

LOCAL LAW NO. 6 of the Year 1985

"A Local Law to Regulate the Making of Excessive Noise Within the Incorporated Village of Old Brookville Detrimental to the Public Health, Safety and Welfare of said Village and its Inhabitants".

ARTICLE VII

§ 65.72 Regulation of Noise

A. It is found and declared that:

1. The making, creating or maintaining of noises which are loud, intermittent, prolonged, unusual or unnatural, in their time, place or use, adversely affects and is detrimental to public health, comfort, convenience, safety, welfare and constitutes a disturbance to the peace and repose of the residents of the Village.

2. The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted, is declared a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, safety, welfare and peace and quiet of the Village and its inhabitants.

B. No person shall make or cause to be made or continued, nor shall any owner, lessee or occupant of any land in the Village permit to be made or continued on his premises, any loud, unnecessary, unusual or annoying, intermittent or prolonged noise or any noise which either annoys, destroys, injures or endangers the comfort, repose, health, peace or safety of others within the Village.

C. The following acts, without limiting the provisions of Subsection B, are expressly declared to be noises in violation of this Article.

1. Horns, signaling devices, etc. The sounding of any horns or signaling devices on any automobile, motorcycle or other vehicle except as a danger signal or warning signal; the creation by means of any such signaling device of any unreasonable or harsh sound; and the sounding of any such device for an unnecessary or intermittent or unreasonable length of time.

2. Loud speakers, amplifiers for advertising or broadcasting. The using, operating or permitting to be played, used or operated of any radio or television set, musical instrument, phonograph, loud speaker, sound amplifier or other machines or devices for the producing or reproducing of sound which is cast upon private property from the public streets or other public places for the purpose of advertising or broadcasting, unless a permit therefor shall have been issued by the Board of Trustees.

3. Unnecessary amplification. The using, operating or permitting to be used or operated of any radio, television set, phonograph, loud speaker, sound amplifier or other machines or devices for the producing or reproducing of sound at a volume level sufficient to cause the sound produced or reproduced to be audible at a point twenty-five feet beyond the lot line of the property on which the sound is produced or reproduced.

4. Animals. The keeping of any animals which by causing frequent or long continued noise shall disturb the comfort or repose of any person or persons in the vicinity.

5. Exhausts. The discharge into the open air of the exhaust of any internal combustion engine, except through a muffler or other device which will effectively prevent loud or explosive noises emanating therefrom.

6. Noise making devices.

(a) The using, operating, discharging or causing to be used, operated or discharged, including the installation of any noise making device of any design or manufacture, which in its use, or if used, will disturb or tend to disturb the peace, comfort, repose, health or safety of another, or scare, frighten or disturb a domestic animal of another or wildlife.

(b) The using, operating, discharging or causing to be used, operated or discharged of any noise making device of any design or manufacture, with the intent to endanger or disturb the peace, comfort or repose, health or safety of another or to scare or frighten or disturb a domestic animal of another or wild life.

(c) The foregoing provisions of subparagraphs "(a)" and "(b)" of this Paragraph 6 shall not apply to those noise making devices utilized on occasion by farmers to protect their crops against destruction by certain birds, provided that the operator thereof obtain any license therefor required by any competent authority having jurisdiction over said devices.

⑦ Construction and operation of machinery. The construction, demolition, alteration or repair of any building (Except interior alterations or repairs to a building which is entirely enclosed) and the operation of tractors, excluding farmer's, earth moving machinery on Saturdays, Sundays, Legal Holidays and between the hours of 5:00 P.M. and 8:00 A.M. prevailing time on Mondays through Fridays, inclusive, except in cases of urgent emergency in the interest of health and safety, and then only when a permit shall be issued by the Building Inspector for the period of such emergency.

8. The operation of gasoline or diesel powered or gasoline or diesel tractor drawn lawnmowers, leaf blowing or vacuum machines, lawn or sidewalk edging machines, rototillers, chain saws, log

splitters, wood chipping machines, truck borne spraying equipment shall be prohibited between the hours of 5:00 P.M. Sunday through 8:00 A.M. Monday, and for such period every succeeding day inclusive of Saturday, and also from 5:00 P.M. Saturday through 9:00 A.M. Sunday, prevailing time, except in cases of urgent emergency in the interest of health and safety, and then for only such time as such emergency shall exist.

D. Upon Receipt of a Complaint:

1. Upon receipt of a complaint, the Police Department shall conduct an investigation to determine if any noise violates the provisions of this Article. If the Police Department determines there is a violation it may, in lieu of issuing an appearance ticket, provide one warning to the violator to cease and desist from continuing such noises.

2. The penalty for any first violation of this Section 65.72 shall be a fine not exceeding \$250.00. The penalty for any succeeding violation shall be a fine not exceeding \$500.00 per conviction. The observation of the operation of any of the specifically enumerated machinery or equipment set forth in the above paragraphs shall constitute prima facie evidence of violation of those sections.