

CHAPTER 53

UNREASONABLE NOISE

~ 53.1 **Purpose**

The peace and tranquility of the Village has been frequently and unnecessarily disrupted by excessive, disturbing and offensive noises. These noises adversely affect the health, comfort, convenience, safety, and welfare of persons within the Village. All persons are entitled to an environment free of disturbing, excessive, or offensive noises that are detrimental to life, health, or personal peace and tranquility. This chapter is to be construed liberally, but is not intended to discourage the enjoyment of normal, reasonable and usual activities.

~ 53.2 **Prohibited Acts**

A. No person, acting with intent to cause public inconvenience, annoyance or alarm, or acting with reckless disregard of the effect on others, shall cause, suffer, allow or permit the creation of unreasonable noise. For purposes of this chapter, unreasonable noise is defined as any disturbing, excessive, or offensive sound that annoys a reasonable person of normal sensibilities.

B. The following acts are declared to be prima facie evidence of a violation of this chapter:

1. Any unnecessary noise from any source between the hours of 11:00 p.m. and 7:00 a.m. the following day.
2. Noise from a dog or other privately owned animal that continues with only minor interruptions for fifteen (15) minutes or more.
3. Noise from a burglar or other alarm system of any building, motor vehicle, or boat which continues with only minor interruptions for five (5) minutes or more.
4. Noise from any sound reproduction system, operating or playing any radio, CD or tape player, television or similar device that reproduces or amplifies sound in such a manner as to be heard sixty (60) feet from its source or beyond any property line.
5. Noise from public bars, restaurants, public party houses, bowling alleys, or the like, so loud as to be annoying to a reasonable person when heard sixty (60) feet from, or beyond, the property line of the establishment.
6. Noise from the erection, including excavation, demolition, alteration or repair, of any structure other than between 7:00 a.m and 9:00 p.m., except in case of an emergency.
7. Noise from the operation of a motor vehicle, motorcycle, lawn tractor, or other gasoline or diesel engine that, due to modifications or through normal wear and tear, is greater than emitted as originally manufactured.
8. Noise from the operation of power equipment such as tractors, mowers, power saws, and similar noise-producing equipment in residential zones on weekdays between the hours of 10:00 p.m. and 7:00 a.m. the following day, and on weekends between 10:00 p.m. and 8:00 a.m.
9. Noise from the sounding of any horn or signaling device of an automobile, motorcycle or other vehicle for any unnecessary purpose or for an unreasonable period of time.

10. The making of improper noise or disturbance or operating an automobile, motorcycle or other vehicle in such a manner as to cause excessive motor roar, or excessive squealing of the tires.

11. Shouting or other outcry or clamor on public streets or sidewalks for the purpose of selling or otherwise attracting attention.

~ 53.3 **Abatement of Excessive Noise**

The Avon Police and any law enforcement officer are directed to take any reasonably necessary action to abate the noise created by an unattended mechanical device such as an engine, alarm or the like, when a person responsible for the device, or a person who can silence the device, is not present and cannot be contacted in a reasonably short time.

~ 53.4 **Exceptions**

The provisions of this chapter shall not apply to the following acts:

A. The emission of sound for the purpose of alerting persons to the existence of any emergency.

B. Noise from municipally sponsored celebrations or events.

C. Noise from individually sponsored events where a permit for the event has been obtained from the Village Clerk. When authorized by the Village Board, the Village Clerk is authorized to issue a permit for a wedding reception or similar event to be held outdoors or in a tent, with music provided by a band, orchestra, or sound-reproduction equipment, provided that the sound levels are not annoying to a reasonable person when heard at a distance of 500 feet from its source and provided that the event does not continue beyond 11:00 p.m. Other reasonable conditions which conform to the intent and purposes of this chapter may be imposed upon the issuance of such permits which are not authorized more frequently than once in any six-month period for the same property. A copy of each permit, along with the conditions limiting such permit, will be provided to the Village Police Department.

D. The operation or use of any organ, radio, bell, chimes or the like by any church, synagogue, or school licensed or chartered by the State of New York, provided such operation or use does not occur between the hours of 10:00 p.m. and 8:00 a.m.

E. Noise generated by the installation and maintenance of utilities.

F. Music in connection with a military or civic parade, funeral procession, or religious service authorized by the Village.

G. Authorized sporting events.

~ 53.5 **Penalties**

Any person who violates any provision of this chapter shall be guilty of a violation and shall be subject to a fine not to exceed Two hundred fifty dollars (\$250.00) for each offense. The Village may also seek injunctive relief to prevent the continued violation of this chapter.

~ 53.6 **Severability**

If any word, phrase, or part of this chapter shall be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, the same shall be severed from the remainder of this chapter and the remainder shall continue in full force and effect.

~ 53.7 When **Effective**

This chapter shall become effective immediately upon filing with the Secretary of State.

Historical Note

Chapter 53 was added by Local Law #9 of 1998, enacted 8-3-1998.