

Village of Avoca

LOCAL LAW NO. 1 OF THE YEAR 1989

A LOCAL LAW REGULATING NOISE AND PUBLIC DISTURBANCES IN THE VILLAGE OF
AVOCA

BE IT ENACTED BY THE VILLAGE BOARD OF THE VILLAGE OF AVOCA AS FOLLOWS:

SECTION 1: GENERAL RESTRICTION; PUBLIC ASSEMBLY EXEMPT.

No person shall make, continue or cause, or permit to be made or continued, any unnecessary noise which crosses a real property line or separate residential limit boundary (such as two separate apartments). Noncommercial public speaking or public assembly activities shall be exempt from the operation of this section.

SECTION 2: The following acts, among others, are declared to be unreasonably loud or disturbing and noises of a character to be detrimental to the peace, welfare or good order of the people, in violation of thus local law, but said enumeration shall not be deemed to be exclusive, namely:

A) Horns, Signaling Devices, Etc.

The sounding of any horn, or signaling device on any automobile, motorcycle, truck or other vehicle within the Village, except as a danger warning. The sounding of any such device for an unnecessary or unreasonable period of time. The use of any horn or signaling device when traffic is for any reason held up.

B) Radios, Phonographs, Television, Etc.

The using, operating of radios, phonographs, televisions, or other electronic devices, or permitting them to be played, or producing sound in such manner as to disturb the peace, quiet or comfort of the neighboring inhabitants. The operation of any such device between the hours of Ten o'clock p.m. and Seven o'clock a.m. the following day, in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

C) Loud Speaker, Amplifiers for Advertising

The using, operation or permitting to be played, any loudspeaker, sound amplifier, or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public. Official permits for special permitted uses may be obtained from the Village Clerk, pursuant to regulations as may from time to time be prescribed by the Village Board.

D) Yelling, shouting, Etc.

Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of Ten o'clock p.m. and Seven a.m. the following day, or any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, dwelling, or other type of residence, or of any persons in the vicinity.

E) Animals, Bird, Dogs, Etc.

The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.

Village of Avoca-Local Law Regulating Noise

F) Motor Vehicles, Etc.

1. The discharge of the exhaust of an internal combustion engine or motor vehicle except through a standard muffler or other device which will effectively prevent loud or explosive noises therefrom.
2. The use of any automobile, motorcycle, recreational vehicle, or other motorized vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling or other noise.
3. The constant running of any motor, whether in vehicle or not, so as to create excessive noise in a residential area.
4. The creation of any excess noise, whether constant or intermittent, by a motor vehicle during the hours of Ten p.m. o'clock to Seven o'clock a.m. the following day.
5. The creation of any excessive noise on any street adjacent to any school, institution of learning, or church while the same are in use which unreasonably interferes with the workings of such institution.
6. Drag racing, acceleration tests, any excessive burst of speed in a motor vehicle or the operation of any vehicle in such manner as to cause the tires thereof to squeal, on any street or highway within the Village of Avoca shall be considered an annoyance and a hazard to the safety of the public.

G) Domestic Power Tools, Etc.

No person shall operate or permit the operation of any mechanically or electrically powered saw, drill, sander, grinder, lawn or garden tool or similar device used outdoors in residential areas between the hours of Ten o'clock p.m. and Seven o'clock a.m. the following day so as to create an unnecessary noise across a residential real property boundary or separate residential unit boundary. Snow-removal activities shall be exempt from this section.

SECTION 3. It shall be a presumption that the ownership and operation of any vehicle violating the provisions of this Local Law shall be deemed to be that as indicated by the registration plates of such vehicle, unless the actual operator is otherwise determined.

SECTION 4. The provisions of this Local Law shall not apply to the emission of sound for the purposes of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work or in the course of governmental administration.

SECTION 5. Any person who breaches any provision of this Local Law shall be deemed guilty of a Violation. Upon conviction thereof, the following alternative permissible, but no exclusive dispositions shall be available to the Court: Unconditional Discharge; Conditional Discharge up to one year; Fine of not more than \$250.00 or Imprisonment for not more than 15 days or by both such fines and imprisonment.

SECTION 6. If any part of this Local Law shall be adjudged to be invalid by any court of competent jurisdiction, such judgement of invalidity shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to that part thereof directly involved.

SECTION 7. This Local Law shall take effect upon the proper filing with the Secretary of State.