

Chapter 55

NOISE

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[HISTORY: Adopted by the Liberty Village Board 8-6-84 as L.L. No. 3-1984. Amendments noted where applicable.]

GENERAL REFERENCES

Peace and good order — See Ch. 59.

§ 55-1. Definitions.

For the purpose of this chapter, the terms used herein are defined as follows:

SOUND DEVICE or APPARATUS — Any apparatus or device for the making, reproduction or amplification of the human voice or other sounds.

UNNECESSARY — That which is not required by the usual circumstances.

§ 55-2. Prohibited noises.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this chapter, but the enumeration herein shall not be deemed to be exclusive:

- A. The operation of any radio, phonograph or use of any musical instrument in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence.
- B. The keeping of any animal or bird which, by causing frequent or long-continued noise, shall disturb the comfort and repose of any person in the vicinity.
- C. The use of any automobile, motorcycle, trail bike, minibike, snowmobile, bus or vehicle so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- D. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger.
- E. The discharge into the open air of the exhaust of any steam engine, stationary internal-combustion engine or motor vehicle engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- F. The erection, including excavation, demolition, alteration or repair, of any building other than between 7:00 a.m. and 9:00 p.m., except in case of urgent necessity in the interest of public safety as determined by the Building Inspector or other applicable laws in the Code of the Village of Liberty.
- G. The creation of any excessive noise on any street adjacent to any school, institution of learning or court while the same is in session or adjacent to any hospital, which unreasonably interferes with the workings of such institutions, provided that conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.
- H. The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle, or the opening and destruction of bales, boxes, crates and containers in such a manner as to create an unreasonable or unnecessary noise of unreasonable extent and duration.
- I. The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.

- J. The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any sale or display of merchandise by the creation of noise.
- K. The sounding of any horn or signal device on any vehicle, motorcycle, bus or other device, except as a warning signal, pursuant to the provisions of Subdivision 1 of § 375 of the Vehicle and Traffic Law of the State of New York.
- L. The use of any radio apparatus, talking machine, loudspeaker or amplifier attached thereto in such manner that the loudspeaker shall cause the sound from such radio apparatus or talking machine to be projected directly therefrom outside of any building or out-of-doors, or the use of any radio apparatus, talking machine, loudspeaker or amplifier which is in any way fastened to or connected with any outside wall or window in any building or structure so that the sound therefrom is projected outside of such outside wall or window. Nothing herein contained shall be construed to prevent the operation of a radio apparatus or talking machine used in a reasonable manner by any person within any building or structure, provided that the said radio apparatus or talking machine or loudspeaker is not so arranged that such loudspeaker shall project the sound therefrom directly outside of any building or out-of-doors.
- M. The creation of any noise which causes public inconvenience or alarm or disturbs the public's peace, comfort or tranquility.

§ 55-3. Sound devices.

It shall be unlawful for any person to use or operate, or cause to be used or operated, any sound device or apparatus in, on, near or adjacent to any public street, park or place for commercial or business advertising purposes, or for any person to operate or drive any automobile, truck or other vehicle for commercial or business advertising by means of any sound device or apparatus. The use of any trade, business or corporate name or the name of any person, proprietor or vendor in such commercial or business advertising shall be presumptive evidence that such advertising was conducted by that person, business or corporation.

§ 55-4. Permitted noises.

The following sounds shall not be deemed to be a violation of this chapter:

- A. Sounds created by church bells or chimes.
- B. Sounds created by any government agency by the use of public warning devices.
- C. Sounds created by lawnmowers between the hours of 8:00 a.m. and 9:00 p.m., prevailing time, weekdays and 10:00 a.m. and 9:00 p.m., prevailing time, Sundays.
- D. Sounds created by public utilities in carrying out operation of their franchises.
- E. Sounds connected with sporting events of any public or private school or authorized carnival, fair, exhibition, parade, etc., allowed by permit of the Village Board.
- F. Sounds on private property which do not carry beyond the boundary lines of the property on which they are created.
- G. Use of loudspeakers in connection with voter registration projects and, within thirty (30) days prior to an election, the use of loudspeakers in connection with election campaigns between 9:00 a.m. and 8:00 p.m., prevailing time.
- H. Between the hours of 6:00 a.m. and 9:00 p.m., sounds created in the exercise of any trade, industry, business or employment, provided that it is not conducted in such a manner as to create any unreasonable or unnecessary noise of an unreasonable extent and duration.

§ 55-5. Penalties for offenses.

Any person committing an offense against any of the provisions of this chapter shall be guilty of a violation under the Penal Law and, upon conviction thereof, shall be punishable by a fine of not more than two hundred fifty dollars (\$250.) or by imprisonment for not more than fifteen (15) days, or both.

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§ 55-6. Enforcement.

This chapter shall be administered and enforced by the Police Department.