Village of Stillwater

Local Law No. 1 of the Year 2011

A Local Law Prohibiting Unnecessary Noise

Be it enacted by the Village Board of the Village of Stillwater as follows:

Section I. Unnecessary Noise

It is the policy of the Village of Stillwater to maintain the peace and quiet of the Village. Unnecessary noise is determined by the Village Board to be detrimental to the public health, safety and welfare and to the quality of life of the citizens of the Village.

Unnecessary noise degrades the environment and interferes with the enjoyment of life, property and recreation and with the conduct and operation of business and industry. The Village Board declares that the provisions of the Local Law are for the purpose of preserving, protecting and promoting the public health, safety and welfare and the peace and quiet of the Village of Stillwater.

Section 2. Definitions.

As used in this local law, unless expressly stated to be otherwise:

A. AIRBORNE SOUND means sound that reaches the point of interest by propagation through the air.

B. APPROVED SOUND MEASURING EQUIPMENT means equipment that meets ANSI SI.4 1971 standards as described under dBA below.

C. COMMERCIAL SERVICE EQUIPMENT means all engine or motor powered equipment intended for infrequent service work in inhabited areas, typically requiring commercial or skilled operators. Examples of “commercial service equipment” include chain saws, log chippers, and paving rollers.

D. CONSTRUCTION DEVICE means all powered devices or equipment designed and intended for use in construction. Examples of “construction

devices are: air compressors, bulldozers, backhoes, trucks, shovels, derricks and cranes.

E. dB means the abbreviation for decibel.

F. dBA means the A-weighed sound level in decibels, as measured by a general purpose sound level meter complying with the provisions of the American National Standard Institute Specifications for Sound Level Meters (ANSI S1.4-1971), properly calibrated and operated on the A-weighting network.

G. DECIBEL means a unit for measuring the volume of a sound, equal to the logarithm of the ratio of the sound pressure of the sound to the sound pressure of a standard sound [two ten-thousandths (0.0002) microbar; abbreviated “db.”]

H. EMERGENCY WORK means work or activity that is necessary to prevent or recover from an emergency, including but not limited to work to repair electric, gas, water, sewage and telephone services.

I. FREQUENCY means the number of oscillations or cycles per second, expressed in hertz (abbreviation “Hz”).

J. HOMEOWNER’S LIGHT RESIDENTIAL OUTDOOR EQUIPMENT means all engine or motor-powered garden or maintenance tools intended for repetitive use in residential areas, typically capable of being used by a homeowner. Examples of “homeowner’s light residential outdoor equipment” include lawn mowers, garden tools, riding tractors, snow blowers, and snowplows.

K. hZ means the abbreviation for hertz equivalent to cycles per second.

L. PERSON who is individual, association, firm, syndicate, company, trust, corporation, department, bureau or agency of any other entity recognized by law as the subject of rights and duties.

M. SOUND LEVEL METER means an instrument including a microphone, an amplifier, and output meter and frequency weighting networks for the measurement of sound levels. Sound level meters shall conform to the requirements of ANSI Specifications for Sound Level meters S1.4 – 1971.

N. UNNECESSARY NOISE means any excessively 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 property or business. Standards which can be considered in determining whether unnecessary noise exists in a given situation include, but are not limited to, the following:

(1) The intensity of the noise;
(2) Whether the nature of the noise is usual or unusual;
(3) Whether the origin of the noise is associated with nature or man-made activity;
(4) The intensity of the background noise; if any;
(5) The proximity of the noise to sleeping facilities;
(6) The nature of the zoning district of the area within which the noise emanates;
(7) The time of the day or night the noise occurs;
(8) The time duration of the noise;
(9) Whether the sound source is temporary;
(10) Whether the noise is continuous or impulsive;
(11) The presence of discrete tones;
(12) Whether alternate methods are available to achieve the objects of the sound-producing activity.

Section 3. General Prohibitions

A. The following acts, among others, are declared to be loud, disturbing, injurious and unnecessary and unlawful noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

(1) Yelling, shouting, hooting, whistling, singing or performing music on the public streets or from private property that is plainly audible at a distance of fifty (50) feet and annoys or disturbs the quiet, comfort or repose of persons in the vicinity of the area, building, structure or vehicle from which such noise emanates.
(2) The using of, operating of, or permitting to be played, used or operated, any radio, receiving set, musical instrument, phonograph, television set or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet

and comfort of the neighboring inhabitants and in such manner as to be plainly audible at a distance of fifty (50) feet from the area, building, structure or vehicle in which it is located.

(3) Sounding horns, squealing tires or other vehicular noises produced excessively or unnecessarily.

B. No person or persons owning, leasing or controlling the operation of any source or sources of noise shall permit the use of such source to produce unnecessary noise, as herein previously described.

C. No person shall create or cause to be emitted any airborne sound which, when measured by a sound level meter at any lot line in a residential district, exceeds the following standards:

(1) From 7:00am to 8:00pm Sunday through Thursday, seventy-five (75) dBA

(2) From 7:00am to 11:00pm Friday and Saturday, seventy-five (75) dBA

(3) From 8:00pm to 7:00am Sunday through Thursday, sixty (60) dBA

(4) From 11:00pm to 7:00am Friday and Saturday, sixty (60) dBA

Section 4. Exceptions

A. This law shall apply to the use or occupancy of any lot or structure except the following:

(1) The intermittent or occasional use between 7:00am through 8:00pm of homeowner's light residential outdoor equipment or commercial service equipment, provided that the equipment and its use otherwise comply with the Local Law, and the equipment is being operated for its intended use.

(2) Construction activities between 7:00am through 8:00pm and the associated use of construction devices provided that such activities and the use of such equipment otherwise comply with this Local Law.

(3) Agriculture

(4) The ringing of church bells or chimes used in conjunction with religious or education purposes

(5) The operation of sirens, horns or other alarms when used for the purpose of alerting persons to the existence of an emergency and the passage of vehicles.

(6) The emission of sound in performance of emergency work.

(7) Temporary uses as may be granted by permit.

(8) Official public celebrations.

(9) Noise of lawful aircraft flight operations.

(10) The lawful operation of any properly equipped motor vehicles on any public way, subject to the applicable sections of the Vehicle and Traffic Law that refer to noise

11) Audible exterior burglar alarms in operation for ten (10) minutes or *less*.

B. The exceptions to the standards provided for in this Local Law shall not be construed to exempt any source of noise from the provisions of the Local Law under the definitions of “unnecessary noise” or “person”.

Section 5. Violations

Persons committing any act prohibited by this Local Law shall be guilty of a violation and, as such, shall be punishable by a sentence of up to fifteen (15) days in jail, or a fine of up to $250.00, or both.

Section 6. Effective Date

This Local Law shall become effective upon its filing with the Secretary of State of New York or five (5) days after its enactment, whichever occurs the later.