

LOCAL LAW 3 of 2017

Village of New Berlin, County of Chenango

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Adopted, Village of New Berlin Board, September 12, 2017 as Local Law 3 of 2017.

Be it enacted by the Village Board of the Village of New Berlin, New York as follows:

1 Declaration of Policy - Legislative Intent

The making and creating of disturbing, excessive or offensive noises within the jurisdictional limits of the Village of New Berlin is a condition which has persisted and the level and frequency of occurrences of such noises continues to increase. It is hereby declared to be the policy of the Board of Trustees of the Village of New Berlin to prevent any unreasonable, loud, disturbing and unnecessary noise. These noise levels are a detriment to the public health, comfort, convenience, safety and welfare of the residents of the Village of New Berlin. Every resident is entitled to an environment in which disturbing, excessive or offensive noise is not detrimental to his or her life, health or enjoyment of their property. The law is to be construed liberally but it is not intended to be construed so as to discourage the enjoyment by residents of normal, reasonable and usual activities.

2 Definitions

For the purpose of this chapter, the terms used herein are defined as follows:

Person: Any individual, firm, association or corporation, whether such person is the owner, lessee or charter member, its servants, agents or employees and/or their guests.

Sound Device or Apparatus: Any radio device or apparatus or any device or apparatus for the amplification of sounds from any radio, phonograph or other sound making or sound producing device or any device or apparatus for the reproduction or amplification of the human voice or other sounds.

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2 Definitions (continued)

To Use or Operate Any Sound Device or Apparatus In, On, Near or Adjacent to Any Public Street, Park or Place: To use or operate or cause to be used or operated any sound device or apparatus in front of or outside any building, place or premises or in or through any window, doorway or opening of such building, place or premises abutting on or adjacent to any public street, park or place where the sounds there from may be heard upon any public street, park or place or from any stand, platform or other structure or from any airplane or other device used for flying, flying over the Village or in any boat or on the waters within the jurisdiction of the Village or anywhere on or in the public streets, parks or places.

Unnecessary: That which is not required by usual circumstances.

Usual: The normal noise range for a particular type of vehicle or mechanism.

3 Prohibited Noises:

- A: No person with the intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof shall cause, suffer, allow or permit to be made unreasonable noise. For the purpose of this law, unreasonable noise is any disturbing, excessive or offensive sound that disturbs a reasonable person of normal sensitivities.
- B. The following acts among others by any person are declared to be prima facie; evidence of a violation of this law. This enumeration shall not be deemed Exclusive.
1. Any unnecessary noise from any sources which are of such character, intensity and duration as to be detrimental to the life or health of any individual or contrary to public welfare especially between the hours of 10:00 p.m. and 7:00 a.m. the following day.
 2. Noise from a dog or other pet/animal that is continuously disturbing the comfort and repose of any person in the vicinity and exceeds fifteen (15) minutes.
 3. The use of any automobile, motorcycle or vehicle so out of repair or so loaded or operated in such a manner as to create loud and unnecessary noise. The making of improper noise or disturbance or operating an automobile or motorcycle in such a manner as to cause excessive squealing or other excessive noise of the tires.
 4. Noise from a burglar alarm, or other alarm system of any building, motor vehicle or boat which is continuous and exceeds fifteen (15) minutes.

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5. Noise from any sound reproduction system, operating or playing any radio, portable radio, tape player, television, tape deck or similar device that reproduces or amplifies sound in such a manner as to be heard forty (40) feet from its source or over any property line.
6. The erection, including excavation, demolition, alteration or repair of any building other than between 7:00 a.m. and 10:00 p.m. except in cases of a public safety or emergencies.
7. The operation of power equipment in residential zones outdoors between the hours of 10:00 p.m. and 7:00 a.m. the following day and on weekends between 10:00 p.m. and 8:00 a.m. the following day.
8. The sounding of any horn or signaling device of an automobile, motorcycle or other vehicle for any unnecessary or unreasonable period of time.
9. Offering for sale anything by shouting or out crying upon the public. The use and operation of sound devices and apparatus for commercial or business advertising purposes are prohibited. It shall be unlawful for any person to use or operate or cause to be used or operated any sound device or apparatus in, on, near or adjacent to any public street, park or place for commercial or business advertising purposes.

4 Exceptions

The provisions of this law shall not apply to the following acts:

1. The emission of sound for the purpose of alerting persons to the existence of an emergency.
2. Noise from Village sponsored celebrations or events.
3. Noise from non-Village sponsored events which have been authorized by the Board of Trustees of the Village of New Berlin.
4. Noise generated by the installation and maintenance of utilities.
5. Noise from emergency construction for which a permit has been issued by the Village Code Enforcement Officer.

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5 Penalties

Any person who violates any provision of this chapter shall be guilty of a violation and shall be subject to community service and/or a fine of not less than fifty dollars (\$50.00) and not to exceed two hundred and fifty dollars (\$250.00) for each offense. The Village may also seek injunctive relief to prevent the continued violation of the law.

6 Sever-ability

If any word, phrase, or part of this local law shall be declared unconstitutional the same shall be severed and separated from the remainder of this local law and said remainder shall continue in full force and effect.

7 This local law shall take effect upon filing with the Secretary of State of New York.