

SOUND AMPLIFYING EQUIPMENT APPLICATION

NOISE LEVELS SHOULD BE KEPT AT A LEVEL AS SPECIFIED IN TOWN CODE, CHAPTER 160 - NOISE.
EXCESSIVE NOISE WILL RESULT IN POLICE ACTION.

Owner of Equipment

Name _____

Address _____

City/St/Zip _____

Telephone No. _____

User of Equipment

Name _____

Address _____

City/St/Zip _____

Telephone No. _____

Location to be Used _____ **Commercial** _____ **Residential** _____

Name of Resident _____

Address _____

Telephone No. _____

Date and Rain Date _____

month day year / month day year

TIME: **START** _____ **UNTIL** _____

HAVE ALL AFFECTED RESIDENTS BEEN INFORMED? _____

Maximum sound producing power of the sound amplifying equipment:

 Wattage to be used _____

Volume in decibels of sound which will be produced _____

 License number of sound truck (if applicable) _____

General description of sound amplifying equipment which is to be used: _____

(for Town use only)

Police Dept. _____ Approved _____ Denied _____ Date _____

Town Clerk _____ Approved _____ Denied _____ Date _____

Chapter 160, NOISE

[HISTORY: Adopted by the Town Board of the Town of Irondequoit 1-20-1977 as Ch. 65, Art. V, of the 1977 Code; amended 6-7-1984 by Ord. No. 84-4. Other amendments noted where applicable.]

GENERAL REFERENCES

Dogs -- See Ch. 79, Art. I.

Peace and good order -- See Ch. 164.

Peddling and soliciting -- See Ch. 167.

Operation of vehicles -- See Ch. 228.

§ 160-1. Title.

This chapter shall be known the as "Noise Ordinance of the Town of Irondequoit."

§ 160-2. Findings; intent.

A. The Town Board has determined that the making and creating of excessive noise within the limits of the Town of Irondequoit is a condition that has existed for some time and such noise is increasing. Noise on streets, sidewalks, public parks or places and residential neighborhoods is most likely to interfere with the peace and quiet of the inhabitants of the Town and to injure human and animal life, property values and business. Schools, churches, courts, hospitals, nursing homes and homes for the aged are places where special precaution must be taken in order to ensure their proper functioning.

B. The Town Board hereby intends to promote and assure an environment free from noise which threatens or affects the well-being of the inhabitants of the Town; to protect, promote and preserve the public health, safety and welfare by reducing and otherwise regulating noise levels to promote the use and enjoyment of property; to protect the value of property; to protect the enjoyment of sleep, comfort and repose; to promote commerce; and to protect and improve the quality of life.

C. This chapter shall be liberally construed to provide an effective noise control program.

§ 160-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

A SCALE -- The measurement of sound approximating the auditory sensitivity of the human ear as measured with a sound-level meter using the A-weighting network. The unit of measurement is the dB(A).

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

CONSTRUCTION -- Any or all activity, except tunneling, necessary or incidental to the erection, demolition, assembling, altering, installing of equipment of buildings, public or private highways, roads, premises, parks, utility lines (including such lines in already-constructed tunnels) or property, including land clearing, grading, excavating and filling.

DECIBEL -- The unit of sound measurement, on a logarithmic scale, of the ratio of the magnitude of a particular sound pressure to a standard reference pressure which for the purpose of this chapter shall be 0.002 microbar.

EMERGENCY -- A public calamity or an exposure of any person or property to imminent danger.

EMERGENCY SIGNAL DEVICE -- Any gong, siren, whistle, air horn or similar device, the use of which on emergency vehicles is permitted by Subdivision 26 of § 375 of the Vehicle and Traffic Law, as amended or changed.

EXCESSIVE NOISE -- Any sound which endangers or injures the safety or health of humans or animals or annoys or disturbs a reasonable person of normal sensitivity or endangers or injures personal or real property.

MOTOR VEHICLE -- Every device in, upon or by which any person or property is or may be transported or drawn, which is propelled by any power other than muscular power, except vehicles which run only upon rails or tracks. This definition shall include but not be limited to trucks, buses, automobiles, vans, motorcycles, motor-driven cycles, motor scooters, dune buggies, snowmobiles, all-terrain vehicles, go-carts, minibikes, trail bikes and all other types of motorized recreational vehicles.

NOISE -- Any erratic, intermittent, statistically random oscillation or unwanted sound.

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, partnership, company, corporation, association, firm, organization, governmental agency, administration or department or any other group of individuals or any officer or employee thereof.

SOUND-AMPLIFYING EQUIPMENT -- Any machine or device for the amplification of the human voice, music or any other sound. "Sound-amplifying equipment" shall not include standard automobile radios when used and heard only by the occupants of the vehicle in which the automobile radio is installed. "Sound-amplifying equipment," as used in this chapter, shall not include warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes.

SOUND-REPRODUCTION DEVICE -- A device intended primarily for the production or reproduction of sound, including but not limited to any radio receiver, television receiver, tape recorder, musical instrument, phonograph or sound-amplifying system.

SOUND TRUCK -- Any motor vehicle or any other vehicle, regardless of motive power, whether in motion or stationary, having mounted thereon or attached thereto any sound-amplifying equipment.

§ 160-4. Excessive noise prohibited.

A. No person shall make, continue or cause or permit to be made or continued any excessive noise.

B. Standards to be considered in determining whether excessive 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 natural or unnatural.
- (5) The volume and intensity of the background noise, if any.
- (6) The proximity of the noise to residential sleeping facilities.
- (7) The density of inhabitation of the area which the noise emanates.
- (8) The time of the day or night the noise occurs.
- (9) The duration of the noise.
- (10) Whether the noise is recurrent, intermittent or constant.
- (11) Whether the noise is produced by a commercial or noncommercial activity.

§ 160-5. Sound-reproduction devices for commercial purpose.

No person shall operate or use or cause to be operated or used any sound-reproduction device for commercial or business advertising purposes or for the purpose of attracting attention to any performance, show or sale or display of merchandise in connection with any commercial or business enterprise, including those engaged in the sale of radios, television sets, phonographs, tape recorders, phonograph records or tapes, in front or outside of any building, place or premises or in or through any aperture of such building, place or premises abutting on or adjacent to a public street, park or place or in or upon any vehicle operated, standing or being in or on any public street, park or place where the sound therefrom may be heard upon any public street, park or place or from any stand, platform or other structure or from any airplane or other device used for flying, flying over the Town or on a boat or on the waters within the jurisdiction of the Town or anywhere on the public streets, parks or places; provided, however, that nothing in this section shall prohibit vehicles from which ice cream products and similar products are sold from being equipped with a bell not exceeding three inches in diameter or a set of up to four such bells, nor prohibit the use thereof by the driver of such vehicle, provided that no such bell or set of bells shall be capable of being heard from a distance greater than 400 feet; provided, further, that no such bells shall be used for any purpose between the hours of 9:00 p.m. and 9:00 a.m. nor be used as an ordinary warning signal at any time.

§ 160-6. Sound reproduction devices used for miscellaneous purposes. [Added 5-15-2001 by L.L. No. 5-2001EN]

A. No person shall use or operate or permit to be used or operated any radio, television, phonograph, musical instrument or other machine or device for the producing or amplification of sound with louder volume than is necessary for convenient hearing for

the person or persons who are voluntary listeners thereto. It shall be prima facie evidence of a violation of this section if sound emanating from such machine or device is:

- (1) Audible beyond the property line of the premises upon which it is being used between the hours of 10:00 p.m. and 8:00 a.m.
- (2) Audible at a distance of 50 feet beyond the property line of the premises upon which it is being used between the hours of 8:00 a.m. and 10:00 p.m.
- (3) Audible at a distance of 50 feet from such machine or device if operated from within a motor vehicle on a public street.
- (4) Audible at a distance of 50 feet from such machine or device when operated in a public park or other public place.

B. The provisions of this section shall not apply to the following:

- (1) Funeral procession or use of such devices by a church.
- (2) The production of music in connection with any parade authorized under any provision of law.
- (3) Any musical performance upon a public place where a permit has been obtained from the Town Clerk of the Town of Irondequoit for such purpose.
- (4) The use of amplifiers or other sound-producing instruments or equipment in connection with any religious or political activity or any permitted athletic competition or recreational event held on athletic fields, stadiums or public places in the Town.

C. Any motor vehicle used in connection with the commission of a violation of this section shall be subject to towing and its associated fines.

§ 160-7. Public transportation.

No person shall operate or use any radio, musical instrument, television, phonograph or other machine or device in or on any bus or public means of conveyance, other than taxicabs, in such manner that the sound emanating from such sound-reproduction device is audible to another person.

§ 160-8. Vehicle signal devices.

No person shall cause the sounding of any horn or signaling device on any automobile, motorcycle, bicycle or other vehicle, except as a danger warning.

§ 160-9. EN Emergency signal devices.

No person shall operate or use or cause to be operated or used any emergency signal device, except:

- A. On an emergency vehicle when such vehicle is in the immediate act of responding to an emergency;
- B. To give notice as a warning of an emergency; or
- C. In order to reasonably test such device.

§ 160-10. Construction activities.

A. No person shall engage in or permit any person to be engaged in construction activities which create excessive noise at the property limits of the construction site between the hours of 10:00 p.m. of one day and 7:00 a.m. of the following day on any day of the week, except as is permitted in Subsections B and C hereof.

B. Following the receipt of a written application for a variance from the requirements of Subsection A, the Commissioner of Public Works/Superintendent of Highways shall, within a reasonable time, grant a variance authorizing such construction activities for an initial period not to exceed 14 calendar days, upon a showing that the public health and safety and/or welfare necessitates said variance. The Commissioner shall set any stipulations deemed necessary in the interest of the public health, safety and/or welfare at the time of granting such a variance. The applicant may apply for a renewal of such variance for periods of time not exceeding 14 calendar days each, as long as the necessity continues. Any such variance granted shall be clearly marked on the application thereof and shall be prominently posted at the site of the construction activities by the applicant.

C. In the case of an emergency, construction activities directly connected with the abatement of such emergency may be undertaken without obtaining a variance, for a period not to exceed 72 hours from the commencement of such activities, during which time application for a variance hereunder shall be made. In such an emergency, construction activities shall not continue after the seventy-two-hour period unless prior to the expiration of that period at least verbal approval is issued by the Commissioner or his or her authorized subordinates to continue such activities and unless written confirmation of such verbal approval is issued within four hours following the start of the next normal business day of the Department of Public Works. Approval or confirmation shall not be withheld unreasonably.

§ 160-11. Disruption of certain institutions prohibited.

No person shall create or permit to be created any noise on any street, sidewalk or public place or on private property adjacent to any school, institution of learning, church or court while the same is in use or adjacent to any hospital, nursing home or home for the aged, which noise unreasonably interferes with the working of such school, institution of learning, church or court or which disturbs or annoys patients in a hospital, nursing home or home for the aged.

§ 160-12.EN Loading and unloading of boxes and containers.

No person shall make or permit to be made excessive noise in connection with loading or unloading of any vehicle or the opening, unloading or destruction of bales, boxes, crates and containers.

§ 160-13. Hawkers and peddlers.EN

No person within the Town shall sell anything by outcry within any area of the Town zoned for residential uses. The provisions of this section shall not be construed to prohibit the selling by outcry of merchandise, food and beverages at licensed sporting events, parades, fairs, circuses and other similar licensed public entertainment events.

§ 160-14. Drums and other instruments restricted.

No person shall use any drum or other instrument or device of any kind for the purpose of attracting attention by the creation of noise within the Town. This section shall not apply to any person who is a participant in a school band or duly authorized parade or who has been otherwise duly authorized to engage in such conduct.

§ 160-15. Machinery, equipment, fans and air-conditioning apparatus.

No person shall operate any machinery, equipment, pump, fan, air-conditioning apparatus, lawn mower or similar mechanical device which creates excessive noise at the property line of the premises upon which it is used between the hours of 10:00 p.m. and 9:00 a.m.

§ 160-16. Vehicle repairs.

No person shall, within any residential area of the Town, repair, rebuild or test any motor vehicle so as to create excessive noise at the property line of the premises upon which such motor vehicle is being repaired, rebuilt or tested between the hours of 10:00 p.m. and 9:00 a.m.

§ 160-17. Animals.

No person shall keep or permit the keeping of any animal or bird which makes excessive noise.

§ 160-18. Amplification equipment; registration; fees.

A. Registration required. It shall be unlawful for any person, other than personnel of law enforcement or governmental agencies, to install, use or operate within the Town a loudspeaker or sound-amplifying equipment in a fixed or movable position or mounted upon any sound truck for the purposes of giving instructions, directions, talks, addresses, lectures or transmitting music to any persons or assemblages of persons in or upon any street, alley, sidewalk, park, place or public property without first filing a registration statement and obtaining approval thereof as set forth in this section. A permit issued pursuant to this section may provide for a waiver of other requirements of this chapter.

B. Registration requirements and duties.

(1) Registration statements: filing. Every user of sound-amplifying equipment shall file a registration statement with the Town Clerk at least five days prior to the date on which the sound-amplifying equipment is intended to be used. Whenever necessary, the Town Clerk shall process the statement as expeditiously as possible. The statement shall contain the following information:

- (a) The name, address and telephone number of both the owner and user of the sound-amplifying equipment.
- (b) The maximum sound-producing power of the sound-amplifying equipment, which shall include the wattage to be used, the volume in decibels of sound which will be produced and the approximate distance for which sound will be audible from the sound-amplifying equipment;
- (c) The license number if a sound truck is to be used;
- (d) A general description of the sound-amplifying equipment which is to be used; and
- (e) Whether the sound-amplifying equipment will be used for commercial or noncommercial purposes.

(2) Registration statements: approval. The Town Clerk shall return to the applicant an approved certified copy of the registration statement unless it is found that:

- (a) The conditions of the motor vehicle movement are such that in the opinion of the Chief of Police, use of the equipment would constitute a detriment to traffic safety;

(b) The conditions of pedestrian movement are such that in the opinion of the Chief of Police use of the equipment would constitute a detriment to traffic safety; or

(c) The registration statement reveals that the applicant would not be able to comply with the provisions of this chapter.

(3) Registration statement: disapproval. In the event that the registration statement is disapproved, the Town Clerk shall endorse upon the statement the reasons for disapproval and return it forthwith to applicant. The applicant may within five days thereafter appeal to the Town Board, who may either approve or disapprove the application.

C. Fees. Prior to the issuance of the registration statement, a fee established pursuant to § 1-18 for each day or any portion thereof shall be paid to the Town if the loudspeaker or sound-amplifying equipment is to be used for commercial purposes. No fee shall be required for the operation of loudspeaker or sound-amplifying equipment for noncommercial purposes. [Amended 2-4-1997 by L.L. No. 1-1997]

D. Regulations. The commercial and noncommercial use of sound-amplifying equipment shall be subject to the following regulation:

(1) The only sounds permitted should be either music or human speech, or both.

(2) The operation of sound-amplifying equipment shall only occur between the hours of 8:00 a.m. and 10:00 p.m. each day, except on Sundays and legal holidays. No operation of sound-amplifying equipment for commercial purposes shall be permitted on Sundays or legal holidays. The operation of sound-amplifying equipment for noncommercial purposes on Sundays and legal holidays shall only occur between the hours of 10:00 a.m. and 10:00 p.m.

(3) No sound emanating from the sound-amplifying equipment shall exceed 15 dB(A) above the ambient as measured at any property line.

(4) It shall be unlawful to operate any sound-amplifying equipment within 200 feet of churches, schools or hospitals except when said equipment is being operated by such churches, schools or hospitals.

§ 160-19. Penalties.

A. Any person who shall violate any provisions of this chapter shall be guilty of an offense and, upon conviction thereof, shall be guilty of a Class B violation, punishable as provided in § 1-16.

B. In addition to the above-provided penalties and punishment, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.

§ 160-20. Administration and enforcement.

A. This chapter shall be administered and enforced by the Chief of Police unless provision is made otherwise herein.

B. The Chief of Police shall develop and promulgate measurement standards, testing methods and procedures to provide for the effective implementation and enforcement of this chapter.