

1/16/08

## NOISE LAW

§ 68.1 TITLE

This chapter shall be known and may be cited as the "Town of Elbridge Noise Law".

§ 68.2 PURPOSE

The purpose of this chapter is to prevent the generation of excessive, unnecessary or unusually loud noise within the Town of Elbridge, for the purpose of preserving, protecting and promoting the public health, comfort, convenience, safety welfare and prosperity of its inhabitants.

§ 68.3 Definitions

For the purpose of this code, the following definitions shall apply:

A-weighted sound level shall mean the sound pressure level measured with a meter using an "A-Weighted" frequency response as prescribed by the American National Standards Institute (ANSI), or its successor.

A-weighting is used to approximate the average human ear's response to a range of sound frequencies.

2. Ambient Noise shall mean the background average noise level within an area, exclusive of any extraneous sounds.
3. Authorized Emergency Vehicle shall mean every ambulance, police, fire or civil defence emergency vehicle.
4. Calibration shall mean the checking of the calibration of the microphone and electronics of a sound level measuring device using an appropriate calibrator traceable to NBS (National Bureau of Standards) criteria.
5. Class A (Residential) shall mean lands residentially zoned and used primarily for sleeping purposes by people. Such land shall include the residence, building or structure where sleeping normally takes place, and any outside location within three feet of the major surfaces of such residence, building or structure. This class shall also include lands within the ~~Limited Business Office zoning~~ Agricultural Zoning District.
6. Class B (Commercial) land shall mean lands where people are likely to communicate with one another by speech. Class B shall include public lands and zoning districts designated as ~~C-1, C-2, and C-P commercial zones~~. Business, Business Transitional and Planned Development.
7. Class C (Industrial) land shall mean lands intended primarily for heavy commercial or industrial use which are zoned Industrial ~~A or B or High Tech~~. or Planned Industrial.

8. Commercial operation shall mean any business or commercial activity that involves the purchase or utilization of goods or service.
9. Construction shall mean any activity necessary or incidental to the erection, demolition, assembly, alteration or equipping of buildings, public or private highways, roads, premises, parks, utility lines or other property.
10. Continuous sound shall mean any sound that is not an impulsive sound.
11. Daytime shall mean from 7:00 A.M. to 10:00 P.M.
12. DBA shall mean the abbreviation for A-weighted sound level in decibels.
13. Device shall mean any machine, mechanism or equipment which is intended to or which actually produces sound or vibration.
14. Discrete tone shall mean a sound wave whose instantaneous sound pressure varies essentially as a simple sinusoidal function of time. Such sound wave may exist alone or as a component of a complex sound wave.
15. Emergency shall mean a public calamity, utility services failure, or an exposure of any person or property to actual or immediate danger.
16. Emergency operations shall mean the operation or parking of an authorized emergency vehicle, when such vehicle is engaged in response to an emergency. Emergency operations shall not include return from such service.
17. Emergency warning device shall mean any sound generating device that is designed to be used, and is actually used to warn of an emergency.
18. Emergency work shall mean the work or activity that is necessary to prevent or recover from an emergency, including, but not limited to, work to repair electric, gas, water, sewer or telephone services.
19. Fast response shall mean the characteristic of a sound level meter which allows for accurate measurement of impulsive sounds such as horn blasts, firearm discharge or vehicle pass-by.
20. Generating Land shall be the land whereon the sound is being generated or emitted.
21. Impulsive sound shall mean a sound characterized by excursions of the sound pressure which exceed the ambient sound, by 6 or more decibels, but last two (2) seconds or less.
22. Industrial operation shall mean the production, fabrication and storage of man-~~2~~

made goods, and the production, transformation and storage of energy in all forms.

23. Maximum Sound Level shall mean the recorded or noted maximum RMS (root-mean-square) sound pressure level noted using an instrument which meets the requirements of the ordinance.

Maximum Impulsive sound level shall be measured using the "fast response" setting.

Maximum Continuous sound level shall be measured using the "slow response" setting.

24. Owner shall mean any person who has regular control of a device or site, including, but not limited to, the owner of the freehold of the premises or lesser estate therein, or an agent of such person.

25. Person shall mean any individual, partnership, company, public or private corporation, association, firm, organization, political subdivision, governmental agency, administration or department, municipality, trust, estate, group of individuals, or any other legal entity whatsoever.

26. Public highway shall mean any highway, road, street, avenue, alley, public driveway or any other public way.

27. Public place shall mean any real property or structures thereon which are owned or controlled by a governmental entity.

28. Real property boundary shall mean an imaginary line exterior to any structure, along the ground surface, which separates the real property owned by one person from that owned by another person, and the vertical extension of such line.

29. Receiving land shall mean the property line of the real property where the sound is being heard, and where appropriate level restrictions apply. In the case of an apartment, townhouse or condominium, the point-of-measurement is within the affected unit.

30. Sound level shall mean the quantity, in decibels, measured using an instrument satisfying the requirements of ANSI SI.4-1983. Sound level is the frequency-weighted (see "A-weighting") sound pressure level obtained with "fast" or "slow" response.

31. Sound level meter shall mean an instrument designed to detect and measure sound pressure levels and display this information in decibels, in an analog or digital form. An instrument meeting the requirements of this code shall conform to the requirements of ANSI SI.4-1983, Type 1 or Type 2.

ARTICLE II

§ 68.10 Prohibited Noise Emanating from Real Property

It shall be unlawful for the owner or occupant of any parcel of land to create or permit the creation of sound which exceeds the levels shown on the following table for receiving land use:

A. Continuous Sound - Maximum Sound Level in dB(A): Slow Response Receiving land use category

	<u>Day</u>	<u>Night</u>
Class A (Residential)	65	55
Class B (Commercial)	70	60
Class C (Industrial)	80	70

A. Impulsive Sound - Maximum Sound Level in dB(A): Fast Response Receiving land use category

	<u>Day</u>	<u>Night</u>
Class A (Residential)	75	65
Class B (Commercial)	80	70
Class C (Industrial)	90	80

With impulsive noise, the following adjustment in the allowable maximum levels shall apply:

3-10 repetitions per hour	deduct 1 dB(A)
11-20 repetitions per hour	deduct 2 dB(A)
21-60 repetitions per hour	deduct 3 dB(A)
over 60 repetitions per hour	deduct 4 dB(A)

A. General Conditions

In the event that the background noise (ambient) level for a given land use exceeds the standards above, the following maximum sound levels, measured using the criteria above, shall apply.

Any Continuous Sound which exceeds the ambient by 10dBA or more.

Any Impulsive Sound which exceeds the ambient by 20dBA or more, with the above adjustment applied.

§ 68.11 Exceptions

The following activities shall be exempt from the provision of this code:

- A. Operation of lawnmowers between the hours of 8:00 AM and 8:00 PM.
- B. Operation of snowblowers. (~~LL-2 1996~~)
- C. Operation of agricultural equipment or devices between the hours of 6:00 AM and 10:00 PM.
- D. Construction activity Monday thru Saturday 7:00 a.m. to 8:00 p.m. and Sunday from 9:00 a.m. to 8:00 p.m.
- E. Public assemblies as permitted by Chapter 66 of this code.
- F. Emergency work or emergency operations, as defined in Section 68.3 of this code.
- G. A sound agricultural practice regardless of the hour of the day. ~~LL#8-99 6/22/99~~

§ 68.12 Sound Measuring equipment to be used

Enforcement of this code shall be effected using a sound pressure level meter (sound level meter) or logging dosimeter meeting or exceeding the requirements of ANSI S1.4-1983 Type 1 or Type 2, with a dynamic range consistent with the measurements being taken, A-scale weighting, and a fast and slow response constant.

The meter shall be calibrated using a calibrator properly fitted to the sound measuring instrument being used, traceable to NBS, and having an accuracy of + or - .4 dB or better.

Enforcement officers shall be trained in the proper calibration and use of the instrument.

§ 68.13 Special License

The Code Enforcement Officer is authorized to Issue a license for any activity which would otherwise create an unlawful noise level under this chapter. Such license may be issued only upon written application of the owner and occupant of the land or premises where the sound is to be generated, such application specifically stating:

- A. The source of the anticipated sound.
- B. The anticipated level of the sound at the property line of both the closest and the highest class receiving land use within one mile.
- C. The time of day or night when the noise is to occur.
- D. The land class from which the sound is to emanate.
- E. The anticipated duration of the noise. 5

- F. Whether the noise is impulsive or continuous in nature.
- G. The presence of discrete tones.
- H. Whether alternate methods are available to achieve the objective of the sound producing activity.
- I. What sound abatement steps have been taken.
- J. The benefit of the activity to the Town of Elbridge and its residents.

Such license will be issued at the sole discretion of the Code Enforcement Officer, so as to minimize the inconvenience and disturbance of the affected residents.

### ARTICLE III

#### §68.20 Prohibited Noise Emanating from a Motor Vehicle

It shall be unlawful for the owner or occupant of any motor vehicle to allow or operate a radio, sound amplifier or similar device which produces, reproduces or amplifies sound such that the sound coming from said device is heard at a point fifty feet from such motor vehicle.

#### § 68.30 Penalty

Any person who shall violate any provision of this Chapter shall be guilty of an offense and upon conviction thereof shall be subject to a fine of not more than two hundred fifty (\$250.00) dollars, or by imprisonment not exceeding fifteen (15) days. or both such fine and imprisonment.