

ORDINANCE REGULATING NOISE IN THE TOWN OF ROMULUS

Pursuant to Section 130 (11) of the Town Law of the State of New York the Town Board of the Township of Romulus, Seneca County, New York, does ordain and enact as follows:

ARTICLE I

GENERAL PROVISIONS

Section 1. Title

This Ordinance shall be known and may be cited as the “Town of Romulus Noise Ordinance.”

Section 2. Purpose

The purpose of this Ordinance is to prevent the making, creation or maintenance of excessive, unnecessary, unnatural or unusually loud noises, which are prolonged, unusual and unnatural in their time, place and use and which are a detriment to public health, peace, welfare or good order.

Section 3. Applicability

This Ordinance shall apply to all areas in the Township of Romulus.

Section 4. Nighttime Hours

Nighttime hours shall be the hours between 10 PM and 7 AM.

Section 5. Definitions

Ambient Noise: The background average noise level within an area, exclusive of extraneous sounds.

Agricultural/Industrial Operations: The production, fabrication, and storage of man-made goods; the production, transformation of energy in all forms; the use of equipment in farming operations. This includes Farm Breweries, Farm Cideries, Farm Distilleries and Farm Wineries as defined by New York State Alcohol Beverage Control Law.

Section 5. **Definitions (continued)**

Real Property Boundary: An imaginary line exterior to any structure along the ground surface which separates the real property owned by one party from that owned by another party, and vertical extension of such a line.

Receiving Land: The property line of the real property where the sound is being heard and where appropriate level restrictions apply.

Special Events: Limited engagement of music or entertainment such as concerts, weddings or reunions, including charitable events.

Unnecessary or Unreasonable Noise: Any excessively loud or intense sound of a prolonged duration (30 minutes or more) emanating from another party's property.

Section 6: **Restricted Uses**

It shall be unlawful for any person in the Town of Romulus to use or operate any radio or receiving set, musical instrument (including drums), phonograph, television set, or other machine or device for the producing or reproducing of sound that is defined in this ordinance as unreasonable noise.

A. Schools, hospitals and churches:

It shall be unlawful for any person to create any noise on any street, sidewalk, or public place adjacent to any school, institution of learning, or church while the same is in use or adjacent to any hospital, which noise unreasonably interferes with the workings of such institution or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such street, sidewalk or public place indicating the presence of a school, church or hospital.

B. Construction of buildings and projects:

It shall be unlawful for any person to operate equipment or perform any outside construction or repair work on buildings, structures, or projects or to operate any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or other construction type device except to perform emergency work between the hours of 10:00 P.M. of one day and 7:00 A.M. of the next day, with the exception of Sundays in which no work is to commence before 9:00 A.M., in such a manner in which either annoys, disturbs or endangers the comfort, repose, health, peace or safety of one or more individuals of normal sensitivity.

C. Vehicle Repair:

It shall be unlawful for any person to repair, rebuild, or test any motor vehicle between the hours of 10:00 P.M. of one day and 7:00 A.M. of the next day, with the exception of Sundays in which no work is to commence before 9:00 A.M. in such a manner which either annoys, disturbs or endangers the comfort, repose, health, peace or safety of one or more individuals of normal sensitivity residing in the immediate area.

D. Lawn Care Machinery:

It shall be unlawful for any person to operate motorized lawn care equipment, to include lawnmowers, chippers, hedge trimmers, and the like, between the hours of 10:00 P.M. of one day and 7:00 A.M. of the next day, with the exception of Sundays in which no work is to commence before 9:00 A.M. in such a manner which either annoys, disturbs, or endangers the comfort, repose, health, peace or safety of one or more individuals of normal sensitivity.

E. Special Event Hours

Special event hours shall not be before 8:00 AM and shall not be after 9:00 PM Sunday to Thursday and shall not be before 8:00 AM and shall not be after 10:00 PM Friday and Saturday.

Section 7. **Exemptions**

Normal government and municipal operations are exempt from this ordinance.

Unreasonably loud, unnecessary or unusual noise shall not include: Noise of safety, warning, or emergency devices or signals, or any noise for which a license or permit therefore has been granted in accordance with the Town of Romulus Municipal Code of Ordinances.

There shall be excepted from compliance with this chapter all vehicles and machinery used in farm operations, including vehicles used for delivery of produce, equipment or inventory; vehicles and equipment operated by employees of the State of New York or Seneca County and contractors of the State of New York or Seneca County or private contractors conducting business such as snow removal or highway mowing.

Section 8. **Filing of Complaints**

Any person who observes a person in violation of any acts prohibited by this Ordinance is encouraged to contact the Seneca County Sheriff's Office, **local law enforcement officials or the Code Enforcement Officer** at the time of the offense. In addition, the complainant may file a written signed complaint with the Sheriff's Department, specifying the objectionable conduct of the person, the date thereof, the acts constituting violation of this law, and including the place or places where such conduct occurred and the name and residence, if known.

Section 9. **Penalty**

Any person who shall violate the provisions of this Ordinance shall be punishable as follows:

For the first violation the violator shall be subject to a fine of up to Two Hundred Fifty Dollars (\$250.00) or imprisonment not to exceed fifteen (15) days, or both. In the event a person is found to be violating this Ordinance more than once within any five year period, a violator shall be subject to a fine of up to Five Hundred Dollars (\$500.00) or imprisonment not to exceed thirty (30) days, or both. With respect to continuous emissions of sound, each day of such emission shall constitute a separate violation.

The owner of any real property from which sounds prohibited by this Ordinance emanate shall be guilty of a violation of this Ordinance, whether or not such owner was on the premises or occupied the premises when the prescribed sounds emanated from same.

Authority: Town Law #130 (11)

HISTORICAL NOTE

This Chapter was adopted by Local Law #1 of the year 1974 on September 24, 1974 and was filed in the office of the Secretary of State, October 1, 1974, effective immediately.

Cross-Reference:

Peddlers and Solicitors, noisy outcries, ect. #17.14 (E) v

References:

Disorderly conduct. Penal L # 240.20.

Loud and raucous noises prohibited, constitutionality upheld.

Kovacs vs. Cooper 366 US 77.

DRAFT #6.1 (4/6/2017)

(Changes to Draft #6 are highlighted in yellow.)

(Phrase, “No outside music after hours” under section regarding Special Events was taken out in version 6.1)

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