

## **A Summary of the Main Elements of Resolution 2024-193, Amendment to Town's Noise Law, Chapter 125.**

To read the full draft of this proposed amendment, go to Rhinebeck Town Government Agenda webpage at <https://ecode360.com/RH0960/documents/Agendas>. Scroll down to Town Board 2024 Agendas and choose the agenda for the Monday, March 25th meeting. Once at the agenda page, scroll down to page 5 where the draft of the full, amended code is located.

### **Declaration of Intent.**

The increased making and creating of disturbing, excessive or offensive noises within the Town are a detriment to public health, comfort, convenience, safety and welfare of the residents. It is the goal of the Town to reduce the ambient noise level so as to preserve, protect and promote public health, safety and welfare, and the peace and quiet of the residents.

### **Definitions. (Partial List)**

**Ambient Noise** – Background noise; the cumulative combination of disparate sounds from more than one source.

**Decibel (dB)** – A unit of energy/pressure to represent the amplitude (maximum extent) or volume of sound waves,

**Emergency Work** - Any work necessary to maintain public health, safety or welfare following an emergency or public calamity. Such work includes snow removal, restoration of public utilities and maintenance of public rights-of-way.

**Power Equipment** – Equipment such as leaf blowers, lawnmowers and power saws operated on private, residential or commercial properties by owners or occupants or by contractors for routine or commercial maintenance.

**Sound-Amplifying Equipment** – Any machine or device used for the amplification of sound. Such will not include any warning device, siren, horn, or whistle used by emergency vehicles or government agencies.

**Sound Level** – The weighted sound pressure level obtained by the use of a sound level meter and dBA frequency weighting network.

### **Unreasonable Noise; Prohibited Acts.**

1. No person shall cause or permit unreasonable noise which is any disturbing, excessive or offensive sound that disturbs a reasonable person of normal sensitivities.

2. Acts that are a violation of this code:
  - (a) A sound-level reading taken at a dwelling within a multi-dwelling unit building above 50 dBA during a time period commencing at 7:00 a.m. and ending at 8:00 p.m.
  - (b) A sound-level reading taken at a dwelling within a multi-dwelling unit building above 45 dBA during a time period commencing at 8:00 p.m. and ending at 7:00 a.m. the following day.
  - (c) A sound-level reading taken at a residential property line, arising from another residential property, above 65 dBA during the time period commencing at 7:00 a.m. and ending at 8:00 p.m.
  - (d) A sound-level reading taken at a residential property line, arising from another residential property, above 50 dBA during the time period commencing at 7:00 p.m. and ending at 8:00 a.m. the following day.
  - (e) A sound-level reading taken at a residential property line, arising from a commercial property or public space above 65 dBA during the time period commencing at 7:00 a.m. and ending at 8:00 p.m.
  - (f) A sound-level reading taken at a residential property line, arising from a commercial property or public space above 50 dBA during the time period commencing at 8:00 p.m. and ending at 7:00 a.m. the following day.
  - (g) Sound from a motor vehicle exceeding 60 dBA as measured from the nearest curb or edge of roadway.
  - (h) Impulsive sound shall not exceed 80 dBA at receiving property line if it occurs less than four times per hour.
  - (i) Sound from power equipment shall not exceed 80 dBA at a distance of fifty (50) feet from the nearest lot line.

### **Prohibited Sounds During Certain Times.**

1. For unreasonable or excessive noise, defined as that being 5dBA or more when measured not closer than the lot line of a residential lot from the nearest affected dwelling unit from 11:00 p.m. to 7:00 a.m.
2. For trash collection within 500 feet of a dwelling from 7:00 p.m. to 7:00 a.m.
3. For all electric and/or internal combustion engines employed in yard, garden or ground maintenance, including but not limited to lawn mowers, leaf blowers, grass trimmers and snow blowers from 8:00 p.m. to 7:00 a.m., Monday through Friday; and from 8:00 p.m. to 9:30 a.m. on Saturdays, Sundays and holidays.
4. For construction and demolition activity: from 8:00 p.m. to 7:00 a.m., Monday through Friday; and from 8:00 p.m. to 9:30 a.m. on Saturdays and Sundays.
5. For deliveries and pick-ups for commercial and business purposes, within 300 feet of a dwelling unit within a residential zoning district from midnight to 6:00 a.m.
6. For public address loudspeakers, mobile or stationary from 9:00 p.m. to 7:00 a.m.

### **Exemptions.**

Regardless of the decibel limits or the time of day or night, the provisions in this chapter shall not apply to:

1. Noise alerting people in an emergency, including emergency response vehicles and power equipment.
2. Sounds created by bells or chimes of a house of worship when part of a religious service.
3. Sounds consistent with sound agricultural purposes as determined by the NYS Department of Agriculture and Markets. Sounds from agricultural operations on non-farm properties are not exempt.
4. Sounds from forestry operations, regulated hunting seasons from traditional guns and hunting practices.
5. Railway locomotives.
6. Sounds generated by Town-sponsored and/or Town-permitted events.
7. Temporary noise (idling automobiles, motorcycles, tractors or other farm vehicles or vehicle-mounted refrigeration equipment) when the duration is shorter than five minutes and is not repetitive.
8. Sound generated by professional property maintenance business or tree removal or trimming businesses during work periods.
9. Sounds produced by outside emergency home generators approved with the provisions of the Town Code (permit, inspection, and certified approval) during emergency operation.

### **Unreasonably, Intrusive Noise; Criteria.**

No person shall make, continue, cause or permit to be made, verbally or mechanically, any unreasonable intrusive noise. Standards to be considered in determining whether an unreasonable intrusive noise exists include, but are not limited to the following:

1. The volume, frequency, and periodicity of the noise.
2. Whether the noise is unusual and incongruous with the surrounding environment.
3. The volume and frequency of the ambient noise, if any.
4. The proximity of the noise source to any residential, educational, medical, religious or judicial facility.
5. The use, nature, and character of the zoning district of the immediate area where the source of the noise exists.
6. The time of day or night the noise occurs.
7. The duration of the noise.

### **Enforcement and penalties for Offenses.**

1. This code shall be enforced by the Village of Rhinebeck Police Department, D.C. Sheriff's Office, and/or NYSP, along with the Town's Code and/or Zoning Enforcement Officers.
2. Any person who violates any provision of this code shall be deemed guilty of a violation and be subject to the penalties and enforcement provisions set forth in Article X of the Town Code. (For more information, visit Rhinebeck Town Code, Section 125-119 Enforcement; penalties for offenses, found at <https://ecode360.com/14086575>).

This amended code was voted on and approved by the members of the Town Board at the March 25, 2024 Town Board meeting.