

## Chapter 40 - NOISE CONTROL ORDINANCE

### ARTICLE I. - GENERAL PROVISIONS

#### Sec. 40-1. - Short title.

This chapter shall be known as the Syracuse Noise Control Ordinance.

(Gen. Ord. No. 35-1977, 8-1-77)

#### Sec. 40-2. - Declaration of policy.

It is hereby declared to be the policy of the city of Syracuse to prevent excessive, unnecessary or unusually loud noise. It is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of preserving, protecting and promoting the public health, comfort, convenience, safety and welfare and the peace and quiet of Syracuse and its inhabitants.

This chapter shall be liberally construed so as to effectuate the purposes described in this article. Nothing herein shall be construed to abridge the powers and responsibilities of the Syracuse Police Department to engage in any proper or necessary activities.

(Gen. Ord. No. 35-1977, 8-1-77)

#### Sec. 40-3. - Definitions.

[As used in this chapter:]

- (a) *Administrator* means the chief of police of the city of Syracuse or his designee.
- (b) *Administration* means the Syracuse Police Department.
- (c) *Authorized emergency vehicle* means every ambulance, police vehicle, fire vehicle and civil defense vehicle when on emergency calls.
- (d) *Best practical noise control measures* means any device or method which reduces the generation or transmission of noise and is determined by the administrator to be feasible, taking into consideration the age of the equipment and facilities involved, the cost of such measures, the processes employed and the non-noise control environmental impact.
- (e) *Burglar alarm* means any sound signal device designed and intended to produce an audible sound signal upon unauthorized entrance into a building or motor vehicle.
- (f) *Commercial operation* means any business or commercial activity that involves the purchase or utilization of goods or services.
- (g) *Construction* means any activity necessary or incidental to the erection, demolition, assembling, altering, installing or equipping of buildings, highways, roads, utility lines or other property.
- (h) *Construction material* means any material, regardless of its composition, designed and customarily used in construction.
- (i) *Container* means any receptacle, regardless of contents, which is manufactured from wood, metal, plastic, paper or any other material including but not limited to any barrel, basket, box, crate, tub, can, bottle or refuse container.
- (j) *Device* means any mechanism which is intended to or which actually produces sound when operated or handled.
- (k) *Emergency* means a public calamity or an exposure of any person or property to imminent danger.

- (l) *Emergency warning device* means any sound signal device that is designed to be used and is actually used to warn of an emergency.
- (m) *Industrial operation* means the production, fabrication and storage of durable and nondurable manmade goods.
- (n) *Ordinance* means the Syracuse Noise Control Ordinance.
- (o) *Person* means any individual, partnership, company, corporation, association, firm, organization, governmental agency, administration or department, or any other group of individuals, or any person or employee thereof.
- (p) *Real property boundary* shall mean an imaginary line exterior to any structure, along the ground surface, which separates the real property owned by one person from that owned by another person, and the vertical extension of such line.
- (q) *Refuse collection vehicle* means any motor vehicle designed to compact and transport refuse.
- (r) *Sound reproduction device* means a device intended primarily for the production or reproduction of sound including, but not limited to any musical instrument, radio receiver, tape recorder, phonograph, or sound amplification system.
- (s) *Sound signal device* means any device that is designed to produce a sound or transmit nonverbal information.
- (t) *Sound source site* means any land under the ownership or control of a person in or upon which one or more sound sources are located. The sound source site includes all individual sound sources that are located on such site, whether stationary, movable or mobile.
- (u) *Unnecessary noise* means any excessive or unusually loud sound or any sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensibilities, or which causes injury to animal life or damage to property or business. Standards to be considered in determining whether unnecessary noise exists in a given situation, include but are not limited to the following:
  1. The intensity of the noise
  2. Whether the nature of the noise is usual or unusual
  3. Whether the origin of the noise is natural or unnatural
  4. The intensity of the background noise
  5. The proximity of the noise to sleeping facilities
  6. The nature and the zoning district of the area within which the noise emanates
  7. The time of the day or night the noise occurs
  8. The duration of the noise
  9. Whether the sound source is temporary
  10. Whether the noise is continuous or intermittent
  11. Whether alternate methods are available to achieve the objectives of the sound producing activity.

(Gen. Ord. No. 35-1977, 8-1-77; Gen. Ord. No. 30-1987, 9-8-87)

## ARTICLE II. - PROHIBITION

### Sec. 40-4. - General prohibition.

No person shall make, continue or cause or permit to be made any unnecessary noise. The following acts are declared to be prima facie evidence of a violation of this article and are prohibited, but said enumeration shall not be deemed to be exclusive.

(Gen. Ord. No. 35-1977, 8-1-77)

Sec. 40-5. - Burglar alarms.

No person shall operate or cause to be operated an audible burglar alarm unless such alarm is capable of and shall automatically terminate operation within fifteen (15) minutes after such alarm is first activated. Notwithstanding this provision, any member of the Syracuse Police Department shall have the authority to take such steps as may be necessary to disconnect said alarm at any time when in operation.

(Gen. Ord. No. 35-1977, 8-1-77)

Sec. 40-6. - Construction.

- (a) Except as otherwise provided herein, no person shall conduct or permit to be conducted construction, alone or in combination with other construction conducted or permitted by such person in a manner as to cause unnecessary noise between 9:00 p.m. and 7:00 a.m. Monday to Saturday, inclusive, or at any time on Sundays or holidays.
- (b) The provisions of this section shall not apply to the following:
1. Emergency work, and safety and protective devices.
  2. Domestic power tools subject to section 40-15 herein.

(Gen. Ord. No. 35-1977, 8-1-77)

Sec. 40-7. - Containers and construction material.

No person shall handle or transport or cause to be handled or transported in any public place, any container or any construction material in such a way as to create an unnecessary noise.

(Gen. Ord. No. 35-1977, 8-1-77)

Sec. 40-8. - Commercial purposes.

No person shall operate or permit to be operated a place of public entertainment, including but not limited to a restaurant, bar, cafe, discotheque, or dance hall, in which the sound is of sufficient volume as to be distinctly heard for a distance of fifty (50) feet outside the building, premises or structure where produced, or sufficiently audible upon any public street or place to attract and congregate a crowd thereon.

(Gen. Ord. No. 35-1977, 8-1-77)

Sec. 40-9. - Defect in vehicle or load.

No person shall operate or permit the operation of any motor vehicle in such manner or so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling or other noise.

(Gen. Ord. No. 35-1977, 8-1-77)

Sec. 40-10. - Emergency warning devices.

No person shall operate or cause to be operated any emergency warning device, except:

- (a) To give notice as a warning of any emergency;

(b) On an authorized emergency vehicle when such vehicle is engaged in emergency operations provided that such device is not operated to create unnecessary noise or for a period of time longer than is necessary to respond to such emergency;

(c) When such device is under test.

(Gen. Ord. No. 35-1977, 8-1-77)

Sec. 40-11. - Exhausts.

Except as otherwise provided in this ordinance, no person shall cause or permit the discharge into the open air of the exhaust of any device, including but not limited to any steam engine, diesel engine, internal combustion engine or turbine engine, so as to create unnecessary noise.

(Gen. Ord. No. 35-1977, 8-1-77)

Sec. 40-12. - Institutions.

No person shall cause or permit the creation of any unnecessary noise through the use of any device on any street, sidewalk or public place adjacent to any school, court or church while such structure is in use, or adjacent to any hospital at any time, provided that signs are displayed so as to identify such school, court, church or hospital.

(Gen. Ord. No. 35-1977, 8-1-77)

Sec. 40-13. - Loudspeakers and public address systems.

(a) No person shall use, operate or permit the use or operation of any loudspeaker, public address system or similar device for any noncommercial purpose between the hours of 9:00 p.m. and 9:00 a.m. of the following day, such that the sound therefrom creates unnecessary noise across a residential real property boundary.

(b) No person shall use, operate or permit the use or operation of any loudspeaker, public address system, or similar device for any commercial purpose:

1. Such that the sound therefrom creates unnecessary noise across a real property boundary, or

2. Between the hours of 9:00 p.m. and 9:00 a.m. of the following day on a public highway.

(Gen. Ord. No. 35-1977, 8-1-77)

Sec. 40-14. - Modification of noise control devices.

No person shall operate or permit to be operated, any device that has been modified so as to cause the sound emitted from such device to be greater than that emitted by such device as originally manufactured.

(Gen. Ord. No. 35-1977, 8-1-77)

Sec. 40-15. - Power equipment and tools.

No person shall operate or permit to be operated any domestic power tool including but not limited to mechanically powered saws, sanders, grinders and, lawn and garden tools used outdoors in residential areas between the hours of 9:00 p.m. and 8:00 a.m. of the following day so as to create unnecessary noise across a residential real property boundary.

(Gen. Ord. No. 35-1977, 8-1-77)

Sec. 40-16. - Sound reproduction.

No person shall operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound:

- (a) In such a manner as to create unnecessary noise across a real property boundary, except for activities open to the public and for which a permit has been issued by the administrator pursuant to rules and regulations promulgated by him, or by license issued by the commissioner of licenses.
- (b) In such a manner as to create unnecessary noise at fifty (50) feet from such device, when operated in or on a motor vehicle on a public highway.
- (c) In such a manner as to create unnecessary noise to any person other than the operator of the device, when operated by any passenger on a common carrier.
- (d) In such a manner as to create unnecessary noise that enters an apartment or dwelling unit that is separate and distinct from the apartment or dwelling unit from which the unnecessary noise originated.

(Gen. Ord. No. 35-1977, 8-1-77; Gen. Ord. No. 52-1977, 10-3-77; Gen. Ord. No. 16-2005, 3-28-05)

#### Sec. 40-17. - Squealing tires.

No person shall operate a motor vehicle in such a manner as to cause unnecessary noise by spinning or squealing the tires of such motor vehicle.

(Gen. Ord. No. 35-1977, 8-1-77)

#### Sec. 40-18. - Street sales.

No person shall offer for sale or sell anything by shouting or outcry within any residential or commercial area except by permit issued pursuant to the vender rules and regulations promulgated by the administrator or by license issued by the commissioner of licenses.

(Gen. Ord. No. 35-1977, 8-1-77)

### ARTICLE III. - ENFORCEMENT

#### Sec. 40-19. - Powers of the administrator.

The administrator pursuant to the provisions of this ordinance [chapter], 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 ordinance [chapter] or any order of regulation promulgated by the administrator 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) Seal any device which causes or is maintained or operated so as to cause a violation of any provision of this ordinance [chapter] or order or regulation promulgated by the administrator.
- (c) 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 ordinance [chapter], or any order or regulation promulgated by the administrator.
- (d) Promulgate rules and regulations and issue permits as herein required.

(Gen. Ord. No. 35-1977, 8-1-79)

#### Sec. 40-20. - Penalties.

Any person found violating the provisions of this chapter shall upon conviction thereof, be punished as follows:

(1) Any person committing an offense against this article shall be guilty of an offense punishable by a fine not to exceed five hundred dollars (\$500.00) in amount, or imprisonment, not to exceed fifteen (15) days or both such fine and imprisonment, or to a penalty not exceeding five hundred dollars (\$500.00) to be recovered by the city of Syracuse in a civil action.

[(2)] Violations, regardless of the number, on any one day, shall be considered as one violation for that day. Abatement proceedings shall be in addition to any penalties prescribed in this section. Whenever a license has been issued pursuant to sections 4-46, 5-58 or 5-110 of these ordinances and there are three (3) or more violations of this chapter, the said license may be suspended or revoked for a period up to six (6) months under the procedures provided in Chapter 5.

(Gen. Ord. No. 35-1977, 8-1-77; Gen. Ord. No. 52-1977, 10-3-77; Gen. Ord. No. 19, 6-5-95; Gen. Ord. No. 24-1998, 9-14-98; Gen. Ord. No. 28-2001, 6-18-01)

#### ARTICLE IV. - MISCELLANEOUS PROVISIONS

##### Sec. 40-21. - Applicability of statute.

The common council recognizes this statute [chapter] and the standards herein may be stricter and more comprehensive than existing statutes in areas of concurrent jurisdiction and it is the intention of the common council that the provisions of this statute [chapter] shall supersede any ordinance or local law in effect at the time of the adoption of this ordinance [chapter] in this regard.

(Gen. Ord. No. 35-1977, 8-1-77)

##### Sec. 40-22. - Nonapplicability to city of Syracuse and other governmental bodies.

Sections 40-6 and 40-15 herein should not be applicable to activities of the departments of the city of Syracuse while acting in the course of their governmental responsibilities. The administrator, in his discretion, and upon reasonable terms and conditions he may fix, may permit other governmental entities acting in the course of governmental responsibility to be exempt from all or part of the requirements of sections 40-6 and 40-15 herein.

(Gen. Ord. No. 35-1977, 8-1-77; Gen. Ord. No. 19-1986, 5-12-86)