

Chapter _____

NOISE ORDINANCE OF THE TOWN OF POUND RIDGE, NEW YORK

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Section 1. Short Title

This Article shall be known as the “Town of Pound Ridge Noise Control Law.”

Section 2. Statement of Policy

It is hereby declared to be the policy of the Town of Pound Ridge to safeguard the rights of its residents within the privacy of their homes to be free from intrusive and unwanted sounds. Problems concerning disturbance of peace and quiet by noise from various activities are best solved by thoughtful discussions and cooperative agreements between neighbors or other affected parties. However, to resolve remaining problems of noise, which is disturbing to others, it is the policy of the Town of Pound Ridge to establish standards, enforcement procedures and penalties.

Section 3. Definitions

COMMERCIAL ACTIVITY—Any work or activity associated with the normal exterior maintenance or repair of a property, performed by a third party contractor, that is not regulated by the Town of Pound Ridge Building Department.

COMMERCIAL OPERATOR-Anyone engaged in a COMMERCIAL ACTIVITY.

HOLIDAYS—New Year’s Day, Dr. Martin Luther King Birthday, Presidents Day, Columbus Day, Veteran’s Day, Memorial Day, Independence Day, Labor Day, Yom Kippur, Thanksgiving Day and Christmas Day.

NON-COMMERCIAL ACTIVITY—Any work or activity associated with the normal exterior maintenance or repair of a property, performed by an individual homeowner and family, that is not regulated by the Pound Ridge Building Department.

BUILDING DEPARTMENT—The Building Department of the Town of Pound Ridge.

POLICE OFFICIAL—Any sworn member of the Town of Pound Ridge Police Department, any member of the New York State Police, or any other official who possesses the powers of a police officer, as defined in the Criminal Procedure Law, whose geographical area of employment includes the Town of Pound Ridge, Westchester County, New York.

Section 4 Prohibited Commercial Activities of Landscaping, Gardening and Construction Operations:

During the hours of 6:00 p.m. to 8:00 a.m. Monday thru Saturday, from 6:00pm on Saturday until 8:00am on Monday and on all Holidays (as defined herein), it shall be unlawful for a Commercial Operator to:

- A. Operate, cause to be operated, or permit the operation of a leaf blower, chain saw, lawnmower or other gardening or landscaping equipment, which is powered by electricity, rechargeable battery or combustion engine.
- B. Operate, cause to be operated or permit the operation of any equipment, machinery, tool or any other device used in construction, building, grading, blasting, excavation, or tree removal, that makes a noise or sound which is audible beyond the property line on which it is located.

Section 5—Specific Limits; Responsibility of owner or lessee or possessor

It shall be unlawful for the owner, lessee or person having possession and control of any property to:

- A. Permit such noise activities as defined in Section 4 thereon.
- B. Engage in or to conduct themselves in such a manner so as to disturb the peace of the neighborhood. A specific prohibition is continuous noise in excess of 45dbA at the property line for thirty minutes or more between the hours of 11:00PM to 7:00AM.
- C. Engage in a continuous course of conduct that makes, causes to be made or permits the making of, any unnecessary or unreasonable noise or sound which annoys, injures or endangers the comfort, repose, health, safety, or welfare of a reasonable person of normal sensitivities.
- D. Operate, cause to be operated or permit the operation of any instrument, device, loudspeaker, public-address system, horn, sound truck, on-site recreational or entertainment activities or other sound amplification device (not including a burglar alarm or vehicular alarm), the noise or sound from which annoys, injures or endangers the comfort, repose, health, safety or welfare of a reasonable person of normal sensitivities.

Section 6---Exemptions

- A. Use of snow blowers, chain saws, generators, and other domestic tools and equipment are exempted from the limits of this ordinance when they are being used to clear driveways, streets or walkways during and within twenty-four (24) hours after a power outage, weather event, snowfall, windstorm rainstorms, ice storms, or similar emergencies.
- B. Nothing in this Article shall be construed to prevent the production of music in connection with any military or civic parade, funeral procession, or religious service
- C. This Article shall not be construed to prohibit the use of any organ, bell, chimes, or any other similar instrument or device by any church, synagogue or school on or within its own premises in connection with religious rites or ceremonies of such church or synagogue or in connection with a school education program.
- D. Sounds created by any governmental agency by the use of public warning devices are exempted from the limitations of this Article.
- E. Sounds created by public utilities in carrying out the operations of their franchise are exempted from the limitations of this Article
- F. Sounds connected with activities and equipment of the Town of Pound Ridge are exempt from the limitations of this Article.
- G. Sounds created by contractors in the performance of public duties and operating under government direction are exempt from the limitations of this Article

Section 7 -- Town Board authorized to suspend provisions

- A. The Town Board of the Town of Pound Ridge is hereby authorized, by resolution, to suspend any of the provisions of this chapter in connection with any holiday celebration or upon any occasion of special public interest for such time and upon such conditions as shall be prescribed by the Town Board.
- B. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this chapter, the Town Board, based on information provided after review by the planning board and/or zoning board and/or Building Inspector, shall have the power to grant a temporary variance to the owners of properties with non-residential use. The granting of this variance will be in harmony with the general purposes and intent of this chapter, will not be injurious to the community or any neighborhood or otherwise detrimental to public health and safety. The owner of said property must demonstrate good and sufficient cause for the granting of such variance. The Town Board will retain continuing jurisdiction over said variance and shall have the power to review, modify, rehear, reverse or annul, for good cause, any order, resolution, decision, or determination made with respect to such variance.
- C. Special Permits granted by the Town Board that include provisions regulating construction or maintenance operations shall supercede this ordinance.

Section 8 Enforcement Official

The provisions of this Article shall be enforced by the Police Department of the Town of Pound Ridge or any other police official as defined in this chapter.

Section 9 Penalties for offenses

Any violation of any provisions of this chapter by any person, firm or corporation shall be an offense and shall be punishable as follows:

- A. First offense conviction—issuance of a warning citation. ~~a fine of no less than \$100 and not exceeding \$250~~
- B. For a second offense within one year of the issuance of a warning citation- a fine of no less than \$100 and not exceeding \$250.
- C. For a third offense within one year of a prior conviction or any subsequent convictions within one year of a prior conviction- a fine of not less than \$250 and not exceeding \$1,000.
- D. The foregoing provisions for enforcement of the regulations of this chapter are not exclusive, but are in addition to any and all laws applicable thereto.

Section 10. Severability

If any clause, paragraph, section or part of this Article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Article but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the litigation in which such judgment shall have been rendered.

Section 11---Related Ordinances

The provisions of this ordinance are not intended to interfere with or supersede those regulations, requirements, restrictions or conditions of other permits or ordinances in the Town of Pound Ridge. These include:

- A. Building Permits, issued by the Building Department, which regulate construction activities.
- B. The Restaurant/Cabaret Section of the Town Code, which says that music has to stop at midnight, in the Business District.
- C. Refuse Pick-up Section of the Town Code, which says that pick-ups have to be done between 7am and 7pm.
- D. Site Plan or Special Permit Conditions approved by the Planning Board or Town Board when said review includes one or more public hearings.

Section 12. When effective

This chapter shall take effect upon proper filing with the Secretary of State.