

1 Chapter 115 of the Code of the Town of Malta – Noise

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3 **§ 115-1 Intent; Construction, Definitions.**

4 A. It is the intent of the Town to prevent excessive, unnecessary or unusually loud  
5 noises. It is further intended that the provisions and prohibitions hereinafter contained  
6 are for the purpose of preserving, protecting and promoting the public health, comfort,  
7 convenience, safety, welfare and the peace and quiet of the Town of Malta and its  
8 inhabitants.

9 B. This chapter shall be liberally construed so as to effectuate the purposes  
10 described above.

11 C. Nothing in this chapter shall be deemed to limit other provisions of the Code.  
12 Where one or more other provisions of the Code may address matters proscribed or  
13 controlled in this Chapter, the more restrictive shall apply. Where one or more provisions  
14 of this Chapter are addressed in a Town Local Law establishing a Planned Development  
15 District pursuant to Chapter 167, Article VII, the provisions in such legislation shall  
16 control. Where such legislation is silent, the provisions of this Chapter shall control. The  
17 Town Planning Board shall have the authority to establish specific provisions which are  
18 more restrictive than those provided in §115-2(A)(4) of this Chapter during the Site Plan  
19 Review and/or Special Use Permit application process.

20 D. When used in this Chapter, the following terms shall have the stated definition:

21 (1) “Construction Activity”- shall mean erection, including excavating;  
22 demolition; alteration; or repair of any building out of doors using any impact tools (e.g.,  
23 hammers), vehicles, power tools or motors.

24 (2) “Motor Vehicle” – shall have the same meaning ascribed to that term in §125  
25 of New York’s Vehicle and Traffic Law *except* that it shall also include snowmobiles  
26 and all-terrain vehicles as defined or referenced therein.

27 **§ 115-2 Unlawful acts.**

28 A. The creation or reproduction of certain noises as defined or described below is  
29 prohibited.

30 (1) Horns and signaling devices: No person may sound any horn or other signal  
31 device on any Motor Vehicle more than three times in any five-minute period,  
32 while such Motor Vehicle is stationary, except as a warning of danger, and except  
33 for intrusion or theft alarms. (2) Motor Vehicles: No person shall:

34 (a) Operate any Motor Vehicle in such a manner as to cause noise unrelated  
35 to the safe operation of that Motor Vehicle, including but not limited to  
36 spinning or squealing of the tires, sounding of the horn for non-safety-  
37 related purposes, or revving of the engine of such Motor Vehicle.

38 (b) Operate or cause to be operated any recreational Motor Vehicle  
39 (including but not limited to snowmobiles, dirt bikes, personal watercraft  
40 and all-terrain vehicles) in such a manner that the sound level emitted  
41 therefrom exceeds 73 decibels at a distance of 50 feet. Where the State of  
42 New York has provided for more restrictive noise limits by law or  
43 regulation, such law or regulation shall control.<sup>1</sup>

44 (3) Discharge of exhaust: No person shall discharge or permit to be discharged  
45 into the open air the exhaust of any stationary internal-combustion engine  
46 (including but not limited to generators, compressors, pumps), except through a  
47 muffler or other device which will effectively prevent loud or explosive noises  
48 therefrom.

49 (4) Construction Activity: No person shall engage in, permit or facilitate  
50 Construction Activity, other than between 7:00 a.m. and 9:00 p.m. Monday  
51 through Saturday and 9:00am to 6:00pm on Sunday. Notwithstanding the  
52 foregoing, Construction activity is not permitted on Sunday within 500' of an  
53 occupied residential dwelling, unless approved by an occupant of said dwelling in  
54 writing.

55 The Town's Code Enforcement Officer(s) may permit the temporary use of  
56 generators, pumps, or other machinery he determines to be needed to ensure that  
57 the interior or exterior construction environment is appropriately maintained  
58 and/or to protect health and safety.

59 (7) Sound reproduction. No person shall operate, play or permit the operation or  
60 playing of any radio, television, phonograph, drum, musical instrument, sound  
61 amplifier or similar device, which produces, reproduces or amplifies sound loudly  
62 enough for a person to be able to distinguish lyrics, words and/or instruments by a  
63 person dwelling on adjacent real property, without that person's consent.

64 (9) Animals: No person shall keep, permit or maintain any animal under his  
65 control that causes unnecessary noise by continued barking, howling or other  
66 animal noises in violation of § 52-1.

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<sup>1</sup> See, e.g., NYS Parks, Recreation and Historic Preservation Law 25.17(1)(e) (snowmobiles); NYS Town Law §130(17) (watercraft, Town's may control horsepower or ban, no reference to noise).

67 (10) Power tools and yard equipment: The use of leaf blowers, chain saws or  
68 wood chippers is permitted only between the hours of 7:00 a.m. and 9:00 p.m

69 (11) Standing Motor Vehicles: No person shall idle, operate or permit the  
70 operation between the hours of 9:00 p.m. and 7:00 a.m. the following day of any  
71 Motor Vehicle with a gross vehicle weight rating (GVWR) in excess of 10,000  
72 pounds, or any auxiliary equipment attached to such a vehicle, for a period longer  
73 that 30 minutes in any hour while the vehicle is stationary, for reasons other than  
74 traffic congestion or emergency, on public right-of-way or public space.

75 B. In addition to the foregoing prohibited activities, no person shall operate, or cause or  
76 permit to be operated, any source of sound in such a manner as to create a sound level  
77 which exceeds 50 decibels between the hours of 9:00 p.m. and 7:00 a.m., or 60 decibels  
78 between the hours of 7:00 a.m. and 9:00 p.m., when measured at or beyond the property  
79 boundary of an adjacent property.

80 (1) Measurement of sound:

81 (a) The measurement of noise or sound shall be made by the  
82 Enforcement Officer or his designee with a sound-level meter  
83 meeting the standards prescribed by the American National  
84 Standards Institute SI4 or an instrument with the metering  
85 characteristics and A-weighted frequency response prescribed for  
86 sound level meters.

87 (b) Except where otherwise prescribed, the slow meter response of  
88 the sound-level meter shall be used in order to determine that the  
89 average of three readings taken over a fifteen-minute period does not  
90 exceed the limiting sound levels set forth in this section.

91 (c) Measurement of noise levels shall be taken at least four feet from  
92 ground level.

93 (2) Compliance with noise limits is to be maintained at all elevations at the  
94 boundary of the property.

95 (3) For any source of sound which emits a pure tone or impulsive sound, the  
96 maximum sound-level limits set forth in Subsection B shall be reduced by five  
97 dBA.

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100 **§ 115-3 Waivers and exemptions.**

101 A. Waivers to the limitations set forth herein may be granted by the Malta Zoning Board  
102 of Appeals upon good cause shown, taking into account the reason for the requested  
103 waiver, the proximity of residences, the nature of the noise to be created, and the duration  
104 of the requested waiver. Waivers must be made in writing, must state the basis upon  
105 which they have been granted, and their duration (which may be indefinite). All waivers  
106 may be rescinded.

107 B. The provisions of this chapter shall not apply to:

- 108 (1) The use of bells, chimes or sound amplifiers by churches, synagogues,  
109 mosques or similar houses of worship;
- 110 (2) Activities of the volunteer fire companies and emergency response  
111 organizations in the performance of their duties, drills or public demonstrations  
112 including, but not limited to, the sounding of sirens and the blowing of horns;
- 113 (3) Activities in public parks, playgrounds or public buildings under permission or  
114 authority of the Town of Malta;
- 115 (4) Fireworks, provided their use is otherwise lawful;
- 116 (5) The discharge of firearms, provided their use is otherwise lawful;
- 117 (6) Automobile Racing Facilities;
- 118 (7) The Town of Malta;
- 119 (8) Activities specifically permitted under New York State's Agriculture and  
120 Markets Law; or
- 121 (9) Construction Activities,<sup>2</sup>
- 122 a. Performed by any department or agency of the Federal or New York  
123 State government; County Public Works or Sewer Departments; and/or  
124 any contractors working directly for these agencies, when working on  
125 public property or within a public way, right-of-way or easements;
- 126 b. Performed by a resident on or in connection with his residence, without  
127 the aid of hired contractors, whether or not such residence is a detached  
128 single family home;

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<sup>2</sup> See §155-2(4), above.

- 129                   c. Performed by a contractor entirely on the interior of a building,  
130                   provided that no noise from such Construction Activity shall be audible  
131                   at the location of any occupied residential dwelling property line of the  
132                   property where such interior Construction Activity is being performed;  
133                   d. Occasioned by a genuine and imminent emergency, and then only to  
134                   the extent necessary to prevent loss or injury to persons or property. If  
135                   charged with a violation of this Chapter, the individual charged shall  
136                   have the burden of proving the existence of such emergency.

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138   **§ 115-4 Penalties for offenses.**

139   If any party shall violate the provisions of this chapter or engage in conduct in violation  
140   of this chapter, he shall be punished by a fine of not less than \$100 and not to exceed  
141   \$500 or by imprisonment for not more than 15 days, or both. Each incidence of any  
142   violation of a provision herein shall constitute a separate offense.

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144   **§ 115-5 Enforcement.**

145   The provisions of this chapter may be enforced by any peace officer, or the Town's Code  
146   Enforcement Officer. It shall be the duty of the Saratoga County Sheriff's Department  
147   and the New York State Police to enforce the provisions of this chapter.

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