

TOWN OF COVENTRY

LOCAL LAW NO. 1 OF THE YEAR 2024

**A LOCAL LAW TO ENACT A NOISE CONTROL LAW
AND AMEND THE TOWN CODE REGARDING NOISE LIMITS**

Be it enacted by the Town Board of the Town of Coventry as follows:

Section 1. Purpose.

The purpose of this local law is to enact a new non-zoning law added to the Town of Coventry Code, entitled “Noise Control Law” which shall read as follows:

ARTICLE I, GENERAL PROVISIONS

1. Title.

This chapter shall be known and may be cited as the “Town of Coventry Noise Law.”

2. Purpose.

The purpose of this chapter is to preserve the public health, peace, welfare and good order by suppressing the making, creation or maintenance of excessive, unnecessary, unnatural or unusually loud noises which are prolonged, unusual and unnatural in their time, place and use and which are detrimental to the environment and soundscape. It is also the purpose of this chapter to allow all residents of the Town of Coventry (the “Town”) to coexist harmoniously in a manner which is mutually respectful of the interests, rights and obligations of all persons.

3. Unreasonable Noise Prohibited.

A. No person, acting with intent to cause public inconvenience, annoyance or alarm, or acting with reckless disregard of the effects on others, shall cause, suffer, allow or permit the creation of unreasonable noise. For purposes of this law, unreasonable noise is any disturbing, excessive or offensive sound that annoys a reasonable person of normal sensibilities.

B. The following acts are declared to be prima facie evidence of a violation of this chapter. This list is not to be deemed as exclusive or exhaustive.

(1) Any unnecessary noise from any source between the hours of 11:00 p.m. and 7:00 a.m. the following day, except as otherwise provided in this chapter.

- (2) The keeping of any animal which, by causing frequent or long-continued noise, shall disturb the comfort or repose of any person in the vicinity, except as otherwise provided in this chapter.
- (3) Noise from a burglar or other alarm system of any building, motor vehicle or boat which continues with only minor interruptions for five minutes or more.
- (4) Use or operation of any radio or receiving set, musical instrument, phonograph, television set, any other machine or device for the producing or reproducing of sound or any other sound-amplifying equipment in a loud, annoying or offensive manner such that noise from the device interferes with the comfort, repose, health or safety or members of the public within any building or, outside of a building, at a distance of 60 feet for more from the source of such sound or interferes with the conversation of members of the public who are 60 feet or more from the source of such sound. However, it shall include automobile sound systems producing bass reverberation and noise audible outside the automobile which exceed the noise produced by a typical automobile traveling down the street.
- (5) Noise from erection, including but not limited to excavation, demolition, alteration or repair of any structure other than between 7:00 a.m. and 9:00 p.m., Monday-Saturday; 10:00 a.m. and 9:00 p.m. Sunday except in case of an emergency public safety requirement.
- (6) The operation or repair of any machinery, motor vehicle, construction equipment or other equipment, pump, fan, air-conditioning apparatus or similar mechanical device, or engaging in any commercial or industrial activity in any manner so as to create unreasonable noise. In making such determination with respect to the matters governed by this subsection, additional factors to be considered shall include:
 - i. The necessity of the work being done.
 - ii. The ability of the creator of the noise to minimize or reduce the amount of noise created or to otherwise minimize its adverse effects.
- (7) The sounding of any horn or signaling device of an automobile, motorcycle or other vehicle for any unnecessary or unreasonable period of time.
- (8) Shouting or other outcry or clamor upon the public streets or sidewalks for the purpose of selling or otherwise attracting attention.

C. This chapter shall not apply to the following:

- (1) Fire horns or other alarms authorized by the Fire Department or Police Department and operated in accord with that authorization.

- (2) Normal agricultural operations defined as sound agricultural practices pursuant to the New York State Agriculture and Markets Law.

ARTICLE II, OTHER PROVISIONS

4. Permit Procedures for Certain Activities

- A. Where a sound source is planned, installed or intended to be installed or modified by any person in a manner that such source will create or is likely to create unreasonable noise or otherwise fail to comply with the provisions of this chapter, such person must secure a permit pursuant to this section.
- B. Where any person uses or plans to use any sound-amplifying equipment in such a way that such equipment is or will be heard anywhere outside of any building, such person must secure a permit under this section.
- C. Where any person uses or plans to use a public-address system that will make sound outside of a building, such person must secure a permit under this section.
- D. The Town Clerk shall have available during normal office hours application forms to be employed when a permit is sought under this article.
- E. The application for the permit shall provide the following information:
- (1) The reason for such usage, including a demonstration why it is desirable or necessary that the sound source involved be authorized by a permit pursuant to this section, and a showing of good cause if expedited processing of the permit application is needed.
 - (2) Plans and specifications of the use.
 - (3) Noise-abatement and control methods to be used with respect to the sound source involved.
 - (4) The period of time during which the permit shall apply.
 - (5) The name of the person(s) with address and telephone number who is responsible or ensuring that the activity complies with any permit issued for it pursuant to this section.
 - (6) When the activity for which the permit is being sought is not a community-wide or public event that notification of the application for the permit has been given to each person reasonably expected to be affected by the noise, the content of such

notification and the manner in which such notification has been given. The notification shall state to whom the application is being made and that any person objecting to the granting of such permit may contact the individual to whom the application is being made to express his/her opposition to the granting of the permit.

- (7) The application shall be made to the Town Council in connection with commercial construction work on public rights-of-way or in parks; for all other commercial construction projects; and for any other events the application shall be made to the Town Clerk who may consult with such other Town officers as deemed appropriate before issuing the permit. The issuance of permits shall be discretionary and shall be issued only where the responsible official determines that such permit is reasonable and necessary and will allow an activity that is consistent with the general purposes of this chapter, as stated in §3, provided that no permit shall be issued pursuant to this section for any sound source that will operate between 12:00 midnight and 7:00 a.m. on any day. Any permit granted shall state that the permit only applies to this chapter. Disorderly conduct, Subdivision 2, of the Penal Law of the State of New York 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.”
- F. In order to further the purposes of this chapter and to facilitate its implementation and enforcement, the Town Clerk or the Town Council as the case may be shall have authority to impose such conditions as they determine are reasonable and necessary on permits they issue pursuant to this section. Such conditions may govern factors which include but are not limited to the time and location the involved sound source may be utilized.
- G. The Town Clerk or the Town Council (whichever official issues the permit) shall provide the Code Enforcement Officer with a copy of any permit issued pursuant to this section.
- H. The Town Clerk or the Town Council, as the case may be, shall within Thirty (30) business days of receipt of a fully completed application, grant the permit, grant the permit with conditions, or deny the permit. This time permit shall be foreshortened for good cause shown in the application.
- I. The issuance of a permit, the terms and conditions of which have not been violated, shall be prima facie evidence that an offense under this chapter has not been committed.

5. Enforcement Powers.

The provisions of this chapter shall be enforced by the Town Code Enforcement Officer, who shall have the power to:

- A. Order the owner of any device which causes or is maintained or operated so as to cause a violation of any provision of this chapter to install any apparatus which can reasonably be expected to correct the violation, or to repair, properly maintain, replace or alter such device in a manner which can reasonably be expected to correct the violation.
- B. Order any person to cease and desist from any activity which causes or is conducted so as to cause a violation of any provision of this chapter.

6. Penalties for Offenses.

Any person who violates any provision of this chapter shall, upon conviction thereof, be punished as follows:

- A. Any person committing an offense against this chapter shall be guilty, upon conviction, of an offense punishable by a fine not to exceed two hundred fifty dollars (\$250.00) or imprisonment, not to exceed fifteen (15) days, or both such fine and imprisonment. Subsequent offenses shall be punishable by a fine not to exceed five hundred dollars (\$500.00) or imprisonment, not to exceed fifteen (15) days, or both such fine and imprisonment.
- B. Violations, regardless of the number, on any one day, shall be considered as one violation for that day. Continuation of a violation for each separate day shall be deemed a distinct and separate offense.
- C. An action or proceeding may be instituted in the name of the Town of Coventry, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of this chapter. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Town Board. Abatement proceedings shall be in addition to any penalties prescribed in this section.
- D. Nothing herein contained shall prevent the Town of Coventry from taking such other lawful action as necessary to prevent or remedy an infraction.

7. Non-Applicability to the Town of Coventry and Other Governmental Bodies

Nothing herein shall be applicable to activities of the departments of the Town of Coventry while acting in the course of their governmental responsibilities. The Town Board, or their designee, in their discretion, and upon reasonable terms and conditions, may permit other governmental entities acting in the course of governmental responsibility to be exempt from all or part of the requirements of this chapter.

Section 2. Remainder.

Except as hereinabove amended, the remainder of the Town Code of the Town of Coventry shall remain in full force and effect.

Section 3. Separability.

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section 4. Effective Date.

This Local Law shall take effect immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.