

Local Law Number 3 of 2016

Amending Local Law 2 of 1987 to prevent the Disturbance of the peace, quiet, and comfort of the residents of the Village of Stamford

Be it enacted by the Village of Stamford as follows:

§ Section 1. Purpose:

The Village Board of the Village of Stamford hereby declares its intent to prevent unreasonably loud and disturbing noise and sounds that are determined by the Board to be of a character, intensity or duration as to be detrimental to the peace, welfare or good order of the people of the Village of Stamford. Therefore, the Village Board does hereby enact the following local law. It is the intent of the Village Board that this law will be liberally constructed so as to effectuate the purpose described.

§ Section 2. Definitions:

As used in this law, the following terms shall have the meanings indicated below; others shall have the meanings normally ascribed to them by standard accepted dictionary definitions.

DECIBEL (dB) -- The unit for measuring the volume of a sound as determined by a sound testing instrument. For purposes of this law a decibel level exceeding those indicated in Section 3, shall be a nuisance noise.

EMERGENCY -- A public disaster or an exposure of any person or property to imminent danger.

EMERGENCY SIGNAL DEVICE -- Any gong, siren, whistle, air horn or similar device, the use of which on emergency vehicles is permitted by Subdivision 26 of § 375 of the New York State Vehicle and Traffic Law.

EXCESSIVE NOISE -- Incessant or repeated sounds that have the effect of disturbing member(s) of the community, or any sound in excess of sound levels as described in Section 3, that is annoying, a nuisance or causes alarm to any person(s). Such sound includes but is not limited to mechanically-increased volume of sounds of the human voice, musical instruments, recorded music, or any other mechanically enhanced sound-producing or sound-reproducing device that is able to increase normal noise volume levels.

MOTOR VEHICLE-

a) Every device in, upon or by which any person or property is or may be transported or drawn, which is propelled by any power other than muscular power, except vehicles which run only upon rails or tracks.

b) This definition shall include but not be limited to trucks, buses, automobiles, vans, motorcycles, motor scooters, snowmobiles, all-terrain vehicles, go-carts, minibikes, trail bikes and all other types of sound producing motorized objects used for recreation or transport.

PERSON – any individual, partnership, company, public or private corporation, association, firm, organization, political subdivision, governmental agency, or department, municipality, trust, estate or any other legal entity whatsoever

§ Section 3. Prohibited Acts:

- A. Excessive noise - No person shall make, continue or cause to be made, or continued, any excessive noise after the time limitations listed in this section, which disturbs the peace and quiet of any neighbor or Village resident.
- B. It shall be unlawful for any person to knowingly, recklessly, or willingly participate in any noise above 90 dBs (example: motorcycle, lawn mower, convertible riding on the highway) for more than 2 hours, between the hours of 6AM and 9PM on weekdays, or between 7AM to 11PM on weekends; unless an emergency situation warrants such noise. (See Attached Decibel Chart.)
- C. It shall be unlawful for any person to knowingly, recklessly, or willingly participate in any noise above 70 dBs (example: motorcycle, lawn mower, convertible riding on the highway) for more than 30 minutes, between the hours of 9PM on one day and 6AM of the following day on weekdays, or between the hours of 11PM on one day and 7AM on weekends; unless an emergency situation warrants such noise (See Attached Decibel Chart.)
- D. Motor vehicle, excessive noise:
 - a) No person shall operate, or cause to be operated, any motor vehicle in a manner that the sound emitted is excessive noise as defined in this law, and the excessive noise is audible at a distance of twenty-five (25) feet or more from the vehicle when operated on a public street or in a park or other public place
 - b) This section shall apply to all motor vehicles as defined in this law, whether or not duly licensed and/or registered.
 - c) No person shall cause the sounding of any horn or signaling device on any automobile, motorcycle, bicycle or other vehicle, to be a nuisance; such devices are intended to be used as a danger warning, as stated in § 375, Subdivision 1, of the New York State Vehicle and Traffic Law.
 - d) The use of Engine Retarder Brakes, commonly referred to as “Jake Brakes” is prohibited within the Village of Stamford at all times.
- E. Construction activities:
 - a) Approved construction activities are exempt from the noise limits of this law between the hours of 6AM and 9PM on weekdays, or between 7AM to 11PM on weekends; although it is expected that efforts in good faith be made to limit the impact of these activities on Village residents.
 - b) No person shall engage in, or permit any person to be engaged in, construction activities which create excessive noise at the property limits of the construction site between the hours of 9PM on one day and 6AM of the following day on weekdays, or between the hours of 11PM on one day and 7AM on weekends.

- c) In the case of an emergency, so declared by the CEO, Fire Department or a Police Agency, construction activities directly connected to the abatement of such emergency may be undertaken for a period not to exceed seventy-two (72) hours from the commencement of such activities. Anticipation of a longer duration must result in the application for extension of such activities, by the appropriate person, agency, or designee, to the Village Code Enforcement Officer.
- F. For the purpose of this section, it shall be presumed that the person in possession of the property is in control of all the occupants on the premises.

§ Section 4. Enforcement:

This law will be fully enforced by the code enforcing agents for the Village of Stamford, such as the Code Enforcement Officer, the Animal Control Officer, the Public Works Superintendent, the Delaware County Sheriff's Department or the New York State Police.

§ Section 7. Penalties for Offenses:

Each violation of the local law shall be punishable by a fine of fifty dollars (\$50), increased by fifty dollars (\$50) for each additional violation or by imprisonment for a term not exceeding fifteen (15) days, or by both such fine and imprisonment

§ Section 8. Severability:

- a) This local law shall supersede all prior local laws, rules and regulations relative to the noise ordinance within the Village of Stamford, and they shall be, upon effective date of this law, null and void.
- b) If any section, subsection, paragraph, sentence, clause or provision of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, subsection, paragraph, sentence, clause or provision thereof directly involved in the controversy in which such judgments shall have been.

§ Section 9. When Effective:

This local law and any regulations adopted hereunder shall take effect as provided by law and upon filing with the Secretary of State.

Painful Acoustic Trauma

Extremely Loud

Very Loud

Loud

Moderate

Faint

140

130

120

110

100

90

80

70

60

50

40

30

20

dB levels

Shotgun blast

Jet engine 100 feet away

Rock concert

Car horn, snowblower

Blow dryer, subway, helicopter, chainsaw

Motorcycle, lawn mower, convertible ride on highway

Factory, noisy restaurant, vacuum, screaming child

Car, alarm clock, city traffic

Conversation, dishwasher

Moderate rainfall

Refrigerator

Whisper, library

Watch ticking