

NOISE ORDINANCE TOWN OF VESTAL

ZONING

§ 24-726

DIVISION 2. PERFORMANCE STANDARDS

Sec. 24-726. Noise.

(a) It shall be unlawful for the owner, occupant and any person causing or permitting, continuing or causing to be made or continued any excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, health, peace or safety of others, within the limits of the town.

(b) It shall be unlawful for the owner, occupant and/or any person causing or permitting sound or noise to project within the boundary of a use district which exceeds the limiting noise level set forth in subsection (f). Sound or noise projecting from one (1) use district into another use district with a different noise level limit shall not exceed the noise limits at any point of the district into which the noise is projected. The issuance of a building permit shall carry an automatic increase in the noise limit to seventy-five (75) dBA for all activities directly involved with the permitted construction for the hours between 7:00 a.m. and 10:00 p.m. The noise limits for the hours between 12:00 midnight and 7:00 a.m. and between 10:00 p.m. and 12:00 midnight, shall remain as specified in subsection (f).

(c) Upon written petition, the town board may grant a variance to the limits specified in subsection (f). Such variance shall be issued for specific properties and shall specify both the limits and the hours during which those limits are applicable.

(d) Whenever an applicable federal, state or county statute sets a different limit than specified in this section, the lower limitation shall apply.

(e) For the purpose of subsection (f), noise shall be measured as follows:

- (1) The measurement of sound or noise shall be made with a sound-level meter meeting the standards prescribed by the American National Standards Institute.
- (2) The slow meter response of the sound-level meter shall be used in order to best determine that the average amplitude has not exceeded the limiting noise level.

(3) Measurement of noise levels shall be made at or beyond the property line of the property on which such noise is generated or perceived, as appropriate, and shall be taken at least four (4) feet from ground level.

(4) Compliance with the noise limits is to be maintained at all elevations at the boundary of the property.

(5) Daytime hours shall be between 7:00 a.m. and 11:00 p.m. Nighttime hours shall be between 11:00 p.m. and 7:00 a.m.

(f) The limits above referred to shall be in accordance with the following:

- (1) In industrial use districts:
 - a. During daytime hours, seventy (70) dBA.
 - b. During nighttime hours, seventy (70) dBA.
- (2) In commercial use districts:
 - a. During daytime hours, sixty-five (65) dBA.
 - b. During nighttime hours, fifty-seven (57) dBA.
- (3) In residential districts:
 - a. During daytime hours, sixty (60) dBA.
 - b. During nighttime hours, fifty (50) dBA.

(g) Except for subsection (a), this section does not apply to:

- (1) Educational institutions, including the state university, Vestal Central Schools and private schools.
- (2) The state and all municipal corporations and subdivisions of the state.
- (3) Emergency vehicles, including ambulances, fire and police vehicles, and emergency warning devices.
- (4) Vehicular traffic on a public thoroughfare.
- (5) Lawn mowers, power saws and power equipment when used for property maintenance purposes during daytime hours as above defined.

(Code 1966, § 44-VII-1)