

Town of Ithaca, NY

§ 184-1

§ 184-4

ARTICLE I General Provisions

§ 184-1. Title.

This chapter shall be known and may be cited as the "Town of Ithaca Noise Ordinance" whether adopted as an ordinance or local law. Hereinafter, this law is sometimes referred to as "this chapter."

§ 184-2. Applicability.

This chapter shall apply to all areas of the Town outside the Village of Cayuga Heights.

§ 184-3. Purpose.

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

§ 184-4. Definitions.

Unless the context otherwise clearly indicates, the words and phrases used in this chapter are defined as follows:

ADULT PERSON — A person who is at least 16 years old.

DAYTIME HOURS — The hours beginning at 7:00 a.m. local time on any day and ending at 9:00 p.m. local time.

EMERGENCY WORK — Work made necessary to restore property to a safe condition following a public calamity or work necessary to protect persons or property from an imminent exposure to danger.

IMPULSIVE SOUND — A sound of short duration, usually less than one second, and of high intensity, with an abrupt onset and rapid decay.

MOTOR VEHICLES — Includes, but is not limited to, automobiles, trucks, buses, mopeds, minibikes, and any other vehicle as defined by the Vehicle and Traffic Law of the State of New York, as it may be amended from time to time.

NIGHTTIME HOURS — The hours beginning at 9:01 p.m. local time on any day and ending at 6:59 a.m. local time on the following day.

PERSON — Includes the singular and plural and also any individual, any property owner and/or lessee, any firm, corporation, political subdivision, government agency, association or organization, including but not limited to officers, directors, employees, agents and/or independent contractors thereof, or any legal entity whatsoever.

RESIDENTIAL ZONE — A Conservation, Agricultural, Lakefront Residential, Low-Density Residential, Medium-Density Residential, High-Density Residential, Mobile Home Park, or Multiple Residence Zone, as defined in Chapter 270, Zoning. "Residential Zone" also includes any special land use district or planned development zone in Chapter 271, Zoning: Special Land Use Districts, wherein the predominant land use is residential. Should such chapters be amended or replaced and by so doing adds additional zones or differently denominated zones, "residence zones" shall mean those zones determined under such laws or any successor statutes wherein the predominant intended land use is residential.

SOUND-AMPLIFYING EQUIPMENT — Any machine or device for the amplification of the human voice, instrumental music, or any other sound. Sound-amplifying equipment shall not include standard automobile sound systems when used and heard only by the occupants of the motor vehicle in which such automobile sound system is installed. As used in this chapter, sound-amplifying equipment shall not include warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes, or authorized fire horns or other authorized emergency alarms.

TOWN — All of the Town of Ithaca exclusive of the portion of the Town within the incorporated Village of Cayuga Heights.

UNREASONABLE NOISE — Any excessive or unusually loud sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensitivities, or which causes injury to animal life or damages to property or business.

§ 184-5. General prohibition on unreasonable noise.

- A. No person shall make, continue, cause or permit to be made any unreasonable noise.
- B. Factors to be considered in determining whether unreasonable noise exists in a given situation include, but are not limited to, any or all of the following:

- (1) The intensity of the noise.
- (2) The duration of the noise.
- (3) The intensity of the background noise, if any.
- (4) The zoning district within which the noise emanates and all zoning districts that lie within 500 feet of the source of the sound.
- (5) The time of the day or night the noise occurs.
- (6) The proximity of the noise to sleeping facilities.
- (7) Whether the noise is continuous or impulsive.
- (8) The existence of complaints concerning the noise from one or more persons who are affected by the noise.
- (9) Whether the nature of the noise is usual or unusual.
- (10) Whether the noise is due to a natural or a human-made activity.

ARTICLE II
Unlawful Noise Sources

§ 184-6. Purpose of Article II.

The acts set forth in this Article II are declared to be prima facie evidence of a violation of this chapter and are prohibited, but said listing of acts shall not be deemed to be exclusive.

§ 184-7. Radios, television sets and other sound-producing or -amplifying devices.

- A. It shall be unlawful for any person within any Residential Zone, or within 500 feet of a Residential Zone, to use or to operate any radio or receiving set, musical instrument (including drums), stereo, television, any other machine or device for the producing or reproducing of sound or any other sound-amplifying equipment in such a manner as to cause unreasonable noise within a building, or outside a building at a distance of 25 feet or more from the source of such sound.
- B. For the purposes of this section:
- (1) For an offense that occurs on any public property where permission was obtained to use that public property, a "person" shall include the person or persons who obtained permission to utilize that property for that event.
 - (2) For an offense that occurs on private property, a "person" shall include any adult person or persons who live in or on the property that is involved in the offense.
 - (3) For an offense that occurs after granting of a permit pursuant to Article III of this chapter, a "person" shall include the person or persons who are listed on the permit.

§ 184-8. Construction and other machinery.

- A. Except as specified in Subsection B hereunder, during the nighttime hours as defined in Article I, § 184-4 herein, it shall be unlawful for any person within a Residential Zone, or within 500 feet of a Residential Zone, to operate construction equipment (including but not limited to any pile driver, excavator, pneumatic hammer, derrick or steam or electric hoist) or perform any outside construction or repair work so as to create noise.
- B. This section shall not be deemed to prohibit:

- (1) Work of an emergency nature.
 - (2) Work of a domestic nature on buildings, structures or projects being undertaken by a person(s) residing in such premises; provided that, if any domestic power tool, including but not limited to mechanically powered saws, sanders, grinders and lawn and garden tools used outdoors, is operated during the nighttime hours, no person shall operate such machinery so as to cause unreasonable noise within a residential building or across a residential real property boundary, or outside of a building at a distance of 25 feet or more from the source of the sound.
- C. The provisions of this section shall not apply to lawful farm operations on lands the principal use of which is as a farm and which are located within a county agricultural district created under the provisions of Article 25-AA of the New York State Agriculture and Markets Law.
- D. Garbage collection vehicles and recycling vehicles may not be operated for pickup on any day before 6:00 a.m. local time.

§ 184-9. Parties, events or gatherings.

- A. It shall be unlawful for any person in charge of a party, event or gathering that occurs on any private or public property to allow that party, event or gathering to produce unreasonable noise within any building, or outside of a building at a distance of 25 feet or more from the source of such sound. It shall also be unlawful for any participant in that party, event or gathering to contribute to such unreasonable noise.
- B. For the purposes of this section, a "person in charge of a party or other event or gathering":
- (1) That occurs on any public property shall include the person or persons who obtained permission to utilize that property for that party, event or gathering.
 - (2) That occurs on private property shall include the person who owns the premises involved and any adult person who lives in or on the premises involved in such party, event or gathering.
 - (3) Shall include the person who is listed on a permit granted pursuant to Article III of this chapter with respect to such party, event or gathering.

§ 184-10. Dogs.

Any person who owns, harbors, or is the custodian of a dog in the Town of Ithaca is subject to the noise and other requirements in Chapter 112 of the Town of Ithaca Code, titled "Animals," and upon violation thereof shall be subject to the penalties set forth in that chapter.

ARTICLE III
Permits

§ 184-11. Authorization for permit.

The Town Board, in its discretion, is authorized to grant a permit for a specific waiver from the requirements of this chapter. Such waivers may be granted in those circumstances where the applicant demonstrates that on balance the need for and benefits of the waiver outweigh the needs and rights of the surrounding neighbors to a peaceable and quiet environment. In determining whether to grant a permit, the Town Board shall consider factors including but not limited to the volume of the noise, the proximity of the noise to sleeping facilities, the time of day or night the noise occurs, the time duration of the noise, and the impact of the noise on persons living or working in different places or premises who are affected by the noise

§ 184-12. Permit procedure; fee.

- A. An application for such a permit shall be filed with the Town Clerk no less than 21 days before the anticipated need and shall provide the following information:
- (1) The name of the applicant.
 - (2) The adult person responsible for compliance with the permit, if different from the applicant, which adult person shall also sign the application and agree to be responsible for compliance with the permit terms and any conditions attached to the permit.
 - (3) The reasons for such usage.
 - (4) Plans and specifications of the use.
 - (5) Noise abatement and control methods to be used.
 - (6) Time schedule.
 - (7) Demonstration why the applicant cannot conform to this chapter.
 - (8) Such other information as the Town Clerk and/or Town Board may reasonably require to adequately consider the permit request.
- B. The Town Board may in its sole discretion waive the application filing requirement of 21 days upon good cause shown or for other unique, special or extenuating circumstances.

- C. At the time of the filing of the permit application or applications, the applicant shall pay the Town a nonrefundable fee as set from time to time by Town Board resolution.
- D. Applications may be submitted simultaneously by a single entity, representative or agent thereof for events occurring at a single address within a consecutive six-month period. Events of a similar scope and size may be listed on one application. All applications shall be reviewed, and determinations shall be rendered on each application. The Town Board may make different decisions and impose different conditions on individual events contained within an application for multiple events.
- E. A public hearing before the Town Board shall be held in connection with the application no less than five days after publication of notice of such hearing in the Town's official newspaper. The issuance of permits shall be discretionary. The Town Board may impose any conditions deemed necessary by such Board to minimize the intrusion of sound that might occur by the exercise of the privileges granted by the permit. Any permit issued shall state that the permit only applies to this chapter, and that § 240.20, Subdivision 2, of the Penal Law of the State of New York, Disorderly Conduct, provides that "A person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof: ... he makes unreasonable noise." If a permit is issued, a copy of the permit stipulating any and all conditions imposed by the Town Board shall be furnished to the Tompkins County Sheriff's Department by the Town Clerk, simultaneously upon the issuance of the permit to the applicant.
- F. The Town Board may, in its sole discretion, waive the holding of a public hearing upon good cause shown or for other unique, special or extenuating circumstances.
- G. Revocation of noise permits. Noise permits may be suspended or revoked when it is determined that there is a violation of a condition under which the permit was issued, or if information submitted in connection with the permit application or with a condition of the permit was incorrect, inaccurate, or incomplete.