

Chapter 146

NOISE

§ 146-1. Purpose.

§ 146-4. Penalties for offenses.

§ 146-2. Restrictions on certain noises.

§ 146-5. Repealer.

§ 146-3. Enumeration of violations.

[HISTORY: Adopted by the Board of Trustees of the Village of Briarcliff Manor 11-4-1993 by L.L. No. 1-1993. Amendments noted where applicable.]

§ 146-1. Purpose.

This chapter shall be deemed an exercise of the police power of the State of New York and of the Village of Briarcliff Manor for the protection of the economic and social welfare, health and peace of the people of the Village of Briarcliff Manor, and all its provisions shall be construed for the accomplishment of that purpose.

§ 146-2. Restrictions on certain noises.

It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the Village of Briarcliff Manor, New York.

§ 146-3. Enumeration of violations.

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

- A. The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle except as a warning signal pursuant to the provisions of the Vehicle and Traffic Law of the State of New York.
- B. Playing, using, operating, or permitting to be played, used or operated any radio, television, tape/CD player, musical instrument or instruments, or other machine or device for the production or reproduction of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time louder than 65 decibels when the sound level meter is located at a point not nearer than the property line nearest to the sound source. The operation of any of the above devices between the hours of 11:00 p.m. and 8:00 a.m. in such manner as to be plainly audible on adjacent property shall be prima facie evidence of a violation of this section.
- C. The keeping or harboring of any animal, fowl or bird which by causing frequent or long-continued noise shall disturb the comfort or repose of any person residing in the vicinity.

- D. The blowing of any 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, air compressor or motor vehicle engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- F. The operation of power lawnmowers, rakers or leaf blowers, or other motor driven lawn or garden equipment between the hours of 8:00 p.m. and 9:00 a.m. prevailing time.
- G. Construction work, including but not limited to building, repairing, grading, leveling and excavating, which by causing frequent or long-continued noise shall disturb the comfort or repose of any person residing in the vicinity, at any time other than the following permitted hours: Monday through Friday, between the hours of 8:00 a.m. and 7:00 p.m. prevailing time; Saturday, between the hours of 8:30 a.m. and 5:30 p.m. prevailing time. There shall be no construction work permitted on Sundays and federal holidays. [Amended 6-15-2006 by L.L. No. 7-2006]
- H. Blasting and rock drilling, where permitted by law, between the hours of 5:00 p.m. and 9:00 a.m. prevailing time, on weekdays and all 24 hours on Saturdays, Sundays and federal holidays. [Amended 1-16-2003 by L.L. No. 1-2003]
- I. The discharge of firearms, where permitted by law, between the hours of 6:00 p.m. and 10:00 a.m. prevailing time.
- J. Playing, using, operating, or permitting to be played, used or operated, any radio, tape/CD player, musical instrument, loudspeaker, sound amplifier, or other machine or device for the production or reproduction of sound which is cast upon the public streets or other public places for advertising, soliciting, campaigning or sales purposes.
- K. The use of any drum, bell, loudspeaker or other instrument or device for the purpose of attracting attention to any solicitation, performance, show or sale or display of merchandise by the creation of noise, excepting bells sounded by licensed mobile vendors, provided that the sound thereof is not audible more than 300 feet from said vehicle.

§ 146-4. Penalties for offenses. [Amended 1-16-2003 by L.L. No. 1-2003]

Any person violating any provision of this chapter shall upon conviction be punished by a fine of not more than \$250. Each day that a violation shall continue shall constitute a separate offense.

§ 146-5. Repealer.

Ordinance No. 171, previously enacted on September 10, 1970, and Local Law No. 2-1987, previously enacted on September 3, 1987, are hereby repealed.