day and 7:00 a.m. of the following day) in such a manner as to disturb the peace quiet and comfort of neighboring residents or any reasonable person of normal sensitiveness residing in the area.

The using, operation or permitting to be played, used or operation of any radio receiving set, musical instrument, phonograph, loud-speaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

Animals or birds: Owning, possessing or harboring an animal or bird which frequently or for continued duration, makes sounds which create a noise disturbance across a residential real property boundary that disturbs the comfort or repose of residents in the vicinity.

Peddlers and vendors: The unreasonable and unnecessary sounding or crying out of peddlers, hawkers, and vendors which disturbs the quiet and peace of the neighborhood is prohibited.

Drums: It shall be unlawful for any person to use any drum or other instrument or device of any kind for the purpose of attracting attention by the creation of noise within the Town of Ira. This Law shall not apply to any person who is a participant in a school band or duly authorized parade or who has been otherwise duly authorized to engage in such conduct.

School, hospitals, and churches: No person shall create or cause any excessive noise on any street adjacent to any school, institution of learning or court while the same are in session, or adjacent any nursing home or hospital, which unreasonably interferes with the working of such institution.

Construction of buildings and projects: Including excavation, demolition, alteration, or repair of any building or structure: It shall be unlawful for any person within a radius of five hundred feet therefrom, to operate equipment or perform any outside construction or repair work on buildings, structures, or projects or to operate any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or other construction type device except to perform emergency work between the hours of 10:00 p.m. of one day and 7:00 a.m. of the next day in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance.

Vehicle repairs: It shall be unlawful for any person to repair, rebuild, or test any motor vehicle (between the hours of 10:00 p.m. of one day and 7:00 a.m. of the next day) in such a manner that a reasonable person of normal sensitiveness residing in that area is caused discomfort or annoyance.

Truck Idling: No person shall unnecessarily operate any engine or any standing motor vehicle with a weight in excess of 10,000 pounds Manufacturer's Gross Vehicle Weight (GVW) during night-time hours, when such vehicle is parked on a residential premises or on a public road next to a residential premises.

Bells: No person shall sound or cause to be sounded any loud or raucous bells or gongs attached to any building or premises which disturb the quiet or repose in the vicinity thereof.

Loading and unloading: No person shall create or cause to be created a loud and excessive noise in connection with loading or unloading any vehicle, or the opening and destruction of bales, boxes, crates, and containers.

Discharge of exhaust: No person shall discharge or cause to be discharged into the open air the exhaust of any steam engine, or stationary internal combustion engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

Mechanical devices: No person shall use or caused to be used any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and reduced.

Additional regulations: It shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary, or unusual noise which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in that area.

SECTION 7. COMPLIANCE

For the purpose of determining compliance with the provisions of this Law, the Constable of the Town of Ira or other law enforcement officer is authorized to make inspection of all noise sources to determine the character of the noise. He may enter any building with the consent of the owner or his agent. If consent is not granted the Officer may seek administrative warrant from the District Court.

No person shall hinder obstruct, delay resist, prevent in any way, interfere or attempt to interfere with any authorized person while in the performance of his/her duties under this Law.

SECTION 7A. COMMERCIAL FACILITIES

Including but not limited to dog kennels, which are permitted by the Town of Ira to operate within the Town, and where the nature of the business includes kenneling or harboring animals or birds, which by nature and/or instinct create noise which may on occasion exceed the defined parameters stipulated in the Town of Ira Noise Law, shall not be measured by the specific parameters to declare violation of that law. The pre-existing business referenced herein shall be responsible for not exceeding noise levels which are usual, reasonable, customary and practical for like businesses located in similar settings. Pre-existing businesses shall make reasonable and practical effort to minimize noise disturbance for neighboring population.

SECTION 8. PENALTY

Any person alone or in a concert who shall violate any provision of the Law shall be guilty of a violation and upon conviction thereof shall be subject to a fine of not more than Two Hundred Fifty Dollars (\$250.00), or by imprisonment not exceeding fifteen (15) days, or both such fine and imprisonment.

Each act committed in violation of any provisions of this Law shall constitute a separate additional violation.

SECTION 9. MANNER OF ENFORCEMENT

The Constable of the Town of Ira or other law enforcement officer is directed to enforce the provisions of this Law.

No person shall interfere with, oppose, or resist any authorized person charged with the enforcement of this Law while such person is engaged in the performance of his duty.

Violations of the Law shall be prosecuted in the same manner as other Town of Ira violations, provided that in the event of an initial violation of the provisions of this Law, a written notice shall be given the alleged violator which specifies the time by which the condition shall be corrected. No complaint or further action shall be taken in the event the cause of the violation has been removed, the condition abated or fully corrected within the time period specified in the written notice. The notice shall state that unless corrections are made within the allotted time, the violator is subject to prosecution pursuant to the provisions of this Law.

In the event the alleged violator cannot be located, in order to serve the notice of intention to prosecute, the notice as required herein shall be deemed to be given upon mailing such notice by registered or certified mail, return receipt requested, to the alleged violator at his last known address or at the place where the violation occurred in which event the specified time period for abating the violation or applying for a variance shall commence on the date of the day following the mailing of such notice. Subsequent violation of the same offence shall result in the immediate filing of a criminal complaint.

SECTION 10. SEVERABILITY

Any provisions of the Zoning Ordinance of the Town of Ira which are more stringent than those set forth herein shall remain in force. If, for any reason, any word, clause, paragraph, or section of this Law shall be held to make the same unconstitutional, this Law shall not hereby be invalidated and the remainder of this Law shall continue in effect.

SECTION 11. CONFLICT WITH STATE LAWS

Nothing in this Law shall be construed to conflict with any state law of the State of New York that may govern or control any of the subject matters contained in this Law.

SECTION 12. EFFECTIVE DATE

This Law shall become effective upon acceptance and filing by the New York State Department of State.

SECTION 13. AMENDMENTS

This Law may be amended by majority vote at any Town of Ira Board meeting.