

LOCAL LAW NO. 28 OF 2016

A LOCAL LAW ENTITLED
NOISE CONTROL

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE
OF SHOREHAM, AS FOLLOWS:

SECTION 1. PURPOSE.

The purpose of this local law is to enact a chapter as a part of the Village Code allowing the Village to control sound levels in the interest of maintaining the peace, quiet and comfort of the community.

SECTION 2. ENACTMENT.

A Chapter [__] of the Village Code entitled Noise Control is enacted, as follows:

§ [__]-1. **Legislative Intent.**

The purpose of this Chapter [__], entitled a Noise Control Law, is to allow the Village to control sound levels in the interest of maintaining the peace, quiet and comfort of the community.

§ [__]-2. **Definitions.**

As used in this Chapter [__], each of the following defined terms shall have the meaning indicated:

(1) **airborne sound** – sound that reaches the point of interest by propagation through air.

(2) **construction equipment** – any powered equipment intended for use in construction, including air compressors, backhoes, bulldozers, cranes, derricks, drills, pile drivers, saws, shovels, trucks and other such equipment.

(3) **db** – the abbreviation for decibel.

(4) **dBA** – the A-weighted sound level in decibels, as measured by a general sound level meter meeting the standards of the American National Standards Institute Specification for Sound Level Meters (ANSI SI.4 1971), properly calibrated and operated on the A-weighting network.

(5) **decibel** – a unit for measuring the volume of sound equal to the logarithm of the ratio of the sound pressure of the sound to the sound pressure of a standard sound (0.000s microbar).

(6) **frequency** – the number of sound oscillations per second expressed in hertz.

(7) **Hz** – the abbreviation for hertz.

(8) **noise pollution** – that amount and duration of airborne sound, whether exceeding the standards set forth in § [__]-4A(2) of this Chapter [__] or otherwise, capable of:

(a) causing temporary or permanent hearing loss in any person, or otherwise causing injury to any person;

(b) causing a nuisance;

(c) interfering with the comfortable enjoyment of life and property, or conduct of business as permitted under the Village Code, such interference including:

(i) hooting, shouting, singing, whistling or yelling on any Village property, or on any private property in the Village, at any time that annoys or disturbs the peace, quiet and comfort of any person in the vicinity and that the sound resulting from any such behavior is plainly audible at a distance of fifty (50) feet from the area from which such sound may be emanating;

(ii) the operation of any musical instrument, phonograph, radio, receiving set, television set, or other device or machine for the producing of sound, whether amplified or otherwise, in such manner so as to disturb the peace, quiet and comfort of neighboring inhabitants and in such manner as to be plainly audible at a distance of fifty (50) feet from the area, building, place, structure or vehicle from which such sound may be emanating; or

(iii) the operation of construction equipment, residential equipment or service equipment in such manner as to exceed the standards set forth in § [__]-4A(2) of this Chapter [__], or otherwise in such manner, duration or frequency as to disturb the peace, quiet and comfort of neighboring inhabitants.

(9) **octave band sound pressure level** – sound pressure level in standard octave bands, as measured by a sound level meter and octave band analyzer meeting the standards of ANSI S1.4 and S1.11, or the latest revision thereof.

(10) **residential equipment** – any powered garden or maintenance equipment, including lawn mowers, garden tools, hedge trimmers, riding tractors, snowblowers, snowplows, and other such equipment intended for repetitive use in residential areas, and churches, schools, and small-business and public utility areas.

(11) **service equipment** – any powered equipment intended for infrequent service work, including chain saws, log chippers, paint sprayers, paving rollers, and other such equipment.

§ [__]-3. **Word Usage.**

For purposes of this Chapter [__]:

(1) The concept of including something on a list of things shall be deemed to embody the concept of including those things by way of illustration and not limitation.

(2) Wording in the disjunctive form shall be deemed to be preceded or followed by the words "as applicable" or "as the case may be."

(3) Undefined terms shall be interpreted so as to give them the meaning they have in common or lawful usage, so as to give this Chapter [__] its most reasonable interpretation.

(4) Captions and headings shall be deemed to be inserted for convenience and reference only, and shall in no way be deemed to define, describe or limit the intent, meaning or scope of this Chapter [__].

§ [__]-4. Prohibitions/Restrictions.

A. Prohibitions. Except as otherwise permitted under the following provisions of this Chapter [__], no person shall create or cause:

(1) Noise pollution in the Village.

(2) Any airborne sound exceeding the standards set forth in Appendix A of this Chapter [__], when measuring the subject sound at or beyond the property line of the public or private property from which such sound may be emanating.

B. Restrictions. Construction equipment, residential equipment and service equipment operated by professional contractors shall only be permitted to be so operated on:

(1) Non-holiday weekdays between eight (8) AM and the earlier of six (6) PM and sunset.

(2) Non-holiday Saturdays between nine (9) AM and three (3) PM.

(a)

§ [__]-5. Exceptions/Emergencies.

The prohibitions set forth in § [__]-4 of this Chapter [__] shall apply to the use or occupancy of any property in the Village, or any structure thereon, and to the airborne sound produced thereby, except for the following, provided same does not cause noise pollution as described in § [__]-2(8)(a) of this Chapter [__]:

(1) The use of construction equipment, residential equipment and service equipment as permitted under § [__]-4B of this Chapter [__].

(2) Airborne sound from church bells or chimes used in conjunction with religious service, or chiming to designate time.

(3) Public celebrations.

(4) The lawful operation of properly equipped motor vehicles.

(5) Airborne sound from snow blowers and snowplows.

(6) Airborne sound from lawful athletic or recreational events held on Village property.

(7) Organized activities sponsored by any school.

(8) Airborne sound from Village sponsored celebrations or events, including rentals of the Village hall or other Village property.

(9) Airborne sound from lawful fireworks displays, parades, carnivals and the like.

(10) Non-commercial public speaking and public assembly activities on any Village property permitted by the Village Board.

(11) Non-commercial amplified sound that does not exceed the sound standards set forth in Appendix A of this Chapter [__].

(12) Emergency construction or repair work performed by any municipality or regulatory agency.

(13) The activities of any fire department, ambulance squad or similar emergency or rescue organization.

(14) Any other emergency situation.

§ [__]-6. Presumption of Guilt.

Anyone present with other persons whose collective behavior results in noise pollution shall be rebuttably presumed to have participated therein and shall be subject to the provisions of this Chapter [__].

§ [__]-7. Penalties.

A. Fines. Any person who shall violate the provisions of this Chapter [__] shall be guilty of a violation punishable by a fine of up to one thousand (1,000) dollars.

B. Injunctive Relief. In addition to any other remedy provided by law, the Village may bring an injunction proceeding to enforce this Chapter [__].

§ [__]-8. **Severability.**

If any provision of this Chapter [__] is ruled unconstitutional or invalid, such ruling shall not affect the validity of any other provision of said chapter or said chapter as a whole.

SECTION 3. EFFECTIVE DATE.

October 27, 2016

APPENDIX A

AIRBORNE SOUND STANDARDS

A. From 7 AM to the earlier of 7 PM and sunset:

[1] Airborne sound in excess of 65 dBA's; or

[2] Airborne sound that has an octave band sound pressure level in decibels that exceeds the values listed below in one or more octave bands:

Octave Band Center Frequency (Hz)	Octave Band Sound Pressure Level (dB)
31.5	78
63	73
125	67
250	60
500	55
1,000	51
2,000	46
4,000	43
8,000	40

B. From the earlier of 7 PM and sunset to 7 AM:

[1] Airborne sound in excess of 50 dBA's; or

[2] Airborne sound that has an octave band sound pressure level in decibels that exceeds the values listed below in one or more octave bands:

Octave Band Center Frequency (Hz)	Octave Band Sound Pressure Level (dB)
31.5	75
63	70
125	64
250	57
500	52
1,000	49
2,000	3
4,000	40
8,000	37