

Chapter 81

NOISE

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[HISTORY: Adopted by the Board of Trustees of the Village of Champlain 3-8-1976 by L.L. No. 2-1976. Amendments noted where applicable.]

GENERAL REFERENCES

Noise by dogs — See Ch. 47, Art. I.

Peddling and soliciting — See Ch. 88.

§ 81-1. Title.

This chapter shall be known and may be cited as the "Noise Control Law of the Village of Champlain."

§ 81-2. Policy.

It is hereby declared to be the policy of the Board of Trustees to prevent unreasonably loud, disturbing and unnecessary noise and to reduce the noise level within the Village so as to preserve, protect and promote the public health, safety and welfare and to foster convenience, peace and quiet within the Village by the inhabitants and transients thereof. The Board of Trustees finds that every person is entitled to have maintained noise levels which are not detrimental to life, health and the enjoyment of property and that excessive and unnecessary noise within the Village of Champlain affects and is a menace to public health, safety, welfare and the comfort of the people of the Village.

§ 81-3. Definitions. [Amended 7-17-2000 by L.L. No. 1-2000]

For the purpose of this chapter, the terms used herein are defined as follows:

SOUND DEVICE OR APPARATUS — Any apparatus or device for the making, reproduction or amplification of the human voice or other sounds.

UNNECESSARY — That which is not required by the usual circumstances.

§ 81-4. Unreasonable noise prohibited; enumeration of offenses. [Amended 7-17-2000 by L.L. No. 1-2000]

- A. No person, with the intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, shall cause, suffer, allow or permit to be made unreasonable noise. For purposes of this chapter, unreasonable noise is any disturbing, excessive or offensive sound that disturbs a reasonable person of normal sensitivities.
- B. The following acts are declared to be prima facie evidence of a violation of this chapter. This enumeration shall not be deemed exclusive.
- (1) The operation of any radio or phonograph or the use of any musical instrument in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, apartment or other type of residence.
 - (2) The keeping of any animal or bird which, by causing frequent or long-continued noise, shall disturb the comfort and repose of any person in the vicinity.
 - (3) The use of any automobile, motorcycle, bus or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
 - (4) The discharge into the open air of the exhaust of any stationary internal combustion engine or motor vehicle engine, except through a muffler, of original factory specifications or equal, or other device which will effectively prevent loud or explosive noises therefrom.
 - (5) The erection, including excavation, demolition, alteration or repair, of any building other than between 7:00 a.m. and 9:00 p.m., except in case of urgent necessity in the interest of public safety as determined by applicable laws in the Code of the Village of Champlain.
 - (6) The creation of any excessive noise on any street adjacent to any school, church, institution of learning or court, while the same is in session, which unreasonably interferes with the workings of such institution.
 - (7) The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
 - (8) The shouting and crying of peddlers, hawkers and vendors which disturbs the pence and quiet of the neighborhood.
 - (9) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any sale or display of merchandise by the creation of noise.
 - (10) The sounding of any horn or signal device on any vehicle, motorcycle, bus or other device except as a warning signal, pursuant to the provisions of § 375 of the Vehicle and Traffic Law of the State of New York.
 - (11) The use of any radio apparatus, talking machine, loudspeaker or amplifier attached thereto in such manner that the loudspeaker shall cause the sound from

such radio apparatus or talking machine to be projected directly therefrom outside of any building or out-of-doors or the use of any radio apparatus, talking machine, loudspeaker or amplifier which is in any way fastened to or connected with any outside wall or window in any building or structure so that the sound therefrom is projected outside of such outside wall or window. Nothing herein contained shall be construed to prevent the operation of a radio apparatus or talking machine used in a reasonable manner by any person within any building or structure, provided that said radio apparatus or talking machine or loudspeaker is not so arranged such that the loudspeaker shall project the sound therefrom directly outside of any building or out-of-doors.

- (12) The creation of a noise by any tractor, tractor-trailer or combination thereof between the hours of 9:00 p.m. and 6:00 a.m., parked on any street or in the parking lot of this Village, with its engine running for periods of more than five minutes. On motor vehicles so equipped, no refrigeration motor and/or unit shall be left running for more than five minutes on any of the above-described vehicles while they are so parked.
- (13) The creation of any noise which causes public inconvenience, annoyance or alarm or disturbs the public's peace, comfort or tranquility. This includes yelling, shouting, hooting, whistling or any singing on any public streets at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in or of any persons in the vicinity.
- (14) Noise from any sound-reproduction system operating or playing any radio, portable radio or tape player, television, tape deck or similar device that reproduces or amplifies sound in such a manner as to be heard 60 feet from its source or over any property line.

§ 81-5. Use of sound devices. [Amended 7-17-2000 by L.L. No. 1-2000]

It shall be unlawful for any person to use or operate or cause to be used or operated any sound device or apparatus in, on, near or adjacent to any public street, park or place for commercial or business advertising purposes or for any person to operate or drive any automobile, truck or other vehicle for commercial or business advertising by means of any sound device or apparatus. The use of any trade, business or corporate name or the name of any person, proprietor or vendor in such commercial or business advertising shall be presumptive evidence that such advertising was conducted by that person, business or corporation.

§ 81-6. Exceptions. [Amended 7-17-2000 by L.L. No. 1-2000]

The following sounds shall not be deemed to be a violation of this chapter:

- A. Sounds created by church bells or chimes.
- B. Sounds created by any government agency or by the use of the public warning devices.

- C. Sounds created by lawnmowers, manual and power tools and household appliances in use between the hours of 8:00 a.m. and 8:00 p.m., prevailing time, weekdays, and 9:00 a.m. and 8:00 p.m., prevailing time, Sundays.
- D. Sounds created by public utilities in carrying out the operation of their franchises.
- E. Sounds connected with sporting events of any public or private school or authorized carnival, fair, exhibition, parade, etc., allowed by permit of the Board of Trustees.

§ 81-7. Penalties for offenses. [Amended 9-11-1989 by L.L. No. 3-1989; 7-17-2000 by L.L. No. 1-2000]

- A. Any person who violates any provision of this chapter shall, upon conviction thereof, be subject to a fine not to exceed \$250 or to imprisonment for a term not to exceed 15 days, or both.
- B. Each violation of this chapter shall constitute a violation pursuant to the Penal Law.
- C. In all cases, the Board of Trustees may enforce obedience of this chapter by injunction.

Chapter 85

PARKING, HANDICAPPED

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| § 85-1. Designation of spaces. | § 85-4. Prohibited acts. |
| § 85-2. Definitions. | § 85-5. Penalties for offenses. |
| § 85-3. Placement of spaces; delineation. | § 85-6. Effect of statutory provisions. |

[HISTORY: Adopted by the Board of Trustees of the Village of Champlain 7-24-1978 as L.L. No. 2-1978. Section 85-1H added and § 85-5 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Vehicles and traffic — See Ch. 111.

§ 85-1. Designation of spaces.

Each of the public places hereinafter set forth below shall hereinafter be required and shall, within 30 days of the effective date of this chapter, have designated and set forth and delineated upon the public parking areas of said place the number of parking spaces or space as set forth hereinafter, which parking spaces or space shall be designated as a parking space or spaces for vehicles transporting handicapped persons and persons who are confined to wheelchairs:

- A. The public library parking area: one parking space.
- B. The Village Municipal Office parking area: one parking space.
- C. St. Mary's Church parking area on Church Street in front of said church: four parking spaces. [Amended 7-22-1985 by L.L. No. 1-1985]
- D. The Elm Street Elementary School parking area: one parking space.¹
- E. The public parking area at the Village Fire Department building to be located on Elm Street in the village: two parking spaces. [Amended 7-22-1985 by L.L. No. 1-1985]
- F. The Episcopal Church parking area on Butternut Street in front of said church: one parking space.
- G. The Presbyterian Church parking area on Oak Street in front of said church: one parking space.
- H. Parking spaces as designated and marked (with permission of owner) in a public shopping area.²

1. Editor's Note: Former Subsection e, which provided for a parking space in the United States Post Office parking area on Church Street and which immediately followed this subsection, was repealed 7-22-1985 by L.L. No. 1-1985.

2. Editor's Note: Added at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

§ 85-2. Definitions.

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

HANDICAPPED — Any person who is disabled partially or totally, which disability impairs said person's ability to walk, and shall include but shall not be limited to those persons who are confined to wheelchairs.

§ 85-3. Placement of spaces; delineation.

Said parking spaces required to be established and delineated pursuant to this chapter shall be so delineated in as close proximity to the entrance of said public place as the physical arrangement of said place shall allow, and each such parking space shall be appropriately marked by a fixed sign or by painting upon said parking space a designation indicating that said space is to be used only by the handicapped.

§ 85-4. Prohibited acts.

No person shall park his or her vehicle in said designated handicapped parking space or any part thereof so as to obstruct the use of the same unless said vehicle is then being used to transport a handicapped person as defined herein.

§ 85-5. Penalties for offenses.³

Every person convicted of a violation of any provision of this chapter shall be subject to a penalty in accordance with § 1203-b, Subdivision 2, and § 1203-c, Subdivision 4, of the Vehicle and Traffic Law.

§ 85-6. Effect of statutory provisions.

- A. Except those parts, if any, which are subject to approval under § 1684 of the Vehicle and Traffic Law of the State of New York and § 46 of the Highway Law of the State of New York, this chapter and any regulations adopted hereunder shall take effect as provided by law.
- B. Any part or parts of this chapter and any regulations adopted hereunder which are subject to approval under § 1684 of the Vehicle and Traffic Law and § 46 of the Highway Law of the State of New York shall take effect from and after the day on which approval, in writing, is received from both the New York State Department of Transportation and the New York State Department of Public Works.

3. Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.