

TOWN OF NEWFANE
COUNTY OF NIAGARA, STATE OF NEW YORK
LOCAL LAW NO. _____ OF THE YEAR 2026

A LOCAL LAW to amend the Code of the Town of Newfane by repealing and replacing Chapter 162 thereof, entitled “Noise.”

Be it enacted by the Town Board of the Town of Newfane, County of Niagara, State of New York, as follows:

SECTION 1. Legislative intent.

The Town Board of the Town of Newfane finds that the Town's existing noise regulations, adopted in 1977, no longer adequately address the sources and impacts of noise within the Town and rely on standards that are difficult to apply and enforce. The Town Board further finds that unreasonable and excessive noise degrades the health, safety, welfare, and quality of life of the Town's residents and diminishes the value and enjoyment of their real property. It is therefore the intent of the Town Board, in enacting this local law, to repeal and replace Chapter 162 in its entirety in order to establish clear standards defining unreasonable noise, to identify specific prohibited conduct, to provide reasonable exceptions, and to establish enforcement authority and penalties adequate to protect the public.

SECTION 2. Authority

This Local Law is enacted pursuant to Article IX of the New York State Constitution, Municipal Home Rule Law § 10, and the Town Law of the State of New York.

SECTION 3. Repeal and replacement.

Chapter 162 of the Code of the Town of Newfane, entitled “Noise,” is hereby repealed in its entirety and replaced with the following:

CHAPTER 162

Noise

§ 162-1 Purpose.

The Town of Newfane recognizes that people have the right to, and should be ensured, an environment free from unreasonable, excessive noise that may jeopardize their health, safety, or welfare, degrade their quality of life, or diminish the value of their real property. The purpose of this chapter is to protect, preserve, and promote the health, well-being, and quality of life for the residents of the Town of Newfane through the reduction, control, and prevention of unreasonable and unnecessary noise.

§ 162-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

- A. **Person:** Includes natural persons, incorporations, partnerships, associations, joint-stock companies, societies, and any other entities capable of being sued.
- B. **Unreasonable Noise:** Any sound that either:
 - 1) Registers 75 decibels or higher when measured at the property line; or
 - 2) Is excessive or unusually loud and disturbs the peace, comfort, or repose of a reasonable person of normal sensitivities.

The factors set forth in § 162-5 shall be considered in determining whether a sound constitutes unreasonable noise under § 162-2(B)(2).

§ 162-3 Prohibited conduct.

- A. **General prohibition.** No person shall cause, suffer, allow, or permit any unreasonable noise to be made verbally, electronically, or mechanically. That such unreasonable noise is audible, and its source determinable, at the property line by anyone empowered to enforce this chapter shall be sufficient evidence to establish that a violation has been committed.
- B. **Specific prohibitions.** In addition to the general prohibition set forth in Subsection A, the following acts are prohibited and shall each constitute a violation of this chapter, without regard to the decibel level of the sound. This enumeration is not exclusive. No person shall cause, allow, or permit the following acts:
 - 1) Sound device or apparatus: operating, playing, or permitting the operation or playing of any sound device or apparatus between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be audible at a distance of 50 feet from the building, structure, vehicle, or area in which it is located.
 - 2) Commercial music: music originating from or in connection with the operation of any commercial facility, establishment, or enterprise between the hours of 12:00 a.m. and 7:00 a.m. in such a manner as to be audible across a real property line.
 - 3) Animals and birds: owning, possessing, or animal husbandry that frequently or for continued duration makes sounds that are audible across a residential real property line for 30 consecutive minutes in any one-hour interval. This subsection shall not apply to sounds emanating from farm animals kept as part of a farm operation located within a New York State certified agricultural district.

- 4) Motor vehicle repairs and testing: repairing, rebuilding, modifying, or testing any motor or engine between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be audible across a residential real property line.
- 5) Construction: operating or permitting the operation of any tools or equipment used in construction, drilling, earthmoving, excavating, or demolition work between the hours of 10:00 p.m. and 7:00 a.m. unless allowed by the Town.

§ 162-4 Exceptions.

The following are exempt from the provisions of this chapter:

- A. The emission of sound for the purpose of alerting people to the existence of an emergency.
- B. Noise from the use of machinery or equipment for public or private emergency needs or purposes.
- C. Noise from the use of any authorized machinery or equipment for the purpose of the maintenance and repair of public roads and highways, including snowplows.
- D. Noise generated by the installation and maintenance of utilities.
- E. Sounds emanating from any tractors, trucks, combines, or any other machinery used for agricultural purposes.
- F. Snow-removal equipment during its normal use to remove snow.
- G. The noise from a lawn mower, garden tool, leaf blower, or similar tool between 7:00 a.m. and 10:00 p.m.
- H. Noise from Town-sponsored celebrations or events.
- I. Noise from non-sponsored events which have been authorized by the Town.
- J. The operation or use of any organ, bells, or chimes associated with a church or any other place of public worship.
- K. Activities of the Town, school, law enforcement, or fire company in performance of its duties, drills, or public demonstrations.
- L. The discharge of firearms during the hours and locations permitted by state and local laws.
- M. The noise from a burglar alarm of any building or motor vehicle, provided that such an alarm would terminate its operation within 15 minutes after it has been activated and shall not operate for more than 15 minutes in any one-hour period.

- N. Emergency work, or the result of the operation of said equipment by or for the municipality.

§ 162-5 Factors to be considered.

Factors to be considered in determining whether unreasonable noise exists include, but are not limited to, the following:

- A. The level of noise.
- B. Whether the nature of the noise is usual or unusual.
- C. Whether the origin of the noise is associated with nature or human-made activity.
- D. The intensity of the background noise, if any.
- E. The proximity of the noise to sleeping facilities.
- F. The nature and zoning district of the area within which the noise emanates and the areas where it is received.
- G. The time of day or night the noise occurs.
- H. The duration of the noise.
- I. Whether the noise is recurrent, intermittent, or constant.
- J. The existence of complaints concerning the noise from people who are affected by the noise.

§ 162-6 Penalties for offenses; enforcement.

- A. **Enforcement.** This chapter may be enforced by the Building Inspector, the Code Enforcement Officer, the Niagara County Sheriff, or the New York State Police.
- B. **Penalties.** Any person who shall violate the provisions of this chapter shall, upon conviction thereof, be punished by a fine of not less than \$25 nor more than \$50, or by imprisonment for not more than 15 days, or by both such fine and imprisonment. Each day on which such violation continues shall constitute a separate offense.

SECTION 4. Severability.

If any section, subsection, sentence, clause, phrase, or other portion of this local law is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this local law, which shall remain in full force and effect.

SECTION 5. Effective date.

This local law shall take effect immediately upon filing with the Office of the Secretary of State in accordance with section 27 of the Municipal Home Rule Law.