

## Chapter 142

### NOISE

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[HISTORY: Adopted by the Board of Trustees of the Village of Caledonia 2-7-2012 by L.L. No. 1-2012. Amendments noted where applicable.]

#### GENERAL REFERENCES

Alarm systems — See Ch. 52.  
Animals — See Ch. 59.

Peddling and soliciting — See Ch. 150.  
Vehicles and traffic — See Ch. 202.

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#### § 142-1. Title; intent.

This chapter shall be known as the "Village of Caledonia Noise Control Law," and is being enacted for the following described reasons. The peace and tranquility of the Village has been continually and unnecessarily disrupted by excessive, disturbing and offensive noises, and the level and frequency of such disturbances continue to increase. The level of these noises adversely affects 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 be construed so as to discourage the enjoyment of normal, reasonable and usual activities.

#### § 142-2. Prohibited acts.

- A. No person, acting with intent to cause public inconvenience, annoyance or alarm, or acting with reckless disregard of the effects on others, shall cause, suffer, allow or permit the creation of unreasonable noise. For purposes of this chapter, "unreasonable noise" is any disturbing, excessive or offensive sound that annoys a reasonable person of normal sensibilities.
- B. The following acts are declared to be prime facie evidence of a violation of this chapter. This enumeration is not be deemed as exclusive.
- (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 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 minutes or more. (See also § 142-3, infra.)
- (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 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 60 feet from, or beyond the property line of, the establishment.
- (6) 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 public safety requirement.
- (7) 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, emits a sound greater than that emitted as originally manufactured.
- (8) 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) The sounding of any horn or signaling device of an automobile, motorcycle or other vehicle for any unnecessary or unreasonable period of time.
- (10) The making of improper noise or disturbance or operating an automobile or motorcycle in such a manner as to cause excessive motor roar, or excessive squealing of the tires.
- (11) Shouting or other outcry or clamor upon the public streets or sidewalks for the purpose of selling or otherwise attracting attention.

#### **§ 142-3. Abatement of excessive noise.**

The Village of Caledonia police 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.

#### **§ 142-4. Exceptions.**

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

- A. Any police vehicle, fire vehicle or ambulance sirens or any other emission of sound for the purpose of alerting persons to the existence of an 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 10:00 p.m. and is limited to a maximum duration of four hours. The intended hours of the event shall be furnished to the Village Clerk at the time of application for permit and shall be listed on the permit. 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. The Village Board reserves the right to limit the number and frequency of permits granted in any geographic area of the Village of Caledonia. 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 that 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.

**§ 142-5. Penalties for offenses.**

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 \$250 for each offense. The Village may also seek injunctive relief to prevent the continued violation of this chapter.