

LOCAL LAW NO. 3 OF 2019

**A LOCAL LAW AMENDING CHAPTER 139, PEACE AND GOOD ORDER,
OF THE CODE OF THE VILLAGE OF CELORON, NEW YORK**

BE IT ENACTED by the Village Board of the Village of Celoron, New York, pursuant to the authority and provisions of §10 of the Municipal Home Rule Law and §7-725a of the New York State Village Law, as follows:

1. **Intent.** Amend Chapter 139, Peace and Good Order, of the Code of the Village of Celoron to add thereto noise; public assemblies and parades; and disorderly conduct provisions.
2. **Amendment.** Section 139-5., Penalties for offenses, of the Code of the Village of Celoron be and hereby is renumbered as Section 139-8.
3. **Amendment.** Chapter 139, Peace and Good Order, of the Code of the Village of Celoron be and hereby is amended to add the following:

§139.5 Noise.

- A. Declaration of policy. It is hereby declared to be the public policy of the Village to reduce the ambient noise level in the Village, so as to preserve, protect and promote the public health, safety and welfare and the peace and quiet of the inhabitants of the Village, prevent injury to human, plant and animal life and property, foster the convenience and comfort of its inhabitants and facilitate the enjoyment of the natural attractions of the Village. It is the public policy of the Village that every person is entitled to ambient noise levels that are not detrimental to life, health and enjoyment of his or her property. It is hereby declared that the making, creation or maintenance of excessive or unreasonable noises within the Village affects and is a menace to the public health, comfort, convenience, safety, welfare and the prosperity of the people of the Village. The provisions and prohibitions hereinafter contained and enacted are for the above-mentioned purpose.
- B. Interpretation. This chapter shall be liberally construed so as to effectuate the purposes described in this chapter. Nothing herein shall abridge the powers and responsibilities of any police department, law enforcement agency or code enforcement department to enforce the provisions of this chapter. Nothing herein shall be construed to abridge the powers of any health department, code enforcement department or the right of such department to engage in any necessary or proper activities.
- C. It shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary, unreasonable or unusual noise, or to permit any other to do so, which disturbs the peace or quiet within the geographical boundaries of the Village of Celoron, or which causes discomfort or annoyance to any reasonable person of normal sensitiveness. For the purposes of this chapter, it shall be presumed that the owner, tenant, person or persons in possession or control, and the occupants of the particular premises, are, jointly or severally, permitting such noise.
- D. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this chapter, but such enumeration shall not be deemed to be exclusive:
 - (1) It shall be unlawful for any person operating a motor vehicle, motorcycle or omnibus, as they are defined in the Vehicle and Traffic Law of the State of New York, to use a horn or other device for signaling except in a reasonable manner as a danger warning, and it shall be unlawful for any person having the management and control of any motor vehicle, motorcycle or omnibus to produce or cause, suffer or allow to be produced by means of such horn or other signaling device a sound which shall be unreasonable or unnecessarily loud or harsh or shall continue for an unnecessary and unreasonable period of time.

- (2) No person shall use or operate or cause to be used or operated, in front of or outside any building, place or premises, or in or through any window, doorway or opening of such building, place or premises, or upon any public street or place or on any vehicle thereon, any device or apparatus for the amplification of sounds from any radio or other sound-making or sound reproducing device without permission from the Village Board of Trustees.
- (3) The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the persons who are voluntary listeners thereto. The operation of any of the above in such a manner as to be plainly audible at a distance of 25 feet from the building, structure, property or room in which it is located shall be prima facie evidence of a violation of this subsection.
- (4) Yelling, shouting, hooting, whistling or singing or the uttering of obscenities upon the public streets so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel or other type of residence or of any persons in the vicinity.
- (5) No animal or bird owner shall permit any animal to cause annoyance, alarm or noise disturbance for more than 15 minutes at any time of the day or night by repeated barking, whining, screeching, howling, braying or other like sounds which can be heard beyond the boundary of the owner's property.
- (6) No person shall cause or permit the operation of any device, vehicle, construction equipment or lawn maintenance equipment, including but not limited to any diesel engine, internal combustion engine or turbine engine without a properly functioning muffler in good working order and in constant operation regardless of sound level produced.
- (7) The creation of loud and excessive noise in connection with loading or unloading any vehicle or the opening, closing or other handling of boxes, crates, containers, building materials or other similar objects.
- (8) Any activity necessary or incidental to the erection (including excavating), demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 6:00 p.m. weekdays and Saturdays, except in the case of urgent necessity in the interest of public health and safety, and then only with a permit from the Code Enforcement Officer, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues. If the Code Enforcement Officer should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of 6:00 p.m. and 7:00 a.m., and if he/she shall further determine that loss or inconvenience would result to any party in interest, he/she may grant permission for such work to be done within the hours of 6:00 p.m. and 7:00 a.m. upon application being made at the time the permit for the work is awarded or during the progress of the work.

(9) Subject to the limitations enumerated below, no person, while on public or private grounds on or adjacent to a school, hospital, court or place of worship, shall willfully make or assist in the making of any noise or diversion which disrupts or tends to disturb the peace or good order of the activities within:

(a) Schools: while any class thereof or other instruction is in session.

(b) Hospitals or similar institutions: at all times.

(c) Courts: during the hours of the court or while otherwise in session.

(d) Places of worship: during the hours of worship or while otherwise conducting religious services.

(10) The shouting and crying of peddlers, hawkers and vendors which disturb the peace and quiet of the neighborhood.

(11) The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.

(12) The operation between the hours of 10:00 p.m. and 7:00 a.m. of any pile driver, pneumatic hammer, derrick, steam or electric hoist or other such appliance, the use of which is attended by loud or unusual noise.

(13) Motor vehicles:

(a) The playing of any radio, music player or audio system in a motor vehicle at such volume as to disturb the quiet, comfort or repose of other persons or at a volume which is plainly audible to persons other than the occupants of such vehicle the operation of any of the above in such a manner as to be plainly audible at a distance of 10 feet from the vehicle at which it is located shall be prima facie evidence of a violation of this subsection.

(b) No person shall operate a vehicle in such a manner as to cause unreasonable noise by spinning or squealing the tires of such vehicle, or by causing the engine to rev producing excessive motor roar.

(c) No person shall allow noise from an automobile alarm in excess of five minutes after it has activated.

(d) The repair, rebuilding or testing of any motor vehicle, excepting emergency repairs, where the standards for determination so dictate or in such a manner that a reasonable person of normal sensitiveness in the area is caused discomfort or annoyance.

(14) The operation of lawn mowers, lawn tractors, trimmers, leaf blowers and other lawn care power machines between the hour of 9:00 p.m. and 7:00 a.m. Monday through Friday and between the hours of 9:00 p.m. and 8:00 a.m. on Saturdays, Sundays and legal holidays.

E. The provisions of this chapter shall not apply to noise generated by municipality-sponsored concerts or permitted special events, as well as noise generated by events held at or within the confines of stadiums, arenas or fields designed specifically and primarily for sporting events and which are open to the public.

§139.6 Public assemblies and parades

The gathering and assembling of persons in a public place in such a manner as to disturb the peace is hereby declared to be unlawful, and the police force is hereby directed to disperse all such gatherings, loitering, assemblages, groups, mobs and similar congregations of people. In the event of such persons refusing to disperse, the police are hereby authorized to make the summary arrests of such persons. No public meetings within or parade through the highways of the Village shall be permitted except upon the written authorization of the Village Board of Trustees.

§139.7 Disorderly conduct.

A. A person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof:

- (1) Such person engages in fighting or in violent, tumultuous or threatening behavior; or
- (2) Such person makes unreasonable noise; or
- (3) In a public place, such person uses abusive or obscene language, or makes an obscene gesture; or
- (4) Without lawful authority, such person disturbs any lawful assembly or meeting of persons; or
- (5) Such person obstructs vehicular or pedestrian traffic; or
- (6) Such person congregates with other persons in a public place and refuses to comply with a lawful order of the police to disperse; or
- (7) Such person creates a hazardous or physically offensive condition by any act which serves no legitimate purpose.
- (8) Such person is found to be in violation of any lawfully posted rules and/or regulations on public property.

B. Disorderly conduct is a violation and, upon conviction thereof, shall be punishable as provided in this chapter.

- 4. Conflicting Statutes.** All local laws or ordinances or parts of local laws or ordinances in conflict herewith are hereby repealed.
- 5. Severability.** Should any clause, sentence, paragraph, subdivision, section or other part of this local law be adjudicated by any court of competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or other part thereof directly involved in the controversy in which such judgment, decree or order shall have been rendered and to this end, the provisions of each section of this local law are hereby declared to be severable.
- 6. Effective Date.** This local law shall become effective immediately upon filing with the New York State Secretary of State.