

Chapter 147

PEACE AND GOOD ORDER

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[HISTORY: Adopted by the Board of Trustees of the Village of Alden 11-22-1976 as L.L. No. 3-1976; amended in its entirety 8-11-2016 by L.L. No. 5-2016. Amendments noted where applicable.]

GENERAL REFERENCES

Parks and recreation areas -- See Ch. 143.

Streets and sidewalks -- See Ch. 177.

§ 147-1. Fires.

No person shall build a fire of any description, including the burning of leaves, rubbish or paper, producing the emission of smoke or noxious gasses anywhere within the Village except as authorized by the Department of Public Works, Code Enforcement Officer, or Fire Chief. It shall be an exception with regard to the building of a fire in any fire pit or similar device used solely for heating purposes provided that no rubbish, garbage, and/or paper is used as a means of disposal, and said fire is in compliance with all applicable federal, state, county, and local laws and regulations.

§ 147-2. Use of weapons.

No person shall use, discharge or propel any rifle, pistol or other firearm or any knife, bow or other weapon that may be dangerous, harmful or injurious to any person, property or animal within the Village of Alden except as authorized by the Board of Trustees or by the laws of the State of New York.

§ 147-3. Disruptive, noisy and riotous conduct; Declaration of Policy. [Amended 10-25-2018 by L.L. No. 8-2018]

- A. It is hereby declared to be the public policy of the Village to reduce the ambient noise level in the Village, so as to preserve, protect and promote the public health, safety and welfare and the peace and quiet of the inhabitants of the Village, prevent injury to human, plant and animal life and property, foster the convenience and comfort of its inhabitants and facilitate the enjoyment of the natural attractions of the Village. It is the public policy of the Village that every person is entitled to ambient noise levels that are not detrimental to life, health and enjoyment of his or her property. It is hereby declared that the making, creation or maintenance of excessive or unreasonable noises within the Village affects and is a menace to the public health, comfort, convenience, safety, welfare and the prosperity of the people of the Village. The provisions and prohibitions hereinafter contained and enacted are for the above-mentioned purpose.
- (1) Interpretation. This chapter shall be liberally construed so as to effectuate the purposes described in this chapter. Nothing herein shall abridge the powers and responsibilities of any police department, law enforcement agency or code enforcement department to enforce the provisions of this chapter. Nothing herein shall be construed to abridge the powers of any health department, code enforcement department or the right of such department to engage in any necessary or proper activities.
 - (2) General Provisions. It shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary, unreasonable or unusual noise, or to permit any other to do so, which disturbs the peace or quiet within the geographical boundaries of the Village of Alden, or which causes discomfort or annoyance to any reasonable person of normal sensitiveness. For the purposes of this chapter, it shall be presumed that the owner, tenant, person or persons in possession or control, and the occupants of the particular premises, are, jointly or severally, permitting such noise.
 - (3) Motor Vehicles. It shall be unlawful for any person operating a motor vehicle, motorcycle or omnibus, as they are defined in the Vehicle and Traffic Law of the State of New York, to use a horn, alarm, or other device for signaling except in a reasonable manner as a danger warning, and it shall be unlawful for any person having the management and control of any motor vehicle, motorcycle or omnibus to produce or cause, suffer or allow to be produced by means of such horn, alarm, or other signaling device a sound which shall be unreasonable or unnecessarily loud or harsh or shall continue for an unnecessary and unreasonable period of time.

- (4) **Amplification Devices.** No person shall use or operate or cause to be used or operated, in front of or outside any building, place or premises, or in or through any window, doorway or opening of such building, place or premises, or upon any public street or place or on any vehicle thereon, any device or apparatus for the amplification of sounds from any radio or other sound-making or sound-reproducing device without permission from the Public Safety Committee.
- (5) **Musical Devices.** The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the persons who are voluntary listeners thereto. The operation of any of the above in such a manner as to be plainly audible at a distance of 25 feet from the building, structure, property or room in which it is located shall be prima facie evidence of a violation of this subsection.
- (6) **Yelling and Uttering Obscenities.** Yelling, shouting, hooting, whistling or singing or the uttering of obscenities upon the public streets so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel or other type of residence or of any persons in the vicinity.
- (7) **Use of Mufflers.** No person shall cause or permit the operation of any device, vehicle, construction equipment or lawn maintenance equipment, including but not limited to any diesel engine, internal combustion engine or turbine engine without a properly functioning muffler in good working order and in constant operation regardless of sound level produced.
- (8) **Loading and Unloading.** The creation of loud and excessive noise in connection with loading or unloading any vehicle or the opening, closing or other handling of boxes, crates, containers, building materials or other similar objects.
- (9) **Construction and Demolition.** Any activity necessary or incidental to the erection (including excavating), demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 8:00 p.m. weekdays and Saturdays, except in the case of urgent necessity in the interest of public health and safety, and then only with a permit from the Code Enforcement Officer, which permit may be granted for a period not to exceed three (3) days or less while the emergency continues and which permit may be renewed for periods of three days or less while the

emergency continues. If the Code Enforcement Officer, should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of 8:00 p.m. and 7:00 a.m., and if he/she shall further determine that loss or inconvenience would result to any party in interest, he/she may grant permission for such work to be done within the hours of 8:00 p.m. and 7:00 a.m. upon application being made at the time the permit for the work is awarded or during the progress of the work.

- (10) Lawn and Garden Maintenance. The operation of lawn mowers, lawn tractors, trimmers, leaf blowers and other lawn care power machines between the hour of 9:00 p.m. and 7:00 a.m. Monday through Friday and between the hours of 9:00 p.m. and 8:00 a.m. on Saturdays, Sundays and legal holidays.
- (11) Peddlers. The shouting and crying of peddlers, hawkers and vendors which disturb the peace and quiet of the neighborhood.
- (12) Shows and Sales. The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.
- (13) Motor Vehicles. The playing of any radio, music player or audio system in a motor vehicle at such volume as to disturb the quiet, comfort or repose of other persons or at a volume which is plainly audible to persons other than the occupants of such vehicle. The operation of any of the above in such a manner as to be plainly audible at a distance of ten (10) feet from the vehicle at which it is located shall be prima facie evidence of a violation of this subsection.
- (14) Motor Vehicles. No person shall operate a vehicle in such a manner as to cause unreasonable noise by spinning or squealing the tires of such vehicle, or by causing the engine to rev producing excessive motor roar.
- (15) Alarms. No person shall allow noise from an automobile and/or home alarm in excess of five (5) minutes after it has activated.
- (16) Motor Vehicle Repair and Testing. The repair, rebuilding or testing of any motor vehicle, excepting emergency repairs, where the standards for determination so dictate or in such a manner that a reasonable person of normal sensitiveness in the area is caused discomfort or annoyance.

- (17) **Municipal Exception.** The provisions of this chapter shall not apply to noise generated by municipality-sponsored concerts or permitted special events, as well as noise generated by events held at or within the confines of stadiums, arenas or fields designed specifically and primarily for sporting events and which are open to the public.
- (18) **Disruptive, noisy, and riotous conduct.** No person or persons shall make, cause or permit to be made any unusual, improper or loud noise or disturbance in any street or public place or premises adjacent thereto tending to annoy, inconvenience or disturb any person or persons upon any street or public place or premises adjacent thereto in the Village, or engage in any noisy, disorderly or riotous conduct on or adjacent to any street, sidewalk or other public place or upon premises adjacent thereto tending to annoy, inconvenience or disturb any person or persons upon any street or public place, or any premises adjacent thereto; nor shall any person make, cause or permit to be made any unusual, improper or loud noise or disturbance tending to disrupt, or disrupting any lawful meeting or assemblage in the Village.

§ 147-4. Enforcement.

The provisions of this Chapter shall be enforced by any police officer, peace officer, animal control officer, or other individual directed to do so by the Board of Trustees or Mayor.

§ 147-5. Penalties for offenses.

Except as otherwise set forth, a violation of this chapter shall be deemed a misdemeanor and shall be punishable by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment for a period not exceeding one (1) year, or by both fine and imprisonment.