

ORDINANCE #22

ADOPTED: MAY 7, 1969
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PUBLISHED: MAY 13, 1994

ADOPTED: MAY 7, 1996
PUBLISHED: MAY 22, 1996

AN ORDINANCE REGULATING NOISE SOURCES
IN THE TOWN OF BOLTON

Be it Enacted and Ordained by the Town Board of the Town of Bolton, Warren County, New York, as follows:

SECTION 1

Definitions: The word "person" as used in this ordinance shall mean and include one or more persons of either sex, association of persons, partnership, corporation, society, club, firm or company and all other entities of any kind capable of being sued.

The term "Commercial Activity" as used in this ordinance shall mean any activity involving the sale or rental or distribution of goods, services or commodities, either retail or wholesale.

SECTION 2

Exemptions. The provisions of this ordinance shall not apply to any religious, charitable, educational, veteran or service organization or to any governmental corporation or district, and shall not apply to occasions of public observances or in the preparation therefor.

SECTION 3

It shall be unlawful for any person to make, or cause to be made any unreasonable loud or disturbing noise, which is of a character, intensity or duration as to be detrimental to peace, health, welfare, morals or good order of the Town of Bolton and this prohibition includes, but is not limited to, the sounding of a bell or gong, blowing of a horn or whistle, playing of a musical instrument, radio, record player, public address system or any other mechanical or electronic device of any kind whatsoever upon any street, body of water or any public place, or in close proximity thereto, so that the sound therefrom is cast directly or indirectly upon or over such street, body of water or public place and can be heard by travelers thereon or persons in neighboring premises.

SECTION 4

Standards for unreasonable noise. Standards which may be considered in determining whether a violation of this ordinance exists may include, but not be limited to, the following:

- A) The level or volume of the noise;
- B) The time of day or night the noise occurs;
- C) The duration of the noise;
- D) Whether the noise is recurrent, intermittent or constant;
- E) Whether the making of the noise is reasonably necessary for the protection or preservation of property or of the health, safety and welfare of a person or persons;
- F) Whether the noise is reasonably necessary for temporary building or construction operations;
- G) Whether reasonable methods are available for deadening or muffling the noise;
- H) The proximity of the noise to residential property or property customarily used by persons for sleeping;
- I) The proximity of the noise to hospitals;
- J) The proximity of the noise to schools during school hours.

SECTION 5

It shall be unlawful for any person, between the hours of 10 P.M. to 9 A.M. on Sunday and between the hours of 10 P.M. to 7 A.M. on all other days, to conduct any construction, building, or any other similar operations requiring the use of any equipment attended by unreasonable, loud, unusual or disturbing noise, unless permission therefore in writing has first been obtained from the Town Board, or the making thereof be for the protection of property in an emergency situation, or for the preservation of the health, welfare and morals of the Towns.

SECTION 6

Sound reproduction systems. A) The operating, playing or permitting the operation or playing outside of any structure of any radio, stereo, television, phonograph device, musical instrument or similar devices that reproduces or amplifies sound in conjunction with a commercial activity between the hours of 10:00 P.M. and 9:00 A.M. shall be prohibited except for special events and only upon the granting of a **Sound Reproduction Permit**.

B) The operating, playing or permitting the operation or playing outside of any structure of any radio, stereo, television, phonograph device, musical instrument or similar devices that reproduces or amplifies sound between the hours of 9:00 A.M. and 10:00 P.M. shall be permitted but only upon the granting of a permit as provided for in Section 7 herein.

Section 7

Sound Reproduction Permits.

- A) Any person who owns or operates any noise source involving the amplification of sound between the hours of 9:00 A.M. and 10:00 P.M. may apply annually to the Town Board for a permit which shall authorize and regulate the same. In addition, any person who owns or operates any noise source in conjunction with a commercial activity involving the amplification of sound between the hours of 10:00 P.M. and 9:00 A.M. may apply to the Town Board for a Sound Reproduction Permit for a special event which shall authorize and regulate the same. Applications for a permit shall include the following information:
- 1) The nature and location of the noise source for which such application is made;
 - 2) The length or duration of the amplified noise;
 - 3) The hours during which the applicant desires to produce any noise source involving the amplification of sound
 - 4) A statement setting forth the specific noise control measures which shall be employed by the applicant.
 - 5) A statement setting forth the impact, if any that such activity shall have upon the residents and properties within the vicinity of the use
 - 6) The names and addresses of all residents within 500 feet of the noise source
- B) Upon the receipt of an application of a Sound Reproduction Permit application, which shall be filed with the Town Clerk, the Town Board shall determine the completeness of the application and may request of the applicant such additional information as in the Town Board's discretion is deemed necessary and appropriate.
- C) The Town Board shall either approve, approve with conditions or disapprove the permit application
- D) In order to approve the permit application, the Town Board shall determine that:
- 1) The use would be in harmony with the general purpose and intent of this ordinance, specifically taking into account the location, nature and duration of the proposed amplified noise source
 - 2) The approval of the application would not create public hazards from traffic, traffic congestion or be otherwise detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to the property and improvements in the neighborhood or the general welfare of the town.

- E) In approving a permit application, the Town Board may impose such reasonable conditions as the Board may deem just and proper so as to protect the general health, safety and welfare of the residents of the town.
- F) Revocation of Sound Reproduction Permit:
- 1) The Town Board hereby grants to any two Town Board members acting jointly or any law enforcement official or officer, the administrative responsibility of immediately terminating a sound reproduction permit by posting a notice upon the premises wherein the violation has occurred.
 - 2) Whenever any two Town Board members acting jointly, or law enforcement official or officer has reasonable grounds to believe that amplified sound is being produced in violation of a permit or the conditions thereof, he shall notify the owner of the property, or the owners agent, to terminate all amplified sound from the property until the order of termination has been rescinded.
 - 3) Relief from Order of termination: If all of the provisions of this ordinance are met, together with the conditions of any permit, then the Town Board may rescind any termination order.

SECTION 8

A violation of any order of termination shall be an offense punishable upon conviction by a fine of not less than \$250 and not more than \$1000.00. A violation of any other provision of this ordinance shall be an offense punishable upon conviction by a fine not to exceed \$250.00.

SECTION 9

This ordinance shall take effect immediately.