

## Chapter 255. Peace and Good Order

### Article V. Unnecessary and Unusual Noises

#### § 255-24. General restrictions.

[Amended 12-4-1989; 9-6-1990; 1-24-1991]

It shall be unlawful for any person to make, continue or cause or permit to be made or continued any unreasonable, unnecessary or unusual noise, between the hours of 6:00 a.m. and 8:00 p.m., which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensitivities or to make, continue or cause to be made or continued, between the hours of 8:00 p.m. and 6:00 a.m., whether in the operation of any machine or the exercise of any trade or calling or in the use of or operation of any radio, receiving set, musical instrument, phonograph, television set or other machine or device for the production or reproduction of sound or otherwise, any noise which either annoys, injures or endangers the comfort, repose, health or safety of a reasonable person of normal sensitivities, unless the making and continuing of the same shall be necessary for the reasonable protection or preservation of life or property or for the health, safety or life of some person or made in connection with governmental functions or activities conducted in furtherance of the public health, safety, welfare or convenience.

#### § 255-25. Public places.

It shall be unlawful for any person to ring any hand bell, beat or strike any pan, pail or other like article or sound any gong or blow any whistle or horn or other than musical instruments when used as part of a band of music except to give necessary signals upon a street car, motor vehicle, motorcycle, bicycle or similar vehicle or to hawk, cry or call out the sale of goods at auction or otherwise or to gain passengers for any cab, hack, taxi or other vehicle or to make, aid, continue, encourage or assist in making any other or unusual noise upon any street or other public place or in close proximity thereto so as to be distinctly and loudly audible upon any such street or place in the City of Albany.

#### § 255-26. Schools, hospitals, courts and places of worship.

[Amended 12-4-1989]

Subject to the limitations enumerated below, no person, while on public or private grounds on or adjacent to a school, hospital, court or place of worship, shall willfully make or assist in the making of any noise or diversion which disrupts or tends to disturb the peace or good order of the

activities within.

- A. Schools: while any class thereof or other instruction is in session.
- B. Hospitals or similar institutions: while medical services, including counseling, are being provided.
- C. Courts: during the hours of the court or while otherwise in session.
- D. Places of worship: during the hours of worship or while otherwise conducting religious services.

## § 255-27. Siren, whistles and gongs.

It shall be unlawful for any person to carry or use upon any vehicle any gong or siren whistle similar to that used on ambulances or vehicles of the Police and Fire Departments.

## § 255-28. Harboring of dogs.

[Amended 9-6-1990]

It shall be unlawful for any person to own, keep and have in his possession or harbor any dog which by frequent or habitual howling, yelping, barking or otherwise shall cause serious annoyance or disturbance to a reasonable person of normal sensitivities or to the neighborhood.

## § 255-29. Sound-producing devices.

[Amended 12-4-1989]

- A. 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, phonograph or other sound-making or sound-reproducing device without a permit from the Chief of Police. The Chief of Police, in exercising his discretion, may withhold a permit if he has reasonable cause to believe that the permit will foster a violation of this article.
- B. No such permit shall be issued for operation of the above-mentioned sound devices within 250 feet of a school, hospital or similar institution, court or place of worship during the times specified for these institutions in § **255-26** if the production of such sound will disrupt or tend to disturb the peace or good order of the activities within.

## § 255-30. Signaling devices.

[Amended 9-6-1990]

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 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 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.

## § 255-31. Streets or public places.

[Amended 12-4-1989; 9-6-1990]

It shall be unlawful for any person to make, aid or encourage or assist in making any unusual, unnecessary or improper noise, riot or disturbance in any street or public place to the annoyance or inconvenience of travelers, or to reasonable persons of normal sensitivities residing adjacent thereto, nor shall any person use any profane, obscene or vulgar language in any street or public place.

## § 255-32. Building operations.

[Amended 12-4-1989]

It shall be unlawful for any person conducting any building operations between the hours of 10:00 p.m. and 7:00 a.m. to operate or use any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoists or other apparatus, the use of which is attended by loud or unusual noise, except upon written permission from the Commissioner of Buildings and then only in case of emergency. In accordance with Chapter 11, Appearance Tickets, of the Code of the City of Albany, the Commissioner of Buildings, the Deputy Commissioner of Buildings, the Deputy Commissioner of Code Enforcement, Building Inspectors and Code Enforcement Inspectors are authorized to issue warnings and appearance tickets for violations of this section as set forth in § 255-34. Such violation will be subject to the penalties provided in § 255-35 of this article.

## § 255-33. Severability.

If any section or part or provision of any section of this article shall be declared unconstitutional or invalid or ineffective by any court of competent jurisdiction, such declaration shall be limited to the section, part or provision directly involved in the controversy in which such declaration was made and shall not affect any other section, provision or part thereof.

## § 255-34. Enforcement.

[Added 12-4-1989; amended 6-5-2006 by Ord. No. 43.31.06<sup>[1]</sup>]

- A. Any person violating any of the provisions of this article may first be issued a verbal or written warning of violation by any police officer or other person authorized hereunder, who shall require that the violation immediately cease. If the violator, upon demand, fails to comply or for a second violation by the same violator within a thirty-day period, such violator shall, upon conviction thereof, be guilty of a violation and subject

to the penalties provided in § **255-35** of this article.

- B. Any person who observes or has knowledge of a violation of this article may file a signed deposition, under oath, with a police officer, specifying the objectionable conduct, the date thereof, and the name and address, if known, of the alleged violator. A police officer shall investigate each complaint and, if the complaint is supported by probable cause, issue a notice of violation therefor.
- C. The Chief of Police may promulgate such rules and regulations as may be necessary to carry out the provisions of this section.

[1] *Editor's Note: This ordinance provided an effective date of 8-1-2006.*

## § 255-35. Penalties for offenses.

[Amended 12-4-1989]

Any person violating any of the provisions of this article as defined herein shall be guilty of a violation and, upon conviction thereof, shall be liable for a fine not to exceed \$250 or imprisonment not exceeding 15 days, or to both such fine and imprisonment.