

§ Legislative Intent

The making and creating of disturbing, excessive, or offensive noises in the Town is a condition which has persisted, and the level and frequency of occurrences of such noises continues to increase. These noise levels are a detriment to the public health, comfort, convenience, safety, and welfare of the citizens. Every person is entitled to an environment in which disturbing, excessive, or offensive noise is not detrimental to his or her life, health, or enjoyment of property. The chapter 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.

§ Prohibited Acts

- 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 purposes of this chapter, unreasonable noise is any disturbing, excessive, or offensive sound that disturbs a reasonable person of normal sensitivities.
- B. The following acts are declared to be prima facie evidence of a violation of this chapter. This enumeration shall not be deemed exclusive.
 - (1) Noise from a dog or other pet animal that is continuous and exceeds 15 minutes
 - (2) Excessive or unreasonable level of noise from any live music or sound reproduction system, operating or playing any radio, portable radio or tape player, television, tape deck or similar device that produces or amplifies sound.
 - (3) The construction, including excavation, demolition, alteration or repair of any building other than between 7:00 am and 9:00 pm Monday-Saturday and 9:00 am and 9:00 pm Sunday, except in the case of public safety and emergency.
 - (4) The operation of power equipment outdoors other than between 7:00 am and 9:00 pm, Monday-Saturday and on Sundays other than between 9:00 am and 9:00 pm. except in the case of public safety and emergency.

- (5) The sounding of any excessive noise from an automobile, motorcycle or other vehicle for any unnecessary or unreasonable period of time. Including, but not limited to excessive squealing or other excessive noise from the tires.

§ 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 the public assembly or other relevant permission has been obtained from the Town;
- D. The operation or use of any radio, bell, chimes, or other instrument, apparatus, or device by any church, synagogue, recreational event, or school licensed or chartered by the State of New York.

§ Penalties for Offenses

Any person who violates any provision of this chapter shall be guilty of a violation and shall be subject to a fine not to exceed \$250. for each offense. The Town may also seek injunctive relief to prevent the continued violation of this chapter.

§ Enforcement

This chapter shall be administered and enforced by any local, county, or state law enforcement agency with jurisdiction in the Town of Hurley. Violations pursuant to this chapter shall be prosecuted by the attorney for the Town or by a special prosecutor authorized by resolution of the Town Board.