

5 - 2001

**TOWN OF TICONDEROGA
COUNTY OF ESSEX, STATE OF NEW YORK**

**AN ORDINANCE CONTROLLING NOISE
WITHIN THE TOWN OF TICONDEROGA**

Be it enacted by the Town Board of the Town of Ticonderoga, County of Essex, State of New York, as follows:

Section 1. Legislative intent.

Pursuant to Town Law section 130, the Town Board (the "Board") of the Town of Ticonderoga (the "Town") is desirous to enact an ordinance to prevent unreasonably loud or disturbing noises that are of a character, intensity or duration such as to be detrimental to the peace, welfare or good order of the residents of the Town and to foster convenience, peace and quiet within the Town. The Town Board finds that every person is entitled to have noise levels which are not detrimental to life, health and the enjoyment of property, and that excessive and unnecessary noise within the Town affects and is a menace to public health, safety, welfare and the comfort of the people of the Town.

Section 2. Definitions.

For the purposes of this Ordinance, the terms used herein are defined as follows:

A-WEIGHTED SOUND LEVEL -- The sound level, in decibels, reported as measured by a sound-level-measuring instrument having an A-weighting network which discriminates against the lower frequencies according to a relationship approximating the auditory sensitivity of the human ear. The level so read is designated "dBA."

DECIBEL (dB) -- The practical unit of measurement for sound pressure level. The number of "decibels" of a measured sound is equal to twenty (20) times the logarithm to the base 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound [twenty (20) micropascals]; abbreviated "dB."

MULTI-DWELLING-UNIT BUILDING -- Any building wherein there are two (2) or more dwelling units.

NOISE -- Any sounds of such level and duration as to be or tend to be injurious to human health or welfare or that would unreasonably interfere with the enjoyment of life or property.

REAL PROPERTY LINE -- Either the imaginary line, including its vertical

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extension, that separates one parcel of real property from another, or the vertical and horizontal boundaries of a dwelling unit that is one in a multi-dwelling unit building.

RESIDENTIAL PROPERTY -- Any property used for human habitation.

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

SOUND LEVEL -- The sound pressure level measured in decibels with a sound-level meter set for A-weighting. "Sound level" is expressed in dBA.

SOUND-LEVEL METER -- An instrument for the measurement of noise and sound.

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

Section 3. Maximum permitted sound levels.

No person shall cause, suffer, allow or permit the operation of any source of sound on a particular category of property or any public space or right-of-way in such a manner as to create a sound level that exceeds the particular sound level limits set forth as follows: between 7:00 a.m. and 10:00 p.m., seventy (70) dBA and between 10:00 p.m. and 7:00 a.m., fifty (50) dBA when measured at the adjoining property line.

Section 4. Exceptions.

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

- A. Church bells: sounds created by church bells or chimes.
- B. Warning devices: sounds created by any government agency or by the use of public warning devices.
- C. Lawn mowers: sounds created by lawn mowers, manual and power tools and household appliances in use between the hours of 8:00 a.m. and 8:00 p.m., prevailing time, weekdays, and 9:00 a.m. and 8:00 p.m., prevailing time, Sundays.
- D. Public utilities: sounds created by public utilities in carrying out the operation of their franchises.
- E. Sporting events and public entertainment: sounds connected with sporting events of any public 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 Board. Noise will be reduced between the hours of 11:00 p.m. and 7:00 a.m.
- F. Noise arising from agricultural operations.

Section 5. Prohibited noises.

A. The following noises shall be prohibited:

- (1) Radio, phonograph or musical instruments: the operation of any radio, phonograph or loudspeaker 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, apartment or other type of residence.
- (2) Animals and birds: owning, possessing or harboring any pet animal or pet bird that frequently or for continued duration makes sounds that create a noise disturbance across a residential real property line. [For the purpose of this section, a noise disturbance from a barking dog shall be defined as that created by a dog barking continually for ten (10) minutes or intermittently for thirty (30) minutes unless provoked.] This subsection shall be enforced by the Dog Control Officer during regular business hours.
- (3) Automobiles and other vehicles: the use of any automobile, motorcycle, bus or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- (4) Exhaust of engines: the discharge into the open air of the exhaust of any stationary internal-combustion engine or motor vehicle engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (5) Construction work: the erection, including excavation, demolition, alteration or repair, of any building other than between 7:00 a.m. and 7:30 p.m., except in the case of urgent necessity in the interest of public safety as determined by the building inspector or other applicable laws in the Town of Ticonderoga.
- (6) Adjoining schools, churches or medical facilities: the creation of any excessive noise on any street adjacent to any school, church, institution of learning or court, while the same is in session. or medical facility which unreasonably interferes with the workings of such institution, provided that conspicuous signs are displayed in such streets indicating that the same is a school, medical facility or church street.

- (7) Loading and unloading vehicles: the creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
- (8) Loudspeaker or noise-making device: 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.
- (9) Horn or signal: 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 section 375 of the Vehicle and Traffic Law of the State of New York.
- (10) Projecting noises outside buildings: 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 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.
- (11) Hawking and peddling: the shouting and crying of peddlers, hawkers and vendors, which disturbs the peace and quiet of the neighborhood.
- (12) Noise in conduct of business: the creation of any unnecessary noise in the operation, conduct and/or maintenance of any business, factory, plant, yard or manufacturing establishment, including excavating, blasting (where permitted), grinding, breaking, crushing or processing of any substance or material.
- (13) Annoying sounds: the creating of any noise which causes public inconvenience, annoyance or alarm or disturbs the public's peace, comfort or tranquility.

B. Sound device prohibitions. 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, part 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 business advertising shall be presumptive evidence that such advertising was conducted by that person, business or corporation.

Section 6. Penalties for offenses.

Any person who shall violate any of the provisions of this Ordinance shall be guilty of a violation pursuant to the Penal Law and shall be punishable by a fine of not more than two hundred fifty dollars (\$250.) or imprisonment for not more than fifteen (15) days, or both. The continuation of an offense for each day [twenty-four (24) hours] shall be deemed a distinct and separate offense.

Section 7. Enforcement.

This Ordinance shall be enforced during regular business hours by the Code Enforcement Officer and at all times by the Police Department.

Section 8. Effective date.

This Ordinance shall take effect ten (10) days after publication of a copy hereof.

