

Local Law No. 4 of the Year 2023  
Local Law Prohibiting Unreasonable Noise

Village of Franklinville, New York

Be it enacted by the Village Board of Trustees of the Village of Franklinville, County of Cattaraugus and State of New York, to protect the health, safety and welfare of the residents of the Village of Franklinville, as follows:

Section 1. Legislative Intent: This local law is intended to establish standards for the regulation of noise and to provide adequate notice to the residents within the Village with regard to their activity and the activities of others.

Section 2. Authority: New York Village Law §4-412(1) provides that “the board of trustees of a village ... may take all measures and do all acts, by local law, not inconsistent with the provisions of the constitution, and not inconsistent with a general law except as authorized by the municipal home rule law, which shall be deemed expedient or desirable for the good government of the village, its management and business, the protection of its property, the safety, health, comfort, and general welfare of its inhabitants, the protection of their property, the preservation of peace and good order, the suppression of vice, the benefit of trade, and the preservation and protection of public works.”

Section 3. Legislative Findings: The Village of Franklinville Board of Trustees determines that the creation of unreasonable noise within the Village limits of Franklinville is detrimental to the comfort, convenience, safety, health and welfare and to the quality of life of the citizens of the Village. Therefore, it intends hereby to prohibit all unreasonable noise from all sources subject to its police power in order to preserve, protect and promote the health, safety and welfare and the peace, quiet, comfort and repose of all persons within the Village.

Section 4. Text of Local Law

A. Definitions. As used in this Local Law, the following terms shall have the meanings indicated:

1. PROPERTY BEING USED FOR NONRESIDENTIAL PURPOSES: Any property, including vacant land, that is not used for residential purposes, as defined herein.
2. PROPERTY BEING USED FOR RESIDENTIAL PURPOSES: Property that contains one or more dwelling units, including but not limited to single-family attached or detached

dwelling units, multiple dwellings, hotels, motels, senior citizen housing, adult residential care facilities, nursing homes, dormitories, sororities, and fraternities.

3. REAL PROPERTY BOUNDARY LINE: The imaginary line, including its vertical extension, that separates one parcel of real property from another, or the vertical and horizontal boundaries of a dwelling unit located within a multiple-dwelling-unit building.
4. SOUND-EMITTING DEVICE: Any device, instrument, mechanism, equipment or apparatus that emits any sounds discernible to the human ear.
5. SOUND-REPRODUCTION DEVICES: Any device, instrument, mechanism, equipment or apparatus for the amplification of any sounds from any radio, phonograph, tape player, compact disc player, musical instrument, television, loudspeaker or other sound-making or sound-producing device, or any device or apparatus for the reproduction or amplification of the human voice or other sound.
6. STATIONARY NOISE SOURCE: Any device, fixed or movable, that is located or used on geographically defined real property other than a public right-of-way.
7. UNREASONABLE NOISE:
  - a. The use of any sound-reproduction device outside of a structure whereby the sound emitted from such device is audible beyond the property line of the premises beyond which it is being used, between the hours of 10:00 p.m. and 7:00 a.m. Sunday thru Thursday and 11:00 p.m. and 8:00 a.m. Friday and Saturday, or audible at a distance of 50 feet beyond the property line of the premises upon which it is being used, between the hours of 7:00 a.m. and 10:00 p.m. Sunday thru Thursday and 8:00 a.m. and 11:00 p.m. Friday and Saturday.
  - b. The use or operation of any sound-reproduction device inside a structure so as to result in the sound, or any part thereof, emitted from such device to be projected therefrom outside the structure whereby the sound emitted from such device is audible beyond the property line of the premises beyond which it is being used, between the hours of 10:00 p.m. and 7:00 a.m. Sunday thru Thursday and 11:00 p.m. and 8:00 a.m. Friday and Saturday, or audible at a distance of 50 feet beyond the property line of the premises upon which it is being used, between the hours of 7:00 a.m. and 10:00 p.m. Sunday thru Thursday and 8:00 a.m. and 11:00 p.m. Friday and Saturday.

- c. The use and operation of any sound-reproduction device in a vehicle which would constitute a threat to the safety of pedestrians or vehicle operators or where conditions of overcrowding or any street repair or any other physical conditions are such that the use of a sound-reproduction device would deprive the public of the right to the safe, comfortable, convenient and peaceful enjoyment of a public street, park or place for public purpose and would constitute a threat to the safety and welfare of the public. Said noise disturbance is deemed to be in violation of this section if it can be heard from a distance of greater than 50 feet.
- d. The use or operation of any sound-reproduction device in a vehicle which would constitute a threat to the safety of pedestrians or vehicle operators.
- e. The use or operation of any sound-reproduction device within 500 feet of any school, church or courthouse while the same is in session so as to interfere with the function of such facility, provided that conspicuous signs are displayed indicating the location of such facility.
- f. The use or operation of any sound-reproduction device within 50 feet of any hospital, nursing home or medical facility so as to interfere with the function of such facility or so as to disturb the quiet, comfort or repose of a reasonable person of normal sensitivities while confined to or being treated at such facility, provided that conspicuous signs are displayed indicating the location of such facility.
- g. The outdoor use or operation of any powered tool or equipment, including but not limited to saws, sanders, drills, grinders, lawn mowers or tractors, leaf blowers, snow blowers or any other garden tools or equipment, on property being used for residential purposes, between the hours of 10:00 p.m. and 7:00 a.m. of the following day.
- h. The outdoor use or operation of any powered tool or equipment, including but not limited to saws, sanders, drills, grinders, lawn mowers or tractors, leaf blowers, snow blowers or any other garden tools or equipment or equipment between the hours of 7:00 a.m. and 10:00 p.m. on property being used for residential purposes and at any time on property being used for nonresidential purposes which disturbs the quiet, comfort or repose of a reasonable person of normal sensitivities.

- i. The use or operation of any audible burglar alarm or motor vehicle burglar alarm, unless the operation of such alarm shall be terminated within 10 minutes after such alarm is first activated.
- j. The operation of any motor vehicle with a gross vehicle weight rating in excess of 10,000 pounds, or any auxiliary equipment attached to such motor vehicle, for a period longer than 15 minutes in any hour while the vehicle is stationary for reasons other than traffic congestion, so that the sound emanated therefrom is audible on property being used for residential purposes, between the hours of 9:00 p.m. and 8:00 a.m. of the following day. This provision shall not apply to authorized emergency vehicles or to public utility vehicles actually engaged in emergency operations.
- k. The use or operation, repair, rebuilding, modifying or testing of any motor vehicle, motorcycle, motorboat, go-cart, minibike or all-terrain vehicle on property being used for residential purposes so as to disturb the quiet, comfort or repose of a reasonable person of normal sensitivities.
- l. The use or operation of a refuse-collecting vehicle anywhere which, when collecting or compacting, projects sound that is audible on property being used for residential purposes, between the hours of 11:00 p.m. and 7:00 a.m. of the following day.
- m. The owning, possessing or harboring of any animal or bird that shall make sounds which are audible on property being used for residential purposes for a continued duration in excess of 15 minutes or which shall disturb the quiet, comfort or repose of a reasonable person of normal sensitivities.
- n. The conduct of any construction activities, including but not limited to the erection, demolition, assembling, altering, installing or equipping of buildings, public or private roadways, roads, premises, parks, utility lines or other property, including related activities such as land clearing, grading, earthmoving, excavating, blasting, filling or landscaping, so as to project a noise therefrom which is audible on a property being used for residential purposes, between the hours of 9:00 p.m. and 8:00 am. of the following day.
- o. The use of any sound-emitting device inside or outside of a structure whereby the sound emitted from such device is audible beyond the property line of the premises upon which it is being used, between the hours of 10:00 p.m. and 7:00 a.m. Sunday thru Thursday and 11:00 p.m. and 8:00 a.m. Friday and Saturday, or audible at a distance of 50 feet beyond the property line of

the premises upon which it is being used, between the hours of 7:00 a.m. and 10:00 p.m. Sunday thru Thursday and 8:00 a.m. and 11:00 p.m. Friday and Saturday.

p. The making of any noise for advertising purposes in any street or public place or by means of aircraft; the advertisement or calling attention to any advertisement, article, business, calling or profession upon any street, sidewalk or entrance to a place of business by means of any horn, megaphone, siren, bell radio or any other sound-producing or sound-amplifying mechanism, instrument or device.

B. Unreasonable noise prohibited. It shall be unlawful for any person to make, continue, cause to be made or permit to be made any unreasonable noise within the geographic boundaries of the Village of Franklinville or within those areas over which the Village has jurisdiction.

C. Determination of unreasonable noise. A determination as to the existence of unreasonable noise may be established by the specific acts enumerated in the Definition of Unreasonable Noise, as set forth herein.

D. Prohibited acts. The following acts and the causes thereof are declared to be in violation of the Local Law.

1. The use of any sound-reproduction device outside of a structure whereby the sound emitted from such device is audible beyond the property line of the premises beyond which it is being used, between the hours of 10:00 p.m. and 7:00 a.m. Sunday thru Thursday and 11:00 p.m. and 8:00 a.m. Friday and Saturday, or audible at a distance of 50 feet beyond the property line of the premises upon which it is being used, between the hours of 7:00 a.m. and 10:00 p.m. Sunday thru Thursday and 8:00 a.m. and 11:00 p.m. Friday and Saturday.

2. The use or operation of any sound-reproduction device inside a structure so as to result in the sound, or any part thereof, emitted from such device to be projected therefrom outside the structure whereby the sound emitted from such device is audible beyond the property line of the premises beyond which it is being used, between the hours of 10:00 p.m. and 7:00 a.m. Sunday thru Thursday and 11:00 p.m. and 8:00 a.m. Friday and Saturday, or audible at a distance of 50 feet beyond the property line of the premises upon which it is being used, between the hours of 7:00 a.m. and 10:00 p.m. Sunday thru Thursday and 8:00 a.m. and 11:00 p.m. Friday and Saturday.

3. The use and operation of any sound-reproduction device in a vehicle which would constitute a threat to the safety of pedestrians or vehicle operators or where conditions of overcrowding or any street repair or any other physical conditions are such that the use of a sound-reproduction device would deprive the public of the right to the safe, comfortable, convenient and peaceful enjoyment of a public street, park or place for public purpose and would constitute a threat to the safety and welfare of the public. Said noise disturbance is deemed to be in violation of this section if it can be heard from a distance of greater than 50 feet.
4. The use or operation of any sound-reproduction device in a vehicle which would constitute a threat to the safety of pedestrians or vehicle operators.
5. The use or operation of any sound-reproduction device within 500 feet of any school, church or courthouse while the same is in session so as to interfere with the function of such facility, provided that conspicuous signs are displayed indicating the location of such facility.
6. The use or operation of any sound-reproduction device within 50 feet of any hospital, nursing home or medical facility so as to interfere with the function of such facility or so as to disturb the quiet, comfort or repose of a reasonable person of normal sensitivities while confined to or being treated at such facility, provided that conspicuous signs are displayed indicating the location of such facility.
7. The outdoor use or operation of any powered tool or equipment, including but not limited to saws, sanders, drills, grinders, lawn mowers or tractors, leaf blowers, snow blowers or any other garden tools or equipment, on property being used for residential purposes, between the hours of 10:00 p.m. and 7:00 a.m. of the following day.
8. The outdoor use or operation of any powered tool or equipment, including but not limited to saws, sanders, drills, grinders, lawn mowers or tractors, leaf blowers, snow blowers or any other garden tools or equipment between the hours of 7:00 a.m. and 10:00 p.m. on property being used for residential purposes and at any time on property being used for nonresidential purposes which disturbs the quiet, comfort or repose of a reasonable person of normal sensitivities.

9. The use or operation of any audible burglar alarm or motor vehicle burglar alarm, unless the operation of such alarm shall be terminated within 10 minutes after such alarm is first activated.
10. The operation of any motor vehicle with a gross vehicle weight rating in excess of 10,000 pounds, or any auxiliary equipment attached to such motor vehicle, for a period longer than 15 minutes in any hour while the vehicle is stationary for reasons other than traffic congestion, so that the sound emanated therefrom is audible on property being used for residential purposes, between the hours of 9:00 p.m. and 8:00 a.m. of the following day. This provision shall not apply to authorized emergency vehicles or to public utility vehicles actually engaged in emergency operations.
11. The use or operation, repair, rebuilding, modifying or testing of any motor vehicle, motorcycle, motorboat, go-cart, minibike or all-terrain vehicle on property being used for residential purposes so as to disturb the quiet, comfort or repose of a reasonable person of normal sensitivities.
12. The use or operation of a refuse-collecting vehicle anywhere which, when collecting or compacting, projects sound that is audible on property being used for residential purposes, between the hours of 11:00 p.m. and 7:00 a.m. of the following day.
13. The owning, possessing or harboring of any animal or bird that shall make sounds which are audible on property being used for residential purposes for a continued duration in excess of 15 minutes or which shall disturb the quiet, comfort or repose of a reasonable person of normal sensitivities.
14. The conduct of any construction activities, including but not limited to the erection, demolition, assembling, altering, installing or equipping of buildings, public or private roadways, roads, premises, parks, utility lines or other property, including related activities such as land clearing, grading, earthmoving, excavating, blasting, filling or landscaping, so as to project a noise therefrom which is audible on a property being used for residential purposes, between the hours of 9:00 p.m. and 8:00 am. of the following day.
15. The use of any sound-emitting device inside or outside of a structure whereby the sound emitted from such device is audible beyond the property line of the premises upon which it is being used, between the hours of 10:00 p.m. and 7:00 a.m. Sunday thru Thursday and 11:00 p.m. and 8:00 a.m. Friday and Saturday, or audible at a distance of 50 feet beyond the property line of the premises upon

which it is being used, between the hours of 7:00 a.m. and 10:00 p.m. Sunday thru Thursday and 8:00 a.m. and 11:00 p.m. Friday and Saturday.

16. The making of any noise for advertising purposes in any street or public place or by means of aircraft; the advertisement or calling attention to any advertisement, article, business, calling or profession upon any street, sidewalk or entrance to a place of business by means of any horn, megaphone, siren, bell radio or any other sound-producing or sound-amplifying mechanism, instrument or device.

C. Exceptions. The following sounds shall not be deemed to be in violation of this chapter:

1. The sound created by bells or chimes associated with a church, synagogue or any other place of public worship.
2. The sound created by any governmental agency or by the use of public warning devices.
3. The sound created by public utilities in carrying out the operations of their functions.
4. The sound created by sporting events of any public organization or private school, or carnival, fair, exhibition or parade, provided that such event shall take place between the hours of 8:00 a.m. and 11:00 p.m.
5. The use or operation of vehicles and equipment owned by the Village of Franklinville as described herein while being used in the performance of the usual and customary duties by an employee of the Village of Franklinville.

D. Enforcement. This chapter shall be enforced by the Police Department of the Village of Franklinville.

E. Penalties for offenses. Any person who shall violate any of the provisions of this chapter shall be guilty of a violation and shall be punishable by a minimum fine not less than \$50 and a maximum fine of \$250 or imprisonment for not more than 15 days, or both. Each day that such violation occurs shall be deemed a separate offense punishable as such. This chapter shall be enforced by the Village of Franklinville Police Department.

Section 5. Severability: If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance shall be



adjudicated by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 6. Effective Date: This Local Law shall take effect upon filing with the New York State Secretary of State.

Roll Call Vote:

Mayor Michael Sikora	VOTING	_____
Trustee Scott Hillman	VOTING	_____
Trustee Stephen Pockey	VOTING	_____
Trustee Paul Rose	VOTING	_____
Trustee Ashley Schumaker	VOTING	_____

*I hereby certify that at a meeting of the Franklinville Village Board of Trustees held at the Franklinville Village Hall at 19 Pennsylvania Avenue in the Village of Franklinville, County of Cattaraugus and State of New York, on the 14<sup>th</sup> day of August, 2023, the foregoing Local Law was passed and adopted by the Franklinville Village Board of Trustees.*

Certified by the Franklinville Village Clerk on  
August 14, 2023

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Patti Sage, Franklinville Village Clerk

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