

VILLAGE OF CHESTNUT RIDGE
LOCAL LAW NO. 3 OF THE YEAR 1988

A local law **KNOWN AS NOISE POLLUTION CONTROL LAW OF THE VILLAGE OF CHESTNUT RIDGE**

Be it enacted by the Board of Trustees of the Village of Chestnut Ridge as follows:

1. Title.

This Law shall be cited and may be referred to hereinafter as the "Noise Pollution Control Law of the Village of Chestnut Ridge.

2. Legislative intent.

It is the intention of the Board of the Village by the adoption of this Law to establish and impose restrictions upon the creation of excessive, unnecessary or unusually loud noise within the limits of the Village 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 and its inhabitants.

3. Definitions.

A. All terminology defined herein which relates to the nature of sound and the mechanical detection and recordation of sound is in conformance with the terminology of the American National Standards Institute or its successor body.

B. As used in this chapter, unless the context otherwise clearly indicates, the words and phrases used in this chapter are defined as follows:

A-WEIGHTED SOUND LEVEL [dB(A)] – The sound pressure level in decibels as measured on a sound meter using the A-weighting network slow response. The level so read is designated dB(A).

COMMERCIAL DISTRICT – An area where offices, clinics and the facilities needed to serve them are located; an area with local shopping and service establishments, a tourist-oriented area where hotels, motels and gasoline stations are located; a business strip along a main street containing offices, retail businesses and commercial enterprises; and other commercial enterprises and activities which do not involve the manufacturing, processing or fabrication of any commodity. "Commercial district" shall include but shall not be limited to any parcel of land zoned commercial under the Zoning Law of the Village.

COMMERCIAL PURPOSE – Includes the use, operation or maintenance of any sound-amplifying equipment for the purpose of advertising any business, any goods or any services or for the purpose of attracting the attention of the public to or advertising for or soliciting the patronage of customers to or for any performance, show, entertainment, exhibition or event or for the purpose of demonstrating any such sound equipment.

CONSTRUCTION ACTIVITIES – Any and all activity incidental to the erection, demolition, assembling, altering, installing or equipping of buildings, structures, roads or appurtenances thereto, including land clearing, grading, excavating and filling.

CONTINUOUS NOISE – A steady, fluctuating or impulsive noise which exists, essentially without interruption, for a period of ten (10) minutes or more, with an accumulation of an hour or more over a period of eight (8) hours.

DECIBEL (dB) – A unit of level which denotes the ratio between two (2) quantities which are proportional to power. The number of decibels corresponding to the ratio of two (2) amounts of power is ten (10) times the logarithm to the base 10 of this ratio.

DEVICE – Any mechanism which is intended to produce or which actually produces sound when operated or handled.

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.

FLUCTUATING NOISE – The sound pressure level of a fluctuating noise which varies more than six (6) dB(A) during the period of observation when measured with the slow meter characteristic of a sound-level meter.

IMPULSIVE SOUND – A sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts and the discharge of firearms.

INDUSTRIAL DISTRICT – An area in which enterprises and activities which involve the manufacturing, processing or fabrication of any commodity are located. "Industrial district" shall include but shall not be limited to any parcel of land zoned as an industrial district under the Zoning Law of the Village.

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.

NOISE – Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

NOISE DISTURBANCE – Any sound which endangers or injures the safety or health of humans or animals or annoys or disturbs a reasonable person of normal sensitivities or endangers or injures personal or real property.

NOISE SENSITIVE ZONE – Any area designated pursuant to this chapter for the purpose of ensuring exceptional quiet.

NONCOMMERCIAL PURPOSE – The use, operation or maintenance of any sound equipment for other than a commercial purpose. “Noncommercial purpose” shall mean and include but shall not be limited to philanthropic, political, patriotic and charitable purposes.

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.

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, but not including intrabuilding real property divisions.

RESIDENTIAL DISTRICT – An area of single- or multiple-family dwellings and shall include areas where multiple-unit dwellings, high-rise apartments and high-density residential districts are located. “Residential district” shall also include but is not limited to hospitals, nursing homes, homes for the aged, schools, courts and similar institutional facilities.

SOUND – An oscillation in pressure, particle displacement, particle velocity or other physical parameter in a medium with internal forces that causes compression and rarefaction of that medium. The description of “sound” may include any characteristics of such sound, including duration, intensity and frequency.

SOUND-LEVEL METER – An instrument, including a microphone, an amplifier, an output meter and frequency weighting networks for the measure of sound levels.

SOUND REPRODUCTION DEVICE – Any device that is designed to be used or is actually used for the production or reproduction of sound, including but not limited to any musical instrument, radio, television, tape recorder, phonograph, loudspeaker, public-address system or any other sound-amplifying device.

UNREASONABLE NOISE – 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 reasonable person of normal sensitivities or which causes injury to animal life or damage to property or business.

Standards to be considered in determining whether an “unreasonable noise” exists in a given situation include but are not limited to the following:

- (1) The volume of the noise.
- (2) The intensity of the noise.
- (3) Whether the nature of the noise is usual or unusual.
- (4) Whether the origin of the noise is usual or unusual.
- (5) The volume and intensity of the background noise, if any.
- (6) The proximity of the noise to residential sleeping facilities.
- (7) The nature and the zoning district of the areas within which the noise emanates.
- (8) The time of the day or night the noise occurs.
- (9) The time duration of the noise.
- (10) Whether the sound source is temporary.
- (11) Whether the noise is continuous or impulsive.

4. Prohibited acts.

No person shall make, continue or cause or suffer to be made or continued any unreasonable noise as defined in paragraph 3B hereof. In particular, without limitation of the foregoing provision of this section, the following enumerated acts are declared to be in violation of this section.

- A. Animals. No person shall keep, permit or maintain any animal under his control which frequently or for continued duration makes sounds which create an unreasonable noise across a residential real property boundary. This provision shall not apply to veterinarian facilities.
- B. Commercial, business and industrial operation. No person shall operate or permit to be operated on a sound source site a commercial business or industrial operation that produces an unreasonable sound level.
- C. Construction
 - (1) No person shall operate or permit to be operated any tools, machinery or equipment used in construction, drilling or demolition work:
 - (a) Between the hours of 7:00 p.m. and 8:00 a.m. the following day on weekdays or at any time on Sunday or legal holidays,

(b) At any other time such that the sound level at or across a real property boundary exceeds an L10 of sixty (60) for the daily period of operation.

(2) The provisions of this subsection shall not apply to emergency work.

D. Domestic power tools. No person shall operate or permit the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, snow blower or similar device used outdoors in residential areas between the hours of 10:00 p.m. and 8:00 a.m. of the following day, so as to cause an unreasonable noise across a residential real property boundary.

E. (1) No person shall engage in any activity which results in or causes the production of noise which exceeds, 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 – 1199	39
1200 – 2399	36
2400 – 4799	32
4800 – 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 the pre-1960 octave banda (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.

F. Horns and signaling devices. 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. Motor vehicle repairs and testing. No person shall repair, rebuild, modify or test any motor vehicle in such a manner as to cause an unreasonable noise across a residential real property boundary or within a noise sensitive zone.

H. Mufflers. 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

I. Noise sensitive zones. No person shall cause or permit the creation of any sound by means of any device or otherwise on any sidewalk, street or public place adjacent to any hospital, nursing home, school, court, house of worship or public library while such facility is in use at any time, so that such sound disrupts the normal activities conducted at such facilities or disturbs or annoys persons making use of such facilities.

J. Sound reproduction devices.

(1) No person shall operate or cause to be operated a sound reproduction device that produces an unreasonable noise or noise disturbance across a real property boundary between the hours of 11:00 p.m. and 8:00 a.m. the following day or within a noise sensitive zone.

(2) 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 an unreasonable noise across a real property boundary.

(3) This section 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. Trucks. 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 within a residential district nor within three hundred (300) feet of any hotel or motel between the hours of 11:00 p.m. and 6:00 a.m. the following day.

5. Exceptions.

The provisions of this 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.

6. Enforcement.

The enforcement of these rules and regulations will be by properly identified Police Department personnel, the Code Enforcement officer or by any other special personnel as may be from time to time authorized by the Village of Chestnut Ridge.

7. Penalties for offenses.

Any person, firm or corporation violating any provision of this local law shall be punished, upon conviction, by a fine not to exceed Five Thousand (\$5,000) Dollars for each violation and/or to a term of imprisonment not to exceed five (5) days. *(amended by Local Law No. 3 of 1992)

8. Severability.

If any provision of this Law shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair nor invalidate any other provision hereof, but shall be confined in its operation to the provision directly involved in the proceeding in which such adjudication shall have been rendered.

9. When effective.

This Law shall take effect immediately upon filing with the Secretary of State.

ADOPTED: May 19, 1988

AMENDED: July 16, 1992*, LL# 3 of 1992