

Town of Olean, New York 14760

Noise Ordinance

Adopted September 21, 2004

Section 1. Purpose.

It is found and declared that:

- (a) the making and creation of loud, unnecessary or unusual noise within the limits of The Town of Olean, NY is a condition which has existed for some time and the extent and volume of such noise is increasing;
- (b) The making, creation or maintenance of such loud, unnecessary, unnatural or unusual noises which are prolonged unusual and unnatural in their time, place and use affect and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the Town of Olean, NY and
- (c) the necessity in the public interest for the provisions and prohibitions herein after contained and enacted is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions herein after contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort and convenience, safety, welfare and prosperity and the peace and quiet of the Town of Olean, New York and its inhabitants;
- (d) the causing or performance of any noise prohibited herein which occurs in any one day shall be considered as a separate violation of this local law. Each occurrence during which the prohibited activity continues shall be considered a next violation.

Section 2.

Noise prohibited. It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the town.

Section 3.

Acts prohibited. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this ordinance, but said enumeration shall not be deemed to be exclusive, namely:

- (A) Horns, signaling devices, etc. The sounding of any horn or signaling device or any automobile, motorcycle, SUV'S off road vehicles, street car or vehicles with improper exhaust on any private or public place of the town except as a danger warning; the creation by means of any such signaling device unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time and the use of any signaling device; the use of any horn, whistle or any such signaling device when traffic is for any reason held up.
- (B) Construction or repairing of buildings. The erection (including excavating), demolition, alteration or repair of any building or the performance of any construction work, tree removal, debris removal, operation or maintenance of equipment other than between the hours of seven AM and eight PM on weekdays or during any hours on Sunday, except in case of urgent necessity in the interest of Public health and safety, and then only with a permit from the building inspector, which permit may be granted for a period not to exceed three days or less while the emergency continues. If the building inspector 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 six PM and seven AM and if he shall further determine the loss or inconvenience would result to any part in interest, he may grant permission for such work to be done within the hours of six PM and seven AM, upon application being made at the time the permit for the work is awarded or during the progress of the work.
- (C) Schools, courts, churches, hospitals. The creation of any excessive noise on any street adjacent to any school, institution or learning, church or court when the same are in use, or adjacent to any hospital, which unreasonable interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street;
- (D) Hawkers, peddlers. The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.

- (E) Drums, Musical instruments or Electronic Devices. The use of any drum, musical instruments or boom boxes for the purpose of attracting attention by creation of loud noise of any performance, show or sale.
- (F) Metal rails, pillars and columns-Transportation thereof. The transportation of rails, pillars or columns or iron, steel, or other material, over and along streets and other public places upon carts, drays, cars, trucks, or in any other manner so loaded as to cause sound noises or as to disturb the peace and quiet of such streets or other public places.
- (G) Pile drivers, hammers, etc. The operation between the hours of nine PM and seven AM of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.

Section 4.

Penalties. Any person who violates any provision of this ordinance shall be deemed guilty of a violation and upon conviction thereof shall be fined no less than Two Hundred and Fifty Dollars (\$250.00) or by imprisonment for not more than fifteen (15) days for each violation or by both said fine and said imprisonment.

# **Town of Olean, New York**

## **Amendment Number One and Two**

### **Section 4. – Addition to include Parts H - I**

### **Noise Ordinance Law**

**June 15, 2010**

- Section 1.** These amendments shall be attached to the “Noise Regulation Law”, and is enacted in pursuant to the authority of the Municipal Home Law.
- Section 2.** The Town of Olean, NY, by adoption of this Amendment, declares it intent to regulate noise in the Town of Olean, to promote the safety, health and the welfare of the public.
- Section 3.** The peace and tranquility of the town has been continually and unnecessarily disturbed by excessive and offensive noises, and the level of frequency of such disturbance continue to increase. The level of these noises adversely affects the health, comfort, convenience, safety, welfare of persons within the town. All persons are entitled to an environment free of disturbing, excessive or offensive noises that are detrimental to life, health or personal peace and tranquility. This amendment is to be construed liberally, but not to be construed so as to discourage the enjoyment of normal, reasonable and usual activities.
- Section 4.** Amendments H - I

- A. For the purpose of these amendments,
- B.** Unreasonable noise is disturbing, excessive or offensive sound that annoys a reasonable person or normal sensibilities.

1. **H** - Noise from a dog or privately owned animal that continues with only minor interruptions for 15 minutes or more.

2. **I** - Noise from a generator or other machine by which mechanical energy is changed into electrical energy or similar device that creates or produces sound in such a manner as to be heard 60 feet from its source or beyond the property line of the establishment.

**A. – During an emergency or power outage, Olean Town Code Enforcement, has the authority to relinquish this amendment.**

**B. – Penalties**

Any person, firm or corporation who or which violates any provision of these amendments shall be guilty of a violation, and shall constitute disorder, conduct, and shall be punished by a fine not to exceed \$250.00 or imprisonment for a period of thirty (30) days, or both such fine and imprisonment. Each day any violation of this local law shall continue, constitutes a separate offense.

**Section 5. Severability**

If any section, sentence, or part of these amendments is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this law.

## Section 6. Effective Date

These amendments take effect immediately after public hearing -----

**Public Hearing – June 23, 2010 – Olean Town Hall – 9:00 A.M.**

**Amendments approved     June 23, 2010 – Effective immediately**

Ted Hewitt – Supervisor  Approve

John Artlip – Council  Approve

Michael Caya – Council  Approve

Josh Torrey - Council  Approve

Pat Zink - Council  Absent