

Chapter 109

NOISE

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[HISTORY: Adopted by the Town Board of the Town of Patterson 4-13-05 by L.L. No. 4-2005. (readopted 4-13-2005 by L.L. No. 9-2005) Amendments noted where applicable.]

GENERAL REFERENCES

Public assemblies - See Ch. 51
Bingo - See Ch. 55
Entertainment establishments - See Ch. 84.
Games of chance - See Ch. 94.
Peddling and soliciting - See Ch. 121.

§ 109-1. Title.

This chapter shall be known as the “Town of Patterson Noise Control Law.”

§ 109-2. Declaration of policy.

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

§ 109-3. Definitions.

As used in this Article, the terms and phrases shall mean:

DECIBEL(dB) - A unit for measuring the volume of sound, equal to twenty (20) times the logarithm to the base 10 of the ratio of the sound pressure of the measured sound to a standard pressure of twenty (20) micronewtons per square meter.

HOLIDAYS - New Year's Day; Dr. Martin Luther King, Jr., Birthday; President's Day; Columbus Day; Election Day; Veteran's Day; Presidents Day; Memorial Day; Independence Day; Labor Day; Yom Kippur; Thanksgiving Day and Christmas and Easter.

OFF-ROAD MOTOR VEHICLES - Motorized vehicles, whether licensed or unlicensed, including but not limited to snowmobiles, motorcycles, motorized bicycles, mopeds, minicycles or minibikes, trail bicycles or trail bikes, go karts, all-terrain vehicles and all motor vehicles normally manufactured for use or operation off public highways.

SOUND LEVEL - The sound-pressure level measured in decibels with a sound-level meter set to a weighting expressed in dB(a).

SOUND LEVEL METER, DEVICE OR APPARATUS - An instrument for the measurement of sound levels which conforms to Type 1 or Type 2 standards under ANSI Specification S1.4-1971 or the latest approved revision thereof.

SOUND REPRODUCTION DEVICE - Any electronic or electrical device that is used for the production of sound, including but not limited to any loudspeaker, radio, television, tape recorder, phonograph or any other sound-amplifying equipment.

ZONING DISTRICT - Any zone as defined in Chapter 154, Zoning.

§ 109-4. Prohibited acts; measurement.

A. No person shall operate or permit to be operated in the Town of Patterson any sound source that produces a sound level exceeding the limitations in this chapter.

B. The measurement of any sound or noise shall be made with a sound-level meter using the A-weighted scale and slow response, except for sounds or noises which occur in single or multiple bursts with a duration of less than one (1) second, for which fast response shall be used. The sound level determination or measurement shall be conducted not nearer to the sound source than the closest property line of the parcel on which such noise is generated. When the determination or measurement is made for a dwelling unit of a multi-dwelling-unit building as the receiving property, all exterior doors and windows of the dwelling unit shall be closed and the determination or measurement shall be taken in the center of a room.

§109-5. Regulated Activities; responsibility of owner or lessee.

A. Noise produced by an act or activities, including the use of off-road motor vehicles, on properties within any residential or nonresidential zoning district within the Town of Patterson shall not exceed sixty-five (65) dB(A) between 7:00 a.m. and 8:00 p.m. prevailing time on weekdays, including Saturday or forty-five (45) dB(A) during the hours of 8:00 p.m. to 7:00 a.m. weekdays, all day Sunday and on Holidays.

B. It shall additionally be unlawful for the owner, lessee or person having possession and control of any property to permit such noise-producing activities thereon.

C. In addition to Subsections A and B above, Any building or construction activity, including the clearing and removal of trees or other site preparation work which is audible outside of a building or structure is prohibited on holidays and between the hours of 8:00 p.m to 7:00 a.m.

D. Blasting shall not be permitted on Saturday, Sunday and holidays.

E. Noise produced on any day, by an act or activities exceeding forty-five (45) dB(A) which occurs chronically, or over an unusually long period of time, such that it causes an unpleasant environment for the adjacent property owners.

§ 109-6. Exemptions.

The following sounds shall not be deemed to be a violation of this Article:

A. Sounds created by church bells or chimes.

B. Sounds created by any government agency by the use of public warning devices.

C. Sounds created by lawnmowers with working engine mufflers in use between the hours of

8:00 a.m. and 9:00 p.m., prevailing time, weekdays and Saturdays, and between 10:00 a.m. and 8:00 p.m., prevailing time, Sundays and Holidays.

D. Sounds created by public utilities in carrying out the operations to restore interrupted service..

E. Sounds created by the use of snow blowers, chain saws and other domestic tools and equipment when there are being used to clear driveways, streets or walkways during and within twenty-four (24) hours after snowfalls, rain storms, ice storms, wind storms or similar conditions which warrant emergency maintenance or repairs to be made.

F. Sounds created in farming operations as defined by Agriculture and Markets Law.

G. Sounds connected with activities and equipment of the Town of Patterson.

§ 109-7. Construal of provisions.

The provisions of this Chapter shall in no case remove, or render less restrictive, limitations on noise generation or other conditions imposed for specific properties by actions of the Patterson Zoning Board of Appeals or by actions of the Patterson Planning Board or required under other applicable laws or regulations.

§ 109-8. Enforcement

The provisions of the Chapter shall be enforced by the Code Enforcement Officer or the Code Compliance Officer.

§ 109-9. Penalties for offenses.

A. Any person or persons, associations, firm or corporation who shall violate any of the provisions of this Article shall be guilty of an offense and shall be punishable by a fine of not more than two hundred fifty dollars (\$250.) or imprisonment for not more than fifteen (15) days, or both. Each day shall constitute a separate offense, punishable by a like fine or penalty as herein set forth.

B. Notwithstanding the penalties herein above provided, the Town Board of the Town of Patterson may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of any provision of this Chapter.

C. The foregoing provisions for enforcement of the regulations in this Chapter are not exclusive, but are in addition to any and all laws applicable thereto.

§ 109-10. Severability.

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

§ 109-11. Repealer.

Existing Chapter 117, Article II of the Patterson Town Code is hereby repealed and is hereby replaced with Chapter 109 entitled "Noise".