

**TOWN OF CONSTANTIA
LOCAL LAW NO. C OF 2026**

**A LOCAL LAW ESTABLISHING A NOISE CONTROL ORDINANCE
WITHIN THE TOWN OF CONSTANTIA**

Be it enacted by the Town Board of the Town of Constantia as follows:

SECTION 1. LEGISLATIVE PURPOSE AND INTENT.

It is the purpose of this Local Law to establish a policy of the Town of Constantia to prevent unreasonably loud, disturbing and unnecessary noise and to reduce noise levels within the Town so as to preserve, protect and promote the public health, safety, and welfare and to foster convenience, peace and quiet within the Town. The Town Board finds that every person is entitled to have maintained noise levels which are not detrimental to life, health and the enjoyment of property and that it is the purpose of this Local Law to establish standards, enforcement procedures, and penalties to prevent such unnecessary noise.

SECTION 2. AUTHORITY.

This local law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

SECTION 3. DEFINITIONS.

For the purposes of this law, the terms used herein are defined as follows:

CONSTANT NOISE – Excessive Noise that occurs constantly or frequently (occurs five (5) times or more during a period of one (1) minute in duration).

CONSTRUCTION – Any activity necessary or incidental to the erection, demolition, assembling, altering, installing or equipping of buildings, highways, roads, utility lines or other property.

DECIBEL (dB) – The practical unit of measurement for sound pressure level. The number of decibels of a measured sound is equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound (20 micropascals); abbreviated "dB."

DEVICE – Any mechanism which is intended to or which actually produces sound when operated or handled.

EMERGENCY – A public calamity or an exposure of any person or property to imminent danger.

EXCESSIVE NOISE – Constant Noise or Intermittent Noise, as such terms are defined in this Local Law, emanating from any source, other than a sound or sounds emanating from any natural source, which is excessive or unusually loud and which either annoys, disturbs, injures or endangers the comfort, health, peace

or safety of a reasonable person or which causes injury to animal life or damage to property or businesses or which exceeds the permitted Decibel levels set forth in this Local law, unless specifically exempt.

INTERMITTENT NOISE – Excessive Noise that occurs five (5) or more times in any thirty (30) minute period.

PERSON – Any individual or group of individuals, partnership, company, corporation, trust, association, firm, organization, syndicate, administration, bureau or department.

PROPERTY LINE – Either the boundary, including its vertical extension, that separates one parcel from another or the vertical and horizontal boundaries of a dwelling unit located within a multi-dwelling-unit building.

UNNECESSARY NOISE – Any excessive or unusually loud sound or any sound which either disturbs, injures or endangers the comfort, health, peace or safety of a reasonable person, 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:

- A. The intensity of the noise.
- B. Whether the nature of the noise is usual or unusual.
- C. Whether the origin of the noise is natural or unnatural.
- D. The time of the day or night the noise occurs.
- E. The duration of the noise [any duration of noise restricted herein lasting more than 15 minutes (either sustained or intermittent) shall be deemed to violate this Local Law].
- F. Whether the sound source is temporary.
- G. Whether the noise is continuous or intermittent.
- H. Whether alternate methods are available to achieve the objectives of the sound producing activity.

SECTION 4. MAXIMUM PERMITTED SOUND LEVELS.

No person shall cause, suffer allow or permit the emanation of any source of sound from any real property, or on any public property, municipal highway, road or Right-of-Way, in such a manner as to create a sound level that exceeds sound level limits set forth below (hereinafter the “Maximum Permitted Sound Levels” unless specifically exempted from restriction and prohibitions contained in this Local Law.

- A. Between the hours of 7:00 a.m. and 9:00 p.m.: 70 dB when measured at a Property Line adjoining the property from which a sound originates.

- B. Between the hours of 9:00 p.m. and 7:00 a.m. of the following day: 50 dB when measured at a Property Line adjoining the property from which a sound originates.

SECTION 5. PROHIBITED NOISES.

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

- A. Television, radio, phonograph or musical instruments: the operation of any television, radio, phonograph, loudspeaker or use of any musical instrument in such a manner or at such volume as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, apartment or other type of residence.
- B. Exhaust of engines: the discharge into the open air of the exhaust of any stationary internal-combustion engine or motor vehicle engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- C. Motor vehicles. No person shall use or cause to be used any automobile, motorcycle, bus or other motor vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other unnecessary noise.
- D. Horn or signal. No person shall sound or permit the sounding of any horn or signal on any car, motorcycle, bus or other vehicle, except as a warning signal pursuant to the provisions of the Vehicle and Traffic Law of the State of New York.
- E. Loading and unloading vehicles: the creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
- F. Construction and operation of machinery. No person shall conduct or permit to be conducted construction and/or the operation of machinery, equipment and/or domestic power tools, including lawn mowers, sanders, grinders, and leaf blowers between the hours of 9:00 p.m. the preceding night and 7:00 a.m. on Monday through Saturday, and between the hours of 9:00 p.m. the preceding night and 9:00 a.m. on Sundays and federal holidays, so as to cause unnecessary noise across a real property line.
- G. Animals and birds: owning, possessing or harboring any animal or bird that frequently or for continued duration makes sounds that create a noise disturbance across a residential property line.
- H. Vocal disturbances. No person shall cause or permit to be caused any unnecessary noise by shouting, yelling, whistling, singing or other vocal exclamations.

- I. Noise exceeding maximum permitted sounds levels. No person shall generate, or allow the generation of Constant Noise or Intermittent Noise which constitutes Excessive Noise within the Town of Constantia exceeding the Maximum Permitted Sound Levels set forth in Section 4.

SECTION 6. EXCEPTIONS.

Nothing in this Local Law shall be construed to prevent the following:

- A. Sounds connected with municipality sponsored celebrations or events, including lawful firework displays, parades, carnivals and the like held in accordance with Town laws, ordinances and regulations and that such sounds shall be reduced between the hours of 12:00 midnight to 7:00 a.m.
- B. Use of organ, bell, chimes or any other similar device by any church, synagogue or school on or within its own premises in connection with religious rights or ceremonies of such church or synagogue or in connection with a school education program.
- C. Sounds created by any governmental agency by the use of public warning devices, including but not limited to police cars, fire engines, ambulances and other emergency vehicles when used in connection with an emergency, drill or test procedure.
- D. Sounds connected with athletic, recreational, or sporting events of any public organization or private school, provided that such sounds shall be reduced between the hours of 12:00 midnight and 7:00 a.m.
- E. Sounds connected with organized activities sponsored by any school district or fire district or department within the Town, provided that such sounds shall be reduced between the hours of 12:00 midnight and 7:00 a.m.
- F. Sounds created by snow blowers, chain saw, lawn mowers and other domestic tools and equipment when used to clear driveways, streets or walkways during and after snowfalls, rainstorms, ice storms, windstorms or other similar emergencies.
- G. Emergency construction or repair work authorized or performed by the Town of Constantia, the County of Oswego, the State of New York or any recognized utility serving the area.
- H. Sounds created by agricultural activities.
- I. Sounds connected with the lawful hunting of animals or game during the appropriate hunting or gaming season.

- J. Sounds created by the exercise of commercial activities to the extent that such sounds are already controlled by the Town of Constantia through site plan approval, special permit or otherwise.
- K. Sounds connected with activities open to the public or sounds where proper authorization has been obtained from the Town Board or any other designated authority of the Town of Constantia.

SECTION 7. ENFORCEMENT AND PENALTIES.

- A. The provisions of this Local Law shall be enforced by the New York State Police, Oswego County Sheriff's Department and/or the Code Enforcement Officer of the Town of Constantia, who shall have the power to issue warnings and bring complaints returnable before the Justice Court of the Town of Constantia or such other Court of complete jurisdiction for violating this Local Law.
- B. Any person found to have violated the provisions of this Local Law shall, upon conviction thereof, be subject to a fine not exceeding \$250 for a first offense. For a second offense within a six-month period, the penalty shall be a fine not exceeding \$375. For any subsequent offenses of this Local Law, the penalty shall be a fine not exceeding \$500 or by imprisonment not exceeding 15 days, or both.

SECTION 8. SEVERABILITY.

If the provisions of any section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this Local Law.

SECTION 9. EFFECTIVE DATE.

This Local Law shall be effective upon filing with the office of the Secretary of State.