

**Chapter 79**

**NOISE**

- § 79-1. **Title.**
- § 79-2. **Purpose.**
- § 79-3. **Noise level standards.**
- § 79-4. **Definitions.**
- § 79-5. **Exceptions.**
- § 79-6. **Specific prohibitions.**
- § 79-7. **Inspections; interference with enforcement.**
- § 79-8. **Penalties for offenses.**
- § 79-9. **Enforcement.**
- § 79-10. **Conflict with Zoning Law; severability.**
- § 79-11. **Conflict with state laws.**

**[HISTORY: Adopted by the Town Board of the Town of Vernon 6-10-2002 by L.L. No. 1-2002. Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Dog control — See Ch. 52.  
Zoning — See Ch. 139.**

**§ 79-1. Title.**

**This chapter shall be known and may be cited as the “Town of Vernon Noise Law.”**

**§ 79-2. Purpose.**

It is recognized that people have the right to an environment free from excessive noise. The purpose of this chapter is to preserve the public health, peace, welfare, and good order by suppressing noises which are detrimental to that environment.

**§ 79-3. Noise level standards.**

Any noise exceeding 15 dB above the ambient noise level at the property line of any property shall be unlawful and violate this chapter.

**§ 79-4. Definitions.**

As used in this chapter, unless the context otherwise clearly indicates, the words and phrases used in this chapter are defined as follows:

**AMBIENT NOISE** — The all-encompassing noise associated with a given environment, being a composite of sounds from many sources near and far.

**BARKING DOGS** — A dog that barks, bays, cries, howls, or makes any other noise continuously and/or incessantly for a period of 10 minutes or barks intermittently for 1/2 hour or more to the disturbance of any person at any time of the day or night, regardless of whether the dog is physically situated in or upon private or commercial property; provided, however, that a dog shall not be deemed a "barking dog" for purpose of this chapter, if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated or for any other legitimate cause which teased or provoked the dog.

**COMMERCIAL FACILITY** — Any premises, property, or facility involving traffic in goods or furnishing of services for sale or profit.

**DAYTIME HOURS** — The hours between 7:00 a.m. and 10:00 p.m., Monday through Saturday, and the hours 9:00 a.m. through 10:00 p.m. on Sundays.

**DEMOLITION** — Any dismantling, intentional destruction, or removal of buildings or structures.

**DOMESTIC POWER EQUIPMENT** — Power equipment, including but not limited to: power saws, drills, grinders, lawn and garden tools, and other domestic power equipment intended for use in residential areas by a homeowner.

**EMERGENCY** — Any occurrence or set of circumstance involving actual or imminent physical trauma which demands immediate attention.

**EMERGENCY VEHICLE** — Any government-authorized motor vehicle with sound warning devices such as sirens and bells, which can lawfully be used when responding to an emergency.

**EMERGENCY WORK** — Work made necessary to restore property to a safe condition following an emergency, or work required to protect persons or property from exposure to imminent danger.

**IMPROPER VEHICLE NOISE** — Noise caused by skidding tires, improper motor speed, or illegal muffling.

**LOT** — Any parcel of land under one ownership or under common control of any group of persons acting in concert as part of a common endeavor.

**LOUD AND UNREASONABLE NOISE** — Noise so plainly audible to involuntary listeners as to disturb the peace, quiet and comfort of any reasonable person of normal sensitivities.

**MOTOR VEHICLE** — Any vehicle which is propelled or drawn on land by a motor, such as, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, go-carts, snowmobiles, amphibious craft on land, dune buggies, or racing vehicles, including

motorcycles, trail bikes, go-carts, dirt bikes or mini-bikes, and motorized all-terrain vehicles.

**MUFFLER** — A device for abating sounds such as escaping gases from an internal combustion engine.

**NIGHTTIME HOURS** — Hours between 10:00 p.m. and 7:00 a.m., Sunday evening through Saturday morning. Hours between 10:00 p.m. and 9:00 a.m., Saturday evening through Sunday morning.

**PERSON** — Any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency, or political or administrative subdivision of the state or other legal entity of any kind.

**PREMISES** — Any building, structure, land or portion thereof, including all appurtenances, and shall include yards, lots, courts, inner yards, and real properties without buildings or improvements, owned or controlled by a person.

**PROPERTY LINE** — That real or imaginary line along the ground surface and its vertical extension which:

- A. Separates real property owned or controlled by any person from contiguous real property owned or controlled by another person; and
- B. Separates real property from the public right-of-way.

#### **§ 79-5. Exceptions.**

This Noise Law shall not apply to noise emitted by or related to:

- A. Generally accepted agricultural practices conducted within a recognized agriculture district.
- B. Event noise.
  - (1) Events:

- (a) Any funeral procession or religious ceremony;
  - (b) The production of music in connection with any parade authorized under provision of law;
  - (c) Any music performance upon any public street or place where authorized by law for such purpose;
  - (d) The use of amplifiers or other sound-producing instruments in connection with any athletic competition or recreational event held on athletic fields, stadiums or public parks, election campaigns;
  - (e) Police or fire apparatus while used in the performance of public duty;
  - (f) Traditional community volunteer activities.
- (2) If it is anticipated that event noise will continue into the nighttime hours, then the applicant shall so state and the authorizing agent may refer the request to the Town Board for approval.
- C. Church bells: rung as part of any church ceremony or service.
  - D. Tower clock bells: ringing the hour during daytime hours.
  - E. Sirens, whistles, or bells: noise emitted by or related to, lawfully used in any emergency situation; provided, however, that burglar alarms not terminating within 30 minutes after being activated shall be unlawful.
  - F. Other devices: required by OSHA or other state or federal safety regulations.
  - G. Domestic muffled power equipment: noise from, such as, but not limited to: power saws, sanders, grinders, lawn and garden tools or similar devices operated during daytime hours.

- H. Domestic emergency power equipment: noise from, such as, but not limited to: muffled gasoline generators and pumps operated during daytime and/or nighttime hours for as long as the emergency exists
- I. Timber harvesting: felling trees and removing logs from the woods during daytime hours.
- J. Construction or demolition equipment: noise generated during the daytime hours.
- K. Emergency construction or repair work by public utilities or municipalities.
- L. Refuse and solid waste collection.

#### § 79-6. Specific prohibitions.

In addition to the general prohibitions set forth in § 79-3 above (Noise level standards), this Town of Vernon Noise Law also prohibits loud and unreasonable noise from the following sources:

- A. Radios, television sets, and similar devices, musical instruments, phonographs, or other machines or devices for the producing or reproducing of sound used as entertainment or advertisement.
- B. Animals or birds: owning, possessing or harboring an animal or bird which frequently or for continued duration makes sounds which create a noise disturbance. This prohibition includes the prohibition against owning, possessing, or harboring a barking dog.
- C. Peddlers and vendors: the unreasonable and unnecessary sounding or crying out of peddlers, hawkers.
- D. Any source near schools, hospitals, court and churches which interferes with the working of such institution.
- E. Construction, alteration, demolition of buildings, structures and projects during nighttime hours: It shall be unlawful for any person within a radius of 500 feet of

the structure to operate equipment or perform any construction or repair work on buildings, structures, or projects or to operate any pile driver, excavation equipment, pneumatic hammer, derrick, power hoist, or other construction type device except to perform emergency work during nighttime hours.

- F. **Vehicle repairs:** It shall be unlawful for any person to repair, rebuild, or test any motor vehicle in such a manner as to disturb involuntary listeners.
- G. **Vehicle use:** No person shall use an automobile, motorcycle, bus or vehicle so out of repair as to create loud or unnecessary grating, rattling, or other noise.
- H. **Motor idling:** No person shall operate any motor/engine or any standing motor vehicle with a weight in excess of 10,000 pounds' manufacturer's gross vehicle weight (GVW) during nighttime hours, when such vehicle is parked on a residential premises or on a public road next to a residential premises.
- I. **Bells:** No person shall sound or cause to be sounded any loud or raucous bells or gongs attached to any building or premises which disturb the quiet or repose in the vicinity thereof.
- J. **Loading and unloading:** No person shall create or cause to be created a loud and unreasonable noise in connection with loading or unloading any vehicle, or the opening and destruction of bales, boxes, crates, and containers.
- K. **Discharge of exhaust:** No person shall discharge or cause to be discharged into the open air the exhaust of any steam motor/engine, or stationary internal combustion motor/engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- L. **Mechanical devices:** No person shall use or cause to be used any mechanical device operated by compressed air unless the noise created thereby is effectively muffled.

M. Other sources: It shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any noise intended to disturb involuntary listeners.

**§ 79-7. Inspections; interference with enforcement.**

- A. For the purpose of determining compliance with the provisions of this chapter, the law enforcement officer is authorized to make inspection of all noise sources to determine the character of the noise. He may enter any building with the consent of the owner or his agent. If consent is not granted, the officer may seek an administrative warrant from an appropriate court.
- B. No person shall hinder, obstruct, delay, resist, prevent in any way, interfere or attempt to interfere with any authorized person while in the performance of his/her duties under this chapter.

**§ 79-8. Penalties for offenses.**

Any person acting alone or in concert with others who shall violate any provision of this chapter shall be guilty of an offense and, upon conviction thereof, shall be subject to a fine of not more than \$250 or by imprisonment not exceeding 15 days, or by both such fine and imprisonment. Each act committed in violation of any provisions of this chapter shall constitute a separate additional offense.

**§ 79-9. Enforcement.**

Enforcement of the provisions of this chapter is the responsibility of law enforcement officers of Oneida County or the State of New York, or the Code Enforcement Officer of the Town of Vernon.



**§ 79-10. Conflict with Zoning Law; severability.**

Any provisions of the Zoning Ordinance of the Town of Vernon which are more stringent than those set forth herein shall remain in force. If, for any reason, any word, clause, paragraph or section of this chapter shall be held to make the same unconstitutional, this chapter shall not hereby be invalidated and the remainder of this chapter shall continue in effect.

**§ 79-11. Conflict with state laws.**

Nothing in this chapter shall be construed to conflict with any law of the State of New York that may govern or control any of the subject matters contained in this chapter.