

TOWN OF PERU
NOISE ORDINANCE #1 of 2011

SECTION 1. TITLE

Town of Peru Noise Ordinance #1 of 2011

SECTION 2. PURPOSE

The purpose of this ordinance is preserve the public health, peace, welfare and good order by suppressing the making, creation, unnecessary, unnatural or unusually loud noises which are prolonged, unusual, and unnatural in their time, place and use and which are detrimental to the environment.

It is recognized that people have the right to an environment free from excessive noise that may jeopardize their safety or welfare or degrade the quality of life. This ordinance is enacted to protect, preserve and promote the health, safety, welfare or not degrade the quality of life for the citizens of the Town of Peru through the reduction, control, and prevention of excessive noise.

SECTION 3. UNREASONABLE NOISE

- A. It shall be a violation of this Section to intentionally make unreasonable noise or sound that annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of another person.
- B. The following factors may be considered in determining whether the noise is unreasonable at the time and under the circumstances it is made:
 - 1) The volume, intensity and duration of the noise.
 - 2) Whether the noise is normally associated with the permitted uses of property in the zoning district where the noise is created.
 - 3) The ambient or background noise in the area where noise is created.
 - 4) The time of day the noise occurs.
 - 5) Whether the noise occurs at a time when residents in the vicinity are likely to be sleeping which shall be presumed to be between the hours of 10 PM and 6 AM Sunday through Thursday; Friday and Saturday, 11 PM and 6AM.
 - 6) Whether the noise occurs in the vicinity of a school, court, house of worship, public library, hospital or nursing home and disturbs persons using or residing in such facilities.
 - 7) Whether the person making or responsible for the noise might reasonably expect that the noise would be plainly audible to a person outside the boundaries of the property or the dwelling where the noise is created.
 - 8) Whether the person making the noise, or the owner or occupant of the property or dwelling where the noise occurs, has received prior complaints or notice about noise from the property or dwelling and how he has responded.
 - 9) Whether there are reasonable measures the person making the noise could have taken to make the noise not unreasonable.

SECTION 4. CERTAIN ACTS DECLARED TO BE VIOLATIONS

It shall be a violation of this Section to:

- A. Operate, play or permit the operation or playing of any radio, television, phonograph, tape recorder, sound amplifier, musical instrument or similar device which produces, reproduces or amplifies sound.
 - 1) In a residential district if the sound is plainly audible at the boundary of the property on which the sound is produced.
 - 2) In a dwelling unit in a multiple family dwelling at a volume where the sound is plainly audible in other dwellings in the building.
 - 3) In a commercial district if the sound is plainly audible at a distance of fifty (50) feet from the boundary of the property on which the sound is produced.
 - 4) In a motor vehicle on a public right-of-way or public space in such a manner that sound is plainly audible at a distance of fifty (50) feet from the source of sound
- B. Yell, shout, hoot, whistle or sing on any public place within residential districts of the Town of Peru so as to annoy or disturb the peace, quiet, comfort or repose of a reasonable person of normal sensitivity.
- C. Operate machinery or equipment in a residential dwelling or garage that makes noise that is plainly audible at the boundary of the property or, in an adjoining dwelling unit of a multi-family dwelling, except that, noise made in connection with repairs or improvements to the dwelling unit which are made between the hours of 6AM and 9PM shall not constitute a violation of this section.
- D. Operate any tools or equipment used in construction, drilling, excavation, or demolition work between the hours of 9PM and 6AM the following day, except emergency work.
- E. Operate a motor vehicle on public streets which is not equipped with a muffler or other device which effectively prevents the discharge of loud or explosive noises.
- F. Operate a motor vehicle on public streets in such a manner that the tires of the vehicle emit unnecessary noise.
- G. Noise caused by a domestic animal's barking, howling, whining, screeching, that continues for more than 15 minutes and which is plainly audible at the boundary of the property, or in a dwelling unit in a multi family dwelling.
- H. Noise caused by loading or unloading equipment, material or supplies for deliveries to properties within residential districts between the hours of 9PM and 6AM that is plainly audible at the boundary of a nearby residential property.

SECTION 5. EXEMPTIONS

This Section shall not apply to noise emitted by or related to:

- A. Church bells, horns and sirens of trains and authorized emergency vehicles;
- B. Parades, concerts or other community gatherings.
 - C. Non-commercial public speaking and public assembly activities conducted in any public place.
 - D. The use of domestic power tools for property repair or improvements, lawnmowers and other lawn maintenance tools between 7AM and 9PM.
 - E. The use of snow removal equipment at any time for snow removal purposes.
 - F. The use of vehicles for agricultural purposes at any time.

SECTION 6. PENALTIES FOR OFFENSES

Any person violating any provision of this Section shall have committed an offense and shall be subject to a fine of not less than two hundred and fifty dollars (\$250). Persons committing a subsequent offense within twelve (12) months of the date of a prior conviction shall be subject to a fine of five hundred dollars (\$500). A separate offense shall be deemed committed on each day during which a violation occurs or continues.

SECTION 7. MANNER OF ENFORCEMENT

This Section may be enforced by any New York State, Clinton County peace officer or any code inspector employed in the Town of Peru.