

## NOISE ORDINANCE

### TOWN OF HORNELLSVILLE

#### 1. UNNECESSARY NOISE PROHIBITED

Any unnecessary or unreasonably loud or disturbing noise in the Town is prohibited. Noise by its character, intensity, or duration which may endanger the public comfort, peace, or repose of the citizens of the Town or which may be detrimental to the life or health of any person is herewith declared to be a nuisance and is prohibited. Any violation of this ordinance is therefore declared to be a nuisance within the meaning of this act with the further understanding and proviso that a violation of this ordinance shall not be deemed to be exclusive but may be enforced in conjunction with other ordinances and laws of the Town of Hornellsville, the State of New York, or other governing body which may similarly prohibit such activity.

#### 2. ANIMALS AND BIRDS

No individual shall harbor or keep any animal which by frequency or long-continued noise may disturb the comfort or repose of any person in the vicinity thereof.

#### 3. PUBLIC PLACES

No person shall create or permit a disturbance or otherwise engage in conduct or abusive language or improper acts in any church, theater, public hall, or other public places. Any long or frequent noise thereby shall constitute a nuisance as contemplated by this ordinance.

#### 4. RADIOS, PHONOGRAPHS, AND MUSICAL INSTRUMENTS

It shall constitute a nuisance for any person to operate or play any musical instrument, radio, phonograph, or similar equipment in a manner or with such a volume at any time and more particularly during the hours between 10:00 p.m. and 8:00 a.m. which may annoy the quiet, comfort, or repose of any person.

#### 5. MOTOR VEHICLES

No person shall use and/or operate either in motion or standing still any automobile, motorcycle, bus or similar vehicle which may in any manner create a loud or unnecessary grating or grinding or unnecessary blowing of horns, squealing of tires, and racing of motors.

6. HORNS AND SIGNALING DEVICES

It shall constitute a nuisance for any person to sound any horn or signal devices on any type of motor vehicle while in motion or not in motion except as a danger signal nor shall any individual sound such device for an unnecessary or unreasonable period of time except that this provision shall not apply to emergency vehicles.

7. DISCHARGE OF EXHAUSTS

No person shall discharge into the open air any engine, motor vehicle or motorboat engine except through the muffler or other device utilized to prevent a loud or explosive noise therefrom.

8. COMPRESSED-AIR DEVICES

No person shall use or cause to be used any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and reduced.

9. NOISE PROHIBITED NEAR INSTITUTIONS

A. No person shall cause to be created excessive noise on any street adjacent to any school, institution of learning, or court while the same is in session or any hospital or nursing home which unreasonably interferes with the operation of such institution or the individuals therein.

10. HAWKING AND PEDDLING

Any unreasonable or other unnecessary sound, crying out, or attempts to secure attention by peddlers and/or vendors which may disturb the peace and quiet of the neighborhood is prohibited.

11. BELLS AND GONGS

No person shall sound or cause to be sounded any bell, except church bells, or gong attached to any building or premises which disturbs the quiet or repose in the vicinity thereof.

12. ADVERTISING

No individual shall use any drum, loudspeaker, or other similar device for the purpose of attracting attention by the creation of loud noises to any performance, show, or sale of merchandise.

It shall be a violation of this section for any person to use any type of instrument, loudspeaker, sound truck, or sound amplifier within the Town.

13. EXCEPTIONS

Provisions of this ordinance shall not be applicable so as to prevent any funeral procession or religious ceremony nor shall the terms and conditions of this ordinance interfere to prevent music in conjunction with any parade authorized under any provision of the law nor shall this ordinance prevent any musical performance upon any public street or place where a proper permit has been obtained nor shall this ordinance prevent the use of sound producing devices in conjunction with any athletic or recreational event nor shall this ordinance apply to law enforcement or fire fighting designees while in the performance of their public duty or pursuant to a permit.

14. PENALTIES

Penalties for activities which constitute a violation of this ordinance shall constitute an offense punishable for each offense in the sum of \$ up to \$100.00

15. SEVERABILITY CLAUSE

If a section, part of section, sentence, clause or phrase of this ordinance shall be held to be unconstitutional or invalid, the remaining provisions hereof shall, nevertheless, remain in full force and effect.

16. EFFECTIVE DATE

This ordinance shall take effect on Aug 10, 1994.

The contents of this ordinance shall be published immediately.