

### Chapter 3. Noise Control

#### **§5301. Protecting public tranquility; purpose**

In consideration of neighbors and in order to balance the vitality of our village and to preserve the peace and promote civility and to prevent hearing loss, sleep loss and a general reduction in the quality of life, the Village of Woodstock will protect the public tranquility.

#### **§5302. Definitions**

- (a) Plainly Audible: Any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the enforcement officer need not determine the title of the song, specific words or the artist performing the song. The detection of the rhythmic bass component of the music is sufficient to constitute a plainly audible sound.
- (b) Residential Property or Receiver: Property used for human habitation or sleeping.
- (c) Commercial/Industrial Property or Receiver: All other property, e.g. restaurants, schools, churches.
- (d) Background Level: The composite of all sounds exclusive of the sound under evaluation.
- (e) DBA: The sound pressure level measured using the weighting network as prescribed by the American National Standards Institute.
- (f) Receiving Property: The location that is receiving the sound in question.
- (g) Emergency: Any occurrence or set of circumstances involving reasonable expectation of actual or imminent physical trauma or property damage.
- (h) Emergency Work: Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.
- (i) Noise: Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

#### **§5303. Prohibitions; general prohibitions**

No person shall make or continue any excessive, unnecessary, unreasonably loud noise or disturbance, or any noise which disturbs, destroys, or endangers the comfort, quiet, repose, health, peace, or safety of others within the immediate vicinity of the noise or disturbance. Without limitations, the commission of one or more of the following acts, if done in such manner, shall be deemed a violation of this [chapter]:

- (a) Personal Mobile, or Portable Sound-producing Devices. The playing or use of a personal mobile, or portable sound-producing device in such manner or with such volume at any time and place so as to disturb, destroy or endanger the comfort, repose, or peace of persons. Evidence of such disturbance shall be the use of electronic sound producing devices that are operated in such a manner to be plainly audible at a distance of 50 feet in any direction from the operator.
- (b) Vocal Disturbances. Yelling, shouting, whistling, singing or making any other loud vocal noise so as to disturb, destroy, or endanger the comfort, quiet, repose or peace of persons in the vicinity of the noise or disturbance.
- (c) Devices to Attract Attention. The use of any drum, musical instrument, loud speaker,

amplifier, or other instrument or device for the purpose of attracting attention to a store or event.

(d) Dogs, Cats and Other Animals. The keeping of any dog, cat or other animal which shall become a nuisance to another person in the vicinity where such dog, cat or other animal is kept, by frequent or continued barking, howling, yelping or screaming.

(e) Construction and Maintenance Sounds: The excavation, erection, demolition, alteration, or repair of any buildings, structure, property or street between the hours of 9:00 P.M. and 7:00 A.M., on Sunday evening through Saturday morning and 9:00 P.M. Saturday Evening and 8:00 A.M. Sunday morning except for necessary emergency construction and maintenance to protect property or persons.

(f) Compression Brakes: The non-emergency use of compression brakes (also known as Jacob's brakes) by the trucks.

(g) Motor Vehicles: Sounding of vehicle horns, sirens, security alarm or other devices to attract attention that are not required in an emergency situation.

(h) Outside musical performances: Outside musical performances, either amplified or non-amplified, at a public or private event between the hours of 10:00 P.M. and 7:00 A.M. Sunday through Thursday and 11:00 P.M. and 7:00 A.M. Friday and Saturday.

#### **§5304. Evidence of violation**

For the purposes of subsections (a), (b), (c), (d) and (e) of §5302, a noise or disturbance of such magnitude so as to be plainly audible in another building or in another dwelling unit located in the same building, or in the street or public way shall be deemed prima facie evidence of a violation of this [chapter].

#### **§5305. Mufflers**

A motor vehicle, including a motorcycle, moped, snowmobile, all-terrain vehicle, or other vehicle equipped with and propelled by engine, whether operated on a public street or on private property, shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke. A person shall not remove, destroy or damage any of the baffles contained in the muffler, nor shall a person use a muffler cutout, bypass or similar device upon any such vehicle. Such vehicle shall at all times be equipped with a properly operating exhaust system which shall include a tail pipe and a resonator on a vehicle where the original design included a tail pipe and a resonator.

**§5306. Landlord culpability**

- (a) A landlord who, after notice, fails to take reasonable steps to prevent subsequent violations of this [chapter] by the tenant shall be in violation of this [chapter] and subject to enforcement as enumerated in §5307 of this [chapter].
- (b) Prior to issuing a ticket to a landlord, the landlord must receive written notice from the Village of Woodstock or its Police Department stating that the tenant has been issued a ticket for violation of [this chapter]. The landlord then has five days to issue a written warning to the tenant requesting that the tenant discontinue the violating behavior.

**§5307. Enforcement**

- (a) No owner or occupier of premises, or any person who has been given lawful permission to use or control any premises, shall knowingly permit a violation of this [chapter] by another person on such premises.
- (b) The first offense for any person violating the provisions of this [chapter], within a twelve month period, shall be punished as provided in Appendix B [of Title 1] of W.V.O.
- (c) A second and subsequent offense for violating this [chapter], within a twelve month period, shall be punished as provided in Appendix B [of Title 1] of the W.V.O.
- (d) Each time a police officer is called to a scene of a noise complaint shall be deemed to be a separate offense.

**§5308. Variances**

Any person may apply to the Board of Village Trustees for a variance from the requirements of this chapter prior to doing those acts. The applicant shall provide a list of property owners within two hundred fifty (250) feet of the site(s) where the activity is to occur. Ten (10) days advance written notice of the Board of Trustees meeting shall be provided to the property owners and residents appearing on the list. For good cause shown, the Board of Village Trustees may, in its sole discretion, either grant or deny the variance. If the variance is granted, the Board of Village Trustees may impose reasonable conditions to it.

**§5309. Exemptions**

Sounds from the following sources shall be exempt from the prohibitions specified herein and shall not be included in any measurements performed to determine compliance with [this chapter]:

- (a) All safety signals and warning devices or any other device used to alert persons to any emergency or used during the conduct of emergency work including but not limited to police, fire and medical/rescue vehicle sirens.
- (b) The repair and maintenance of municipal facilities, services or public utilities when such work must be accomplished outside of daytime hours.
- (c) Snow removal equipment operated within the manufacturer's specifications and in proper operating condition.
- (d) Musical, recreational and athletic events conducted by and on the site of a school or education institution and municipal institutions.
- (e) Events conducted by or permitted by the [Village]. Persons operating an event under the authority of an entertainment permit, parade, street event, or special use permit shall comply with all conditions of such permits with respect to noise control issues.

- (f) Construction or repair work which must be done to address an emergency health or safety concern and that cannot be accomplished during daytime hours and which is not work which includes normal maintenance and repair.
- (g) Equipment for maintenance of lawns and grounds during the hours of 7:00 A.M. to 9:00 P.M. Monday through Saturday, and between 8:00 A.M. to 9:00 P.M. on Sunday (including but not limited to lawn mowers, hedge trimmers, weed whackers, chain saws and leaf blowers).
- (h) Vehicles that meet state standards on the public right-of-way.
- (i) Normal noises that are part of everyday life for a household or commercial establishment, such as playing musical instruments, outdoor music, property and building maintenance etc. by the owner or occupant of a residence or an apartment until 10:00 P.M. on Sunday through Thursday and until 11:00 P.M. on Friday and Saturday.
- (j) Normal and reasonable noise associated with refuse and recycling collection which occurs after 3:00 A.M. by commercial trash haulers licensed by the Town of Woodstock.

**§5310. Notification by property owners of rental housing**

Owners of rental housing shall be required to provide a copy of this [chapter] to a tenant at the start of the tenancy. However, the failure [of] an owner to provide a copy of the [chapter] shall not be a defense to a violation of this section.

History:

2005 Amendment. This chapter is added by Woodstock Village Ordinance Revision #25, adopted by the Board on September 26, 2005, effective November 25, 2005. Revision to time limits for outdoor activities including maintenance equipment on weekends and outdoor music, adopted by the board on June 11, 2013, effective August 11, 2013.

Revision # 14 adopted on June 11, 2013 and effective August 10, 2013. Revision to time limits for outdoor activities, outdoor music, compression brakes on trucks; and makes landlords responsible for violations of the noise ordinance by their tenants.