

# DRAFT

## Chapter 75 Noise

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§ 75-1 Title

The title to the chapter shall be known as the "Town of Pound Ridge Noise Control Law."

§ 75-2 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.

§ 75-3 Definitions.

**BUILDING DEPARTMENT**

The Building Department of the Town of Pound Ridge.

**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, Veterans Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Yom Kippur, Thanksgiving Day and Christmas Day.

**NONCOMMERCIAL 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.

**PERSON**

Any individual, corporation, company, association, society, firm partnership or joint stock company

**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 geographic area of employment includes the Town of Pound Ridge, Westchester County, New York.

**INTERNAL COMBUSTION LEAF BLOWER**

Any device powered by a gasoline, diesel or similar fuel engine which is used, designed, or operated to produce a current of air for the purpose of pushing, propelling or blowing leaves, dirt, gardening and grass clippings and cuttings, refuse or debris, whether portable and carried, or walked behind, or attached to a tractor or similar machine.

§ 75-4 Prohibited commercial activities.

During the hours of 6:00 p.m. to 8:00 a.m., Monday through Saturday; from 6:00 p.m. on Saturday until 8:00 a.m. 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.

§ 75-5 Specific limits; responsibility of owner or lessee or possessor.

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

A.

Permit such noise activities as defined in § 75-4 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 45 dBa at the property line for 30 minutes or more between the hours of 11:00 p.m. to 7:00 a.m.

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.

#### §75-X. Internal Combustion Leaf Blowers Leafblowers

A.

No person shall operate an internal combustion leaf blower after December 15, 2024.

B.

Prior their absolute prohibition after December 15, 2024, the operation of internal combustion leaf blowers may only be used during the periods March 15 through May 14 and October 15 through December 15.

C.

Operating Hours: No person shall operate any leaf blower between the hours of 6:00 p.m. and 8:00 a.m. on weekdays, and between the hours of 6:00 p.m. and 10:00 a.m. on Saturday, Sundays and holidays.

§ 75-6 Exemptions.

A.

The use of snowblowers, chain saws, generators, and other domestic tools and equipment is exempted from the limits of this chapter when they are being used to clear driveways, streets or walkways during and within 24 hours after the cessation of a power outage, weather event or similar emergencies.

B.

Nothing in this chapter shall be construed to prevent the production of music in connection with any military or civic parade, funeral procession, or religious service.

C.

This chapter 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 chapter.

E.

Sounds created by public utilities in carrying out the operations of their franchise are exempted from the limitations of this chapter.

F.

Sounds connected with activities and equipment of the Town of Pound Ridge are exempt from the limitations of this chapter with the exception of internal combustion leaf blowers as stipulated in Section 75-X

H

G.

Sounds created by contractors in the performance of public duties and operating under government direction are exempt from the limitations of this chapter.

H. The restrictions and limitations set forth in Section 75-X shall not apply:

- i. To any operating eighteen-hole golf courses in the Town of Pound Ridge
- ii. During times of emergency as determined by executive order of the Town Supervisor, provided the use of such equipment which is non-compliant with this Chapter is deemed necessary by the Supervisor or other emergency response official to address the emergency adequately and expeditiously.
- iii. Additionally, the Supervisor or his or her designee, may, in his or her discretion and upon application, grant a temporary permit to allow the operation of one or more gas-

powered leaf blowers to accommodate a special circumstance. By way of illustration, a "special circumstance" includes, among other things, the remediation of an abandoned or neglected property, the cleanup of streets and roadways following a severe storm or any emergency situation which presents an immediate danger to public health and safety.