

A Local Law: Control of Excessive Noise

Be it enacted by the: Board of Trustees of the Village of: Cassadaga as Follows:

Section 1. Purpose.

A noise control law is necessary to maintain the peace and quiet of the Village of Cassadaga, and to further the public health, welfare, safety and the quality of life in the Village. The provisions herein provided are in pursuance of and for the purpose of preserving, protecting and promoting the public health safety and welfare and the peace and quiet of the Village of Cassadaga.

Section 2. Definitions

As used in this LAW, the Following shall have the meaning indicated.

Audible - Sound which is loud enough to be heard by a person.

Knowingly - The same as Section 15.05 (2) of the Penal Law of the State of New York.

Person - A human being, and when appropriate a public or private corporation, an unincorporated association or a partnership.

Premises - An apartment, dwelling, building or parcel of land; however, when the restricted sound originates from an apartment, premises shall mean apartment only.

Village - The Village of Cassadaga

Restricted Sounds - Sounds emanating from the following sources shall be defined as “restricted sounds” :

1. The Playing of Music by a band or orchestra.
2. The Playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, speaker or similar device which produces, reproduces or amplifies sound.
3. The ringing of bells, sounding of gongs or blowing of any whistle, horn or signaling device, except burglar alarms in any building or necessary warning signals upon a motor vehicle or bicycle or motorcycle.
4. Shouting or yelling, unless necessary for protection of life or property.
5. Operation of any motor vehicle or motorcycle not equipped with a muffler or sound restrictive device in good working order and in constant operation.

Unreasonable Noise - As used in this Local Law shall mean any restricted sound as defined by this Local Law originating within the Village and which is an excessive, unnecessary or unusually loud sound or any sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a person: standards to be considered in determining whether unnecessary noise exists in a given situation include the following:

1. The intensity or loudness of the noise.
2. The intensity or loudness of any background noise, if any.
3. The proximity of the noise to sleeping facilities.
4. The character of the neighborhood from which the noise emanates.

- 5. The time duration of the noise.
- 6. The disturbance to any persons created by the noise.

All other words or terms used in this Local Law shall have the Meaning normally ascribed to such word or term.

Section 3. Prohibition.

- A. No person shall make, contrive, cause to be made of assist in making any unreasonable. noise.
- B. No person who is a tenant or sub-tenant of a house or apartment or any other person having any control or authority over said building or apartment shall knowingly permit, suffer or allow unreasonable noise to exist within such building or apartment or in any other area which the tenant or sub-tenant has authority to use or occupy.
- C. No Person who is an owner of real estate or agent of such owner knowingly permit, suffer or allow unreasonable noise to exist within such real estate.

Section 4. Prima Facie Evidence.

Any restricted sound which is plainly audible off the premises from which the sound originates and from a distance of at least thirty (30) feet from the source of said sound or building or structure from which said sound originates during the hours of 11:00 p.m. and 7:00 a.m, shall be prima facie evidence that such sound is unreasonable noise.

Section 5. Presumptions.

Any persons presents in any dwelling, apartment, or portion of a building from which unreasonable noise emanates shall be presumed to have made or assisted in making unreasonable noise.

Section 6. Exceptions.

Nothing contained in this Local Law shall be construed to prevent the production of music in connection with any Military, civic or authorized parade or funeral procession or to prevent any musical performance conducted by consent of the Village Board.

Governmental Exceptions:

The provisions of this Local Law shall not apply to sounds originating from any municipal, federal or state vehicle, equipment, building, or employee, agent, or contractor thereof, provided said sounds are a result of any within the scope of work thereof.

Section 7. Penalty.

Any person violating subdivision (A), (B), or (C), of Section 3 of this Local Law shall be guilty of a violation and upon conviction thereof shall be punishable by a fine of not more then Two Hundred and Fifty (\$250.00) Dollars and/or imprisonment in jail for not more then fifteen (15) days for each offense and/or be sentenced to not more then one hundred (100) hours of Community Service.

Section 8. Effective Date.

This Local Law shall be effective upon Passage of same and filing with Secretary of State in the manner provided by Law.