



"Good Neighbors Keep Their Noise to Themselves"

Ellicottville, NY Noise Ordinance

(NPC posted this March 2004)

Ellicottville New York
Local Law No. 1 of the year 1985

A local law to prevent excessive disturbing unnecessary or unreasonable noise in Ellicottville, N.Y..

SECTION 1. PURPOSE

~~———— In order to preserve,~~ protect and promote the health, comfort, safety, welfare and peace of Ellicottville and its inhabitants, it is necessary to regulate noise within the Town and to prevent excessive, disturbing, unnecessary or unreasonable noise therein.

SECTION 2. PROHIBITION

~~———— It shall be unlawful for~~ any person or persons to make, continue, aid, countenance, cause to be made or assist in making any excessive, disturbing, unnecessary or unreasonable noise, except hereinafter provided, within the limits of the Town of Ellicottville.

SECTION 3. STANDARDS

~~———— Standards to be considered~~ in determining whether any sound existing in a given situation constitutes excessive, disturbing, unnecessary or unreasonable noise within the prohibition of this Local Law include:

- a. The volume of the noise,
- b. The intensity of the noise,
- c. Whether the noise is usual or unusual,
- d. Whether the origin of the noise is natural or unnatural,
- e. The volume and intensity of background noise, if any,
- f. The proximity of the noise to residential sleeping facilities,
- g. The time of the day or night the noise occurs,
- h. The time duration of the noise,
- i. Whether the sound source is temporary,
- j. Whether the noise is continuous, impulsive or intermittent.

SECTION 4. ENUMERATION OF UNNECESSARY AND UNREASONABLE NOISES

The following acts, among others, are declared to be excessive, disturbing, unnecessary and unreasonable noises in violation of this Local Law, but any enumeration herein shall not be deemed to be exclusive:

- a. Horns, signaling devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle (other than an emergency vehicle) on any street or public place, except as a necessary or reasonable

warning.

b. Bands, musical instruments, radios, etc. The playing of music by any band, orchestra, radio, phonograph, musical instrument or other device for the production or reproduction of sound in such manner as to disturb the peace, quiet and comfort of neighboring inhabitants or at any time with louder volume than necessary for convenient hearing for the person or persons who are voluntary listeners thereto, except on a special occasion for which permission of the Town Board is first obtained, which permission shall specify the date, time and place that the activity is authorized. The playing or operating of any such band, instrument or device between the hours of 10:00 p.m. and 7:00 a.m. without such permission and in a manner as to be plainly audible on adjacent properties shall be prima facie evidence of a violation of this Local Law.

c. Loudspeakers and amplifiers for advertising. The using, operating or permitting to be used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other device for the production or reproduction of sound which is cast upon the public streets for the purpose of commercial advertising.

d. Yelling, shouting, etc.

(1) Yelling, shouting, hooting, whistling or singing on the public streets or any public place between the hours of 10:00 p.m. and 7:00 a.m.

(2) Shouting and crying of peddlers, hawkers and vendors.

e. The firing or discharging of a firecracker or other explosive substance within the limits of the Town of Ellicottville, except on some special celebration or occasion for which permission of the Town Board is first obtained, which permission shall specify the date, time and place that such activity is authorized, and the firing or discharging of a gun, rifle, pistol or other firearm within five hundred (500) feet of any dwelling within the limits of the Town except a dwelling which is occupied by the person who fires or discharges such firearm.

f. Animals. The keeping or harboring of any animal which by causing frequent, loud or continued noise shall disturb the comfort, peace or repose of any persons in any residential area of the Town.

g. Exhaust of engines. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, air compressor or motor vehicle engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

SECTION 5. PERMITTED NOISES

The following are specifically determined the permitted noises within the limits of the Town of Ellicottville:

a. Sound created by persons engaged in construction or farming work during the hours of 7:30 a.m. to 8:00 p.m. weekdays, including, but not limited to building, repairing, grading, leveling, excavating, plowing, planting, harvesting and other farm-related noises.

b. Sound created by any government agent or agency by the use of signaling or public warning devices.

c. Sound created by lawn mowers or power tools in use between the hours of 9:00 a.m. and 9:00 p.m. weekdays and 10:00 a.m. and 8:00 p.m. Sundays.

d. Sound created by public utilities or cable television franchisees in carrying out the operation of their franchise.

e. Sounds connected with sporting or other authorized events of any public or private school.

f. Sounds necessarily connected with special events for which permission of the Town Board has been obtained, which permission shall specify the date, time and place that the activity is authorized.

SECTION 6. SEVERABILITY

If any clause, sentence, paragraph, or part of this Local Law shall be adjudged by any Court of competent jurisdiction to be invalid, such determination shall not effect, impair or invalidate remainder of this Local Law.

SECTION 7. PENALTIES

Any person who shall violate any of the provisions of this Local Law shall, upon conviction, be subject to a fine not to exceed the sum of Two Hundred Fifty and no/100 Dollars (\$250.00) or to imprisonment in the County Jail for a period not to exceed fifteen (15) days or to both such fine and imprisonment. The continuation of a violation of this

Local Law shall constitute a separate and distinct offense for each separate day or part thereof that the violation is continued or renewed.

SECTION 8. EFFECTIVE DATE

This Local Law shall take effect immediately.

