

## Chapter 71

### NOISE

[HISTORY: Adopted by the Town Board of the Town of Urbana 11-13-2001 by L.L. No. 2-2001. Amendments noted where applicable.]

#### GENERAL REFERENCES

Code Enforcement Officer — See Ch. 5.

Dogs — See Ch. 47.

§ 71-1. Legislative intent.

The Town Board of the Town of Urbana hereby declares its intent to prevent unreasonably loud and disturbing noises as they are deemed to be detrimental to the life, health and welfare of the people of the Town of Urbana. By this enactment the Town Board intends to preserve, protect and promote the public health, safety and welfare and to foster peace and quiet within the Town of Urbana, and in this regard, the Town Board does hereby enact the following chapter. It is the intention of the Town Board that this chapter shall be liberally construed so as to effectuate the purposes described in this section.

§ 71-2. Prohibited acts; hours of repose.

A. No person, with the intent to cause public inconveniences, annoyance or alarm, or recklessly creating a risk thereof, shall cause, suffer, allow or permit to be made an unreasonable noise. For purposes of this chapter, “unreasonable noise” is any excessive or unusually loud noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensitivities.

B. The Urbana Town Board establishes, as hours of repose, that time period between the hours of 11:00 p.m. and 7:00 a.m.

(1) During the hours of repose, the public at large shall have a reasonable expectation to remain undisturbed by any unnecessary noise or disturbance.

(2) No noise shall be created or caused so that its sound is of ample volume as to leave the premises and cause a disruption or disturbance during the hours of repose.

(3) Noise from a dog, or other pet animal, that is substantially continuous for a period in excess of 15 minutes shall be considered as unnecessary noise, whether within or without the hours of repose.

§ 71-3. Exceptions.

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

- A. The emission of sound for the purpose of alerting persons to the existence of an emergency.
- B. Noise from municipally sponsored celebrations or events.
- C. Noise from individually sponsored events where a permit for public assembly or other relevant permission has been obtained from the Town Clerk, subject to the approval of the Town Supervisor.
- D. The operation or use of any organ, radio, bell, chimes or other instrument, apparatus, or device by any church, synagogue, or school licensed or chartered by the State of New York.
- E. Noise generated by the installation and maintenance of utilities.
- F. Noise created in an industrial operation as a normal consequence of the manufacturing process.

#### § 71-4. Enforcement.

Upon receipt of a complaint by any person(s) designated by the Town Board as the Code Enforcement Officer(s) responsible for enforcement of this chapter, he/she shall and, upon receipt of a complaint by any New York State police officer or by any Steuben County Sheriff/Deputy Sheriff, he/she may exercise all those powers and duties deemed necessary for the enforcement of this chapter.

#### § 71-5. Penalties for offenses.

- A. Any person who is convicted for a first offense of any provision of this chapter shall be guilty of a violation and shall be subject to a fine not to exceed \$250.
- B. Any person who is convicted for a second offense committed within a period of one year after conviction for a first offense hereunder shall be guilty of a violation and shall be subject to a fine of not less than \$100 and not more than \$350.
- C. Any person who is convicted hereunder for a third or subsequent offense(s), all of which were committed within a two-year time period shall be guilty of a violation and shall be subject to a fine of not less than \$250 and not more than \$350.
- D. In addition to the foregoing, the Town of Urbana may also seek injunctive relief to prevent the continued protection of this chapter.