

Proposed Local Law K – 2023

Amend 158-5 “Noise Standards by replacing subsections B & C as follows:

158-5 Noise standards.

A.

No person shall create, emit or issue, nor cause or suffer to be created, emitted or issued, any noises or sounds on property from which such noises or sounds may be heard on the property of another, as may unreasonably annoy, disturb or otherwise disrupt the quiet, comfort or repose of persons in any dwelling, or place of temporary or permanent residence within the village. The violation hereof shall constitute a nuisance.

B.

No person shall operate, use, cause or permit to be operated or used any sound-reproduction device in any public place in such a manner that the sound emanating therefrom creates unreasonable noise across a real property boundary. Furthermore, the use of any sound reproduction device that produces noise across a real property boundary during any of the following hours is hereby prohibited:

[1]

On Monday through Thursday (other than legal holidays) before 8:00 a.m. or after 10:00 p.m.

[2]

On Friday (other than legal holidays) before 8:00 a.m. or after 11:00 p.m.

[3]

On Saturdays and those Sundays followed immediately by a legal holiday, and legal holidays followed immediately by a weekend, before 10:00 a.m. or after 11:00 p.m.

[4]

On Sundays not followed immediately by a legal holiday, and legal holidays followed immediately by a weekday, before 10:00 a.m. or after 10:00 p.m.

C.

Standards in determining unreasonable noise.

No person shall make, continue or cause or permit to be made, verbally or mechanically, any unreasonable noise. An "unreasonable noise" shall mean any 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 sensitivities or which causes medically serious injury to animal life or damage to property or business. Standards to be considered in determining whether unreasonable noise exists in a particular situation include the following:

A.

The volume of the noise.

B.

The intensity of the noise.

C.

Whether the nature of the noise is usual or unusual in the context of ordinary human experience.

D.

Whether the origin of the noise is natural or unnatural in the context of ordinary human experience.

E.

The volume and intensity of the background noise, if any.

F.

The proximity of the noise to residential sleeping facilities.

G.

The nature and the zoning district of the area from within which the noise emanates.

H.

The time of day or night the noise occurs.

I.

The time duration of the noise.

J.

Whether the sound source is temporary.

K.

Whether the noise is continuous or impulsive.

L.

The presence of discrete tones.

M.

Whether the noise is in excess of the decibel levels as set forth within this chapter, provided another standard, under this section, is also utilized.