

NOISE LAW

CHAPTER 57

TOWN OF GORHAM

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57-1. Title

This chapter shall be known and may be cited as the “Noise Law”.

57-2. Intent

The making and creating of disturbing, or offensive noises within the jurisdiction of the Town of Gorham is a condition which has persisted, and the level and frequency of occurrences of such noises continues to increase. These noise levels are a detriment to the public health, comfort, convenience, safety, and welfare of the citizens. Every person is entitled to an environment in which disturbing, excessive, or offensive noise is not detrimental to his or her life, health, or enjoyment of property. The law is to be construed liberally, but not intended to be construed so as to discourage the enjoyment by residents, business owners, consumers, tourists, or any other designation of person who might be bothered by unreasonable noises within the town of normal, reasonable and usual activities.

57.3 Definitions

As used herein, the following terms shall have the meaning indicated:

PERSONS - One or more natural persons, corporations, partnerships, associations, membership societies and all other entities

SELF-PROPELLED VEHICLE- Any vehicle which is propelled or drawn on land or on the surface of a lake 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, all-terrain vehicles, racing vehicles, motorboats, jet skis and motorcycles

SOUND REPRODUCTION DEVICE- Any device that is designed to be used or is actually used for the production or reproduction of sound, including but not limited to any amplified musical instrument, stereo systems, radio, television, tape recorder, phonograph, loudspeaker, public-address system or any other sound-amplifying device

FARM OPERATIONS- Person or persons engaged in business for the purpose of producing agricultural, horticultural, floriculture, vegetable and fruit products of the soil, livestock and meats, poultry, eggs, dairy products, nuts, honey, wool and hides, but shall not include the breeding, raising, or maintaining of fur bearing animals, or abattoirs, riding academies, livery stables or animal kennels A garden accessory to a residential use shall not be deemed a farm or farm use.

WATER CRAFT – Motorized piece of machinery built to operate on water

UNREASONABLE, UNREASONABLY LOUD, DISTURBING OR UNNECESSARY NOISE – Any excessive or unusually loud sound or any sound which either annoys, disturbs, injures, endangers or interferes with sleep, comfort, repose, health, or safety of a reasonable person of normal sensitivities or which causes injury to animal life or damage to property or business

WEEKEND/WEEKDAYS – A period of time from Friday at 11:00pm until Monday at 7:00 am. All other times of the week will be considered weekdays.

57-4. Prohibition

No person shall make, cause or permit to be made unreasonable, unreasonably loud, disturbing or unnecessary noise within the geographical boundaries of the Town of Gorham.

57-5. Unreasonably loud, disturbing or unnecessary noise

Without limiting the generality of the prohibition provided for in 57-4 hereof, creation of unreasonably loud, disturbing or unnecessary noise by any of the following acts and their causes are declared to be in violation of this chapter.

Between the hours of 11:00 p.m. and 7:00 a.m. on weekdays and the hours of 11:00 p.m. and 7:00 a.m. on weekends and holidays, the following acts are not permitted:

- A. The use of heavy equipment, lawn equipment, or any noise making equipment

- B. The operation of engines in residential areas. This would include the stationary idling of any engine, including but not limited to, an automobile, trucks, motorcycles, motorboats, mini-bikes, snowmobiles, or ATV's, excluding normal operations of automobiles.

- C. Any noise from a vehicle, machine or signaling device for an unnecessary or unreasonable period of time.
- D. The use of explosives, firearms or similar devices
- E. 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 unnecessary 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 11:00 p.m. and 7:00 a.m. on weekdays and 11:00 p.m. and 7:00 a.m. on weekends and holidays are prohibited.

57-6. Persons liable for violations

The owner, tenant and/or person in charge of the premises on which a violation under the provisions of this chapter has been committed shall be deemed to have permitted such violation on the subject premises and, as such, shall be guilty of such violation.

57-7. Exceptions

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

- A. The emissions of sound for the purpose of alerting persons of an existing emergency.
- B. Sounds connected with sporting events of any public organization or private school or authorized carnival, fair, exhibition, parade, etc., allowed by permit of the Town Board or any other designated authority of the Town, between the hours of 7:00a.m. and 11:00p.m..
- C. Sounds created by lawnmowers, manual and power tools and household appliances in use between the hours of 7:00a.m. and 11:00 p.m. weekdays, and 7:00 am. and 11:00 p.m. Saturdays and Sundays.
- D. The operation or use of any organ, radio, bell, chimes, or other instrument, apparatus, or device by any church, synagogue, or school licensed or chartered by the State of New York provided such operation or use does not occur between the hours of 11:00 p.m. and 7:00 a.m.
- E. Sounds created by the installation and maintenance of utilities, any generator during a power outage.
- F. Sounds created by a municipality during any emergency repair and maintenance or any other repair or maintenance undertaken by the municipality.

- G. Sounds created by Farm operations, as they are covered in the Right to Farm Laws and New York State Department of Agriculture and Markets regulations.
- H. Sounds created by Water Craft on Canandaigua Lake, as they are covered in New York State Navigation Law.

57-8. Enforcement

- A. The provisions of this chapter shall be enforced by the local policing agency (Ontario County Sheriff or New York State Police) or other officials designated by the Town Board of the Town of Gorham.

57-9 Penalties

Any person who violates any provision of this law shall be guilty of a violation and shall be subject to a fine not to exceed two hundred and fifty dollars (\$250.00) for each offense, imprisonment not to exceed 15 days, or both such fine and imprisonment. The Town may also seek injunctive relief to prevent the continued violation of the law.

“Section 2. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 3. This Local Law shall take effect immediately upon filing with the New York Department of State.” (7/22/02). Amended by LL#3-03 effective 5/27/03.