

Noise Mitigation Law
Local Law No. 1 of 2023

Be it enacted by the Town Board of the Town of Grove as follows:

SECTION ONE – PURPOSE

It is hereby declared to be the policy of the TOWN OF GROVE (hereinafter “Town”) to prevent excessive, unnecessary or unusually loud noise. It is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of preserving, protecting and promoting the public health, comfort, convenience, safety, welfare and prosperity as well as the peace and quiet of the Town and its inhabitants.

SECTION TWO--DEFINITIONS

As used in the local law, the following terms shall have the meaning indicated:

PERSON: Any individual, partnership, company, public or private corporation, association, firm, organization, political subdivision, governmental agency, administration or department, municipality, trust, state or any other legal entity whatsoever.

REASONABLE PERSON: A fictional person with an ordinary degree of reason, prudence, care, foresight, or intelligence whose conduct, conclusion, or expectation in relation to a particular circumstance or fact is used as an objective standard by which to measure or determine something.

UNNECESSARY NOISE: Excessive or unusually loud sound or any sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensibilities, or which causes injury to animal life or damage to property or business.

UNREASONABLE NOISE: Any raucous, excessive or unusually loud sound or any sound, whether by a group of people or an individual, which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a person or which causes injury to animal life or damage to property or business or which knowingly or recklessly causes public inconvenience, annoyance or alarm or otherwise relates to an assault on public sensibilities or otherwise publicly offensive. Standards to be considered in determining whether unreasonable noise exists in a given situation include, but are not limited to, the following:

- A. The intensity of the noise.
- B. Whether the nature of the noise is usual or unusual.
- C. Whether the origin of the noise is associated with nature or with manmade activity.

- D. The intensity of the background noise, if any.
- E. The proximity of the noise to sleeping facilities.
- F. The nature and the zoning district of the area from which the noise emanates.
- G. The time of the day or night the noise occurs.
- H. The time duration of the noise.
- I. Whether the sound source is temporary.
- J. Whether the noise is continuous or impulsive.
- K. The volume of the noise.

SECTION THREE—PROHIBITED ACTS

1.No person, acting with disregard for public inconvenience, annoyance, or alarm, or acting with reckless disregard to the effects on others, shall cause, suffer, allow, or permit the creation of unreasonable noise. For purposes of this law, unreasonable noise is any excessive, unnecessary, unnatural or unusually loud noise which is prolonged, unusual and unnatural in its time, place and use.

2. The following acts are declared to be *prima facie* evidence of a violation of this ordinance. This enumeration is not to be deemed as exclusive.

- Any unnecessary noise from any source between the hours of 10:00 p.m. and 7:00 a.m., Sunday through Thursday, or 11:00 p.m. and 7:00 a.m., Friday and Saturday.
- Noise from a dog or other privately owned animal that continues with only minor interruptions for fifteen (15) minutes or more.
- Noise from a burglar or other alarm system of any building or motor vehicle which continues with only minor interruptions for five (5) minutes or more.
- The operation of any sound reproduction device or audio equipment, including, but not limited to, such equipment in a parked or moving vehicle, or the use of any musical instrument or human voice in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of persons in a dwelling, hotel or other type of residence.
- The acts of yelling, hollering, screaming, partying sounds or radio and recording sounds which are unreasonably loud, disturbing, unnecessary, beyond the property line of the source, between the hours of 10:00 p.m. and 7:00 a.m. the following day Sunday through Thursday, or 11:00 p.m. and 7:00 a.m. Saturday and Sunday.
- Noise from any sound reproduction system operating or similar device that reproduces or amplifies sound in such a manner as to be heard from its source to beyond any property line between the hours of 10:00 p.m. and 7:00 a.m. the following day Sunday through Thursday, or 11:00 p.m. and 7:00 a.m. Friday and Saturday.

- Noise from public bars, restaurants or the like, so loud as to be annoying to a reasonable person when heard fifty (50) feet from or beyond the property line of the establishment. Any noise that exceeds sixty-five (65) decibels (dB) which is the approximate volume of a typical conversation according to the Centers for Disease Control and Prevention (CDC).
- 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.
- 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., and on weekends between 10:00 p.m. and 8:00 a.m., except in the case of an emergency public safety vehicle.
- The sounding of any horn or signaling device of an automobile, motorcycle, or other vehicle for an excessive period of time under the circumstances, except in the case of an emergency public safety vehicle.
- Valid proof of a violation of this Local Law could include, among other things, a cellular phone application that measures decibel levels of noise and other scientifically reliable measurement devices.

3. Abatement of excessive noise

Law enforcement or any employee designated by the Town is directed to take any reasonably necessary action to abate the noise created by 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.

- Issue an appearance ticket to the Town Court for the generation of excessive, unnecessary, or unusually loud noise.

4. Exceptions. The provisions of this law shall not apply to the following acts:

- The emission of sound for the purpose of alerting persons to the existence of an emergency.
- Noise from municipally sponsored celebrations or events.
- Noise from individually sponsored special events where a permit for the event has been obtained from the Town Clerk, after having been agreed to by the Town Board
 - Written request/application must be received by the clerk to present at the subsequent Town Board meeting.
 - When authorized by the Town Board, the Town Clerk is empowered 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 pm and is limited to a maximum duration of four hours.
 - The date and intended hours of the event shall be furnished to the Town 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 section 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 Town Board reserves the right to limit the number and frequency of permits granted in any geographic area of the Town.
- A copy of each permit along with the conditions limiting such permit may be provided to local law enforcement.
- 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 7:00 a.m.
- Noise generated by the installation and maintenance of utilities and emergency and public service equipment.

SECTION FOUR -- PENALTIES

A violation of this local law shall be punishable by a fine of not less than one hundred fifty (\$150.00) nor more than five hundred dollars (\$500.00).

Repeated violations in a given two-month period shall be fined no more than five hundred dollars (\$500.00) per violation.

SECTION FIVE: EFFECTIVE DATE

This law becomes effective when filed with the Secretary of State of New York State.