

## NOISE LOCAL LAW FOR VILLAGE OF ROUND LAKE

### § 130-1. Declaration of policy.

It is hereby declared to be the public policy of the Village to monitor the ambient noise level in the Village so as to preserve, protect and promote the public health, safety and welfare, and the peace and quiet of the residents. The provisions and prohibitions hereinafter contained and enacted are for the above-mentioned purpose.

### § 130-2. Measurement.

- A. The measurement of sound made by the Village's Code Enforcement Officer with a sound-level meter meeting the standards prescribed by the American National Standards Institute, as the same may from time-to-time be amended, shall be admissible in a court of competent jurisdiction, provided the enforcement officer is present in Court and available for cross-examination. The measurement of sound made by an individual with a sound-level meter (e.g., a sound-meter application on a smartphone) may be admitted into evidence by a court of competent jurisdiction at the discretion of the Court based upon the meter used and other circumstances surrounding the measurement, provided the individual is present in Court and available for cross-examination.
- B. Except where otherwise prescribed, the slow meter response of the sound-level meter shall be used in order to determine that the average of three readings taken over a fifteen-minute period does not exceed the limiting sound levels set forth in this section, provided the circumstances permit such repeated measurements (e.g., continuous operation of machinery as opposed to detonation of a firecracker).
- C. Unless otherwise specified, sound means sound as measured at the boundary of the parcel of private property on which the sound is generated. Compliance with noise limits is required at all points on parcel's boundary.
- D. Unless otherwise specified, sound means sound as measured thirty (30) feet from the source of the sound when generated on public property (e.g., Village parkland).
- E. Where feasible, measurement of sound levels shall be taken four feet from ground level.
- F. For any source of sound that emits a pure tone (a steady, unchanging tone) or impulsive sound (a sound of short duration, where each peak of sound lasts 2 seconds or less), the maximum sound-level limits set forth in § 130-3 shall be reduced by five (5) decibels.

**§ 130-3. Maximum permissible sound levels.**

No person shall operate or cause to be operated on private property any source of sound in such a manner as to create a sound level, when measured at or within the property boundary of the receiving land use, that exceeds 70 decibels during the daytime and 50 decibels during the nighttime. For the purpose of this law, “daytime” begins at 7 a.m. Monday through Friday and 8 a.m. Saturday and Sunday; and “nighttime” begins at 9 p.m. Sunday through Thursday and 10 p.m. Friday and Saturday. (Daytime hours: Monday-Thursday 7 a.m. to 9 p.m.; Friday 7 a.m. to 10 p.m.; Saturday 8 a.m. to 10 p.m.; Sunday 8 a.m. to 9 p.m.)

**§ 130-4. Exemptions.**

The provisions of § 130-3 shall not apply to:

- A. The use of bells, chimes or sound amplifiers by churches or other houses of worship engaged in church activities.
- B. Activities of the Village or volunteer fire companies in the performance of their duties, drills or public demonstrations.
- C. Activities in public parks, playgrounds or public buildings under permission or authority of the Village during the “daytime” hours set forth in § 130-3. During “nighttime” hours, such activities must conform to the standards set forth in § 130-3. The Board of Trustees can extend these hours for special events when deemed appropriate.
- D. Refuse-collecting vehicles as regulated pursuant § 130-5D.
- E. Snowblowers and other powered or motorized snow removal equipment.
- F. Electrical distribution transformers.
- G. Emergency generators during times of power outages.
- H. Driveway or road maintenance activities.
- I. Yard equipment during the hours set forth in § 130-5H.
- J. Construction activities:
  - (1) Performed by any department or agency of the federal or New York State government; County and/or Village Public Works or Sewer Departments; and/or any contractors working directly for these agencies, when working on public property or within a public way, right-of-way or easements;

- (2) Performed by a resident or contractor on a residence or other resident-owned structure, provided that such construction activity take place between 7 a.m. to 8 p.m. Monday through Friday and 8 a.m. to 7 p.m. Saturday and Sunday. Construction activities at other hours must conform to the “nighttime” standards set forth in § 130-3. The Village’s Code Enforcement Officer may permit the temporary overnight use of generators, pumps, or other machinery needed to ensure that the construction environment is appropriately maintained to protect health and safety.

K. The Village Board of Trustees may grant additional exemptions.

### **§ 130-5. Specific prohibitions.**

Without limiting the general applicability of § 130-3, the following acts are further regulated as herein provided:

A. Sound trucks.

- (1) A sound truck, as referred to herein shall mean a motor vehicle or trailer containing a loudspeaker or similar sound amplification equipment capable of generating a sound-level reading of 65 dBA or more measured at a distance of 50 feet from the source. Construction-related vehicles are not considered sound trucks.

- (2) Sound trucks may be operated in accordance with the following regulations upon the issuance of a permit by the Board of Trustees for each occasion for each location:

- (a) Sound trucks shall not be operated before 9 a.m. and after 5 p.m.

- (b) Moving sound trucks shall keep to the extreme right-hand side of the road and shall proceed at a speed of not less than 10 miles per hour.

- (c) Stationary sound trucks are prohibited on all streets, roads or avenues having a speed limit of 20 miles per hour.

B. Noise-sensitive zones: schools, courts, churches, hospitals, nursing homes, etc. The emission of excessive noise on a street adjacent to a school, institution of learning, church or court, while they are in use, or adjacent to a hospital or nursing home that unreasonably interferes with the working of the institution or disturbs or unduly annoys patients in the hospital or nursing home is prohibited, provided that conspicuous signs are displayed in such a street indicating that it is a school, hospital, church or court street.

C. Motor vehicles and motorcycles.

- (1) No person shall operate any motor vehicle in such a manner as to cause noise unrelated to the safe operation of that motor vehicle, including but not limited to spinning or

squealing of the tires, sounding of the horn for non-safety-related purposes, or revving of the engine of such motor vehicle.

- (2) Horns and signaling devices. No person may sound any horn or other signal device on any motor vehicle more than three times in any five-minute period, while such motor vehicle is stationary, except as a warning of danger, and except for intrusion or theft alarms.
- D. Refuse collection vehicles. No person shall collect refuse with a refuse collection vehicle between the hours of 9 p.m. and 6 a.m. or permit the operation of the compacting mechanism at a sound level in excess of 80 dBA when measured at 25 feet from any point on the vehicle.
- E. Standing motor vehicles. No person shall operate or permit the operation between the hours of 9 p.m. and 7 a.m. any motor vehicle with a gross vehicle weight rating (GVWR) in excess of 10,000 pounds, or any auxiliary equipment attached to such a vehicle, for a period longer than 30 minutes in any hour while the vehicle is stationary for reasons other than traffic congestion or emergency on public right-of-way or public space.
- F. Noise from discharge of exhaust. No person shall discharge or permit to be discharged into the open air the exhaust of any stationary internal-combustion engine (including but not limited to generators, compressors, pumps), except through a muffler or other device that will effectively prevent loud or explosive noises therefrom.
- G. Animals. No person shall allow any of their pets or other animals to engage in habitual barking, whining, howling or other loud noisemaking. As used herein, the word "habitual" shall be defined as an animal barking, whining, howling or noisemaking for repeated intervals of at least 10 minutes, with less than five minutes of interruption, that can be heard by any person, including a law enforcement officer or animal control officer, from a location outside of the owner's or caretaker's premises.
- H. Yard equipment. The use of leaf blowers, chain saws, wood chippers, lawn mowers, and other motorized yard equipment is permitted only between the hours of 7 a.m. and 9 p.m. Monday through Friday and 8 a.m. to 8 p.m. Saturday and Sunday.
- I. Tampering. The moving or rendering inaccurate or inoperative of any sound-monitoring instrument or device positioned by the Village or its designated employee or agent is prohibited, provided that such device or the immediate area is clearly labeled to warn of the potential illegality of such tampering.

#### **§ 130-6. Enforcement.**

- A. The provisions of this chapter shall be enforced by the Village's Code Enforcement Officer, the Saratoga County Sheriff's Department, the New York State Police, or any other peace officer.

- B. At the discretion of the Code Enforcement Officer, a warning notice may be issued first, indicating a length of time, determined on a case-by-case basis, for the recipient to correct the violation before a ticket is issued.
- C. The standards that may be considered in determining whether a violation exists may include but are not limited to the following:
  - (1) The level or volume of the noise.
  - (2) The time of day or night the noise occurs.
  - (3) Whether the noise is continuous, cyclical, or constant, and the duration of the noise.
  - (4) Whether the making of the noise is reasonably necessary for the protection or preservation of property or of the health, safety and welfare of a person or persons.
  - (5) Whether the noise is reasonably necessary for temporary building or construction operations.
  - (6) Whether reasonable methods are available for deadening or muffling the noise.
  - (7) The proximity of the noise to residential property or property customarily used by persons for sleeping.
  - (8) Whether the sound is plainly audible.

**§ 130-7. Penalties for offenses.**

Any person found to have violated any provisions of this chapter shall be subject to the following:

- A. Upon a first conviction, a fine of not less than \$100 and not to exceed \$250;
- B. Upon a second conviction for an offense committed within a period of one year from the first such conviction, a fine not to exceed \$500;
- C. For a third and any subsequent conviction for an offense committed within a period of one year from the second such conviction, a fine not to exceed \$1,000.

If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate and distinct violation.