

Chapter 139

NOISE

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[HISTORY: Adopted by the Board of Trustees of the Village of Pelham Manor as indicated in article histories. Amendments noted where applicable.]

ARTICLE I General Provisions

[Derived from Section 21 of the General Code of Ordinances]

§ 139-1. Noises prohibited; animal noise.

- A. All noises that disturb the peace or interfere with the health and quiet of the residents of the Village are prohibited at all times.
- B. It shall be unlawful for any person to keep or harbor any dog, cat or other animal that produces, creates or emits noises of a degree and kind to disturb the peace, sleep or quiet of the neighbors.

ARTICLE II

Horns

[Derived from Section 22 of the General Code of Ordinances]

§ 139-2. Horns or other signaling devices.

It shall be unlawful for any operator of a motor vehicle or occupant thereof or other person to sound a horn or other signaling device except when necessary to protect human or animal life or property.

ARTICLE III

Radios and Other Devices

[Derived from Section 23 of the General Code of Ordinances]

§ 139-3. Operation of radios, etc.

It shall be unlawful for any person to locate any radio, television, phonograph or similar device or amplifier thereof so as to or that may project sound into highways or neighborhoods for advertising or business purposes, and it shall be unlawful for any person owning or having charge of any building or premises or any part thereof in the Village to cause, suffer or allow any loud, excessive or unusual noise in the operation of any radio, phonograph or other mechanical or electrical or reproducing device, instrument or machine, whether for advertising or any other purpose, which noise shall disturb the comfort, peace and quiet of persons in the vicinity.

§ 139-4. Advertising.

It shall be unlawful to employ or operate any noise or sound producing or reproducing instrument, machine or device as an advertising medium within the Village; provided, however, that the temporary operation of a radio, public address system or reproducing instrument to transmit broadcasting of events of general public interest or of announcements may be allowed from time to time in accordance with a permit first obtained from the Clerk.

ARTICLE IV

Mechanical or Musical Noises

[Derived from Section 30B of the General Code of Ordinances]

§ 139-5. Noises prohibited.

Subject to the provisions of this article, the creation of any unreasonably loud, disturbing and unnecessary noise is prohibited. Noise of such character, intensity and duration as to be detrimental to the life or health of any individual is prohibited.

§ 139-6. Disturbing noises enumerated.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section, but any enumeration herein shall not be deemed to be exclusive: The

operation of any machinery, motor vehicle, equipment, pump, exhaust fan, attic fan, air-conditioning apparatus or similar mechanical device, television, radio, phonograph, loading or unloading of vehicles, or use of any instrument in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of any person or persons in any dwelling, hotel or other type of residence or in such a manner or with such volume as to create any noise in excess of the sound pressure levels hereinafter designated.

§ 139-7. Measuring noise intensity.

- A. Except for noise emanating from the operation of motor vehicles, the permissible intensity of noise from the foregoing acts between the hours from 7:00 a.m. to 10:00 p.m. and from 10:00 p.m. to 7:00 a.m., respectively, whether such noise is intermittent, impulsive, sporadic or continuous, is as follows:

Octave Band Cycles per second	Maximum Sound Pressure Level In Decibels	
	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.
0 - 75	72	67
75 - 150	67	62
150 - 300	59	54
300 - 600	52	47
600 - 1,200	46	41
1,200 - 2,400	40	35
2,400 - 4,800	34	29
Above 4,800	32	27

- B. Except for noise emanating from the operation of motor vehicles, the point at which the intensity of sound is to be measured shall be as follows:
 - (1) For noise emanating from a source in a Residential Zoned District: at any adjoining property line.
 - (2) For noises emanating from a source in any district other than a Residence Zoned District: at the Residence District boundary line.
- C. Noise emanating from the operation of motor vehicles shall not exceed a sound pressure level measured on the A scale of a sound meter at a distance from the longitudinal center line of the vehicle as follows:

Distance from Vehicle Center Line (Feet)	Noise Limit A Scale Decibels
50	80
25	86
12.5	92

§ 139-8. Sound pressure levels as evidence in actions or proceedings.

Upon the trial of any action or proceeding arising out of acts committed by any person creating unreasonably loud, disturbing and unnecessary noise, the court may admit evidence of sound pressure levels in decibels as shown by a sound level meter, octave band analyzer and impact noise analyzer. For the purpose of this section, evidence that noise exceeding the maximum sound pressure levels in decibels as provided in Subsections A and C hereof may be admitted as prima facie evidence that the noise was unreasonably loud, disturbing and unnecessary.

ARTICLE V**Gasoline-Powered Leaf Blowers
[Adopted 1-9-2006 by L.L. No. 1-2006]****§ 139-9. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

GASOLINE-POWERED LEAF BLOWER — Any device powered by an internal combustion engine which discharges a stream of forced air and which is used or designed to move grass, leaves, clippings, dust, dirt or other matter by blowing it with air emitted by such device.

§ 139-10. Restrictions.

- A. The use of gasoline-powered leaf blowers shall be unlawful in the Village of Pelham Manor during the period from May 1 through October 14 of each year. This section shall not apply to utility companies, municipal and/or school district emergency operations and for a period of up to five days following storms for purposes of removing debris resulting from such storms.
- B. During the period from October 15 through April 30 it shall be unlawful for any person to operate any gasoline-powered leaf blower before the hour of 8:00 a.m. and after the hour of 5:30 p.m. on any weekday and before 12:00 noon and after 4:00 p.m. on Saturdays, Sundays and federal holidays; except for emergency repairs by municipalities, school districts and/or utility companies and for a period of up to five days following storms for purposes of removing snow and debris resulting from such storms.

§ 139-11. Penalties for offenses.

Any person, firm, association or corporation who or which violates any provision of this article shall be guilty of an offense punishable by a fine of not more than \$250 and/or by imprisonment for not more than 15 days. Each violation of this article shall be a separate offense.