

LOCAL LAW 3 OF 2025

A LOCAL LAW OF THE VILLAGE OF WALDEN, NEW YORK, REPEALING CHAPTER 181 OF THE CODE OF THE VILLAGE OF WALDEN IN ITS ENTIRETY AND ESTABLISHING A NEW CHAPTER 181 OF THE CODE OF THE VILLAGE OF WALDEN ENTITLED “VILLAGE OF WALDEN NOISE CONTROL LAW”

BE IT ENACTED by the Village Board of the Village of Walden as follows:

SECTION 1 – TITLE

A Local Law repealing Chapter 181 of the Code of the Village of Walden in its entirety and establishing a new Chapter 181 of the Code of the Village of Walden entitled “Village of Walden Noise Control Law.”

SECTION 2 – PURPOSE & INTENT

The purpose of this Local Law is to repeal the existing Chapter 181 of the Code of the Village of Walden and establish a new, updated, Chapter 181 entitled “Village of Walden Noise Control Law” so as to ensure this local law may be effectively implemented to address the issue of noise in the Village of Walden

SECTION 3 – AMENDMENT TO VILLAGE CODE

Existing Chapter 181 of the Code of the Village of Walden is hereby repealed in its entirety and replaced with the new Chapter 181 set forth below entitled “Village of Walden Noise Control Law.”

§ 181-1. Title.

This chapter shall be known as the "Village of Walden Noise Control Law."

§ 181-2. Statement of policy.

It is hereby declared to be the policy of the Village of Walden to safeguard the right of its residents within the privacy of their homes to be free from intrusive and unwanted sounds as herein defined. Problems concerning the disturbance of peace and quiet by noise from various activities are best solved by thoughtful discussions and cooperative agreements between affected parties. However, to resolve remaining problems of noise which are disturbing to others, it is the policy of the Village of Walden to establish standards, variance procedures, enforcement procedures and penalties.

§ 181-3. Definitions.

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

AMBIENT NOISE or BACKGROUND NOISE

Noise of a measurable intensity which exists at a point as a result of a combination of many distant sources individually indistinguishable.

BUSINESS ZONE

B-1, B-2, B-3, B-4 and MX Districts as set forth in § **305-7** of the Code of the Village of Walden and all uses associated therewith either permitted as a right or as a special use.

CONSTRUCTION

Any site preparation, assembly, erection, substantial repair, alteration or similar action, but excluding demolition, for or of public or private rights-of-way, structures, utilities or similar property.

CONSTRUCTION EQUIPMENT

Any equipment or device operated by fuel or electric power used in construction or demolition work.

DAYTIME HOURS

The hours between 8:00 a.m. and 9:00 p.m., Monday through Saturday, and the hours 9:00 a.m. through 9:00 p.m. on Sundays.

DECIBEL

A logarithmic unit of measure used in measuring magnitudes of sound, the symbol for which is dB.

DEMOLITION

Any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.

DOMESTIC POWER EQUIPMENT

Not limited to power saws, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in residential areas by a homeowner.

EMERGENCY

Any occurrence or set of circumstances in solving actual or imminent physical trauma or property damage which demands immediate action.

EMERGENCY VEHICLE

Any motor vehicle authorized by the Village of Walden to have sound warning devices, such as sirens and bells, which can lawfully be used when responding to an emergency.

EMERGENCY WORK

Work made necessary to restore property to a safe condition following an emergency or work required to protect persons or property from exposure to imminent danger.

IMPULSE NOISE

Sound of short duration, usually less than one second, with an abrupt onset and rapid decay.

HOLIDAYS

New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas.

INDUSTRIAL ZONE

I-1 and I-2 Zones as set forth in § 305-7 of the Code of the Village of Walden and all uses associated therewith, either permitted as a right or as a special use.

MUFFLER

A device for abating sounds such as escaping gases.

NOISE

Any sound, the intensity of which exceeds the standards set forth in § 181-5B of this chapter.

NOISE LEVEL

The sound pressure level as measured with a sound level meter using the A-weighting network. The level so read is designated dBA or dB(A).

NONREGISTERED RECREATIONAL VEHICLE

Any internal-combustion-engine-powered vehicle which is being used for recreational purposes.

NONRESIDENTIAL ZONING DISTRICT

Any zoning district which is not a residential zoning district. Nonresidential zoning districts include B-1, B-2, B-3, B-4, I-1 and I-2 Zoning Districts.

PERSON

Any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency or political or administrative subdivision of the state or other legal entity of any kind.

PREMISES

Any building, structure, land or portion thereof, including all appurtenances, and shall include yards, lots, courts, inner yards and real properties without buildings or improvements, owned or controlled by a person. The emitter's premises

includes contiguous publicly dedicated street and highway rights-of-way, all road rights-of-way and waters of the state.

PROPERTY LINE

That real or imaginary line along the ground surface and its vertical extension which separates real property owned or controlled by any person from contiguous real property owned or controlled by another person and separates real property from the public right-of-way.

PUBLIC RIGHT-OF-WAY

Any street, avenue, boulevard, highway, sidewalk, alley, park, waterway, railroad or similar place which is owned or controlled by a governmental entity.

RESIDENTIAL ZONE

Those residential districts set forth in § 305-7 of the Code of the Village of Walden

RESIDENTIAL ZONING DISTRICT

Any zoning district in which one-family detached dwellings or one-family and multifamily dwellings are permitted principal uses.

SOUND

A transmission of energy through solid, liquid or gaseous media in the form of vibrations which constitute alterations in pressure or position of the particles in the medium and which, in air, evoke physiological sensations, including but not limited to an auditory response when impinging on the ear.

SOUND LEVEL

The sound-pressure level measured in decibels with a sound-level meter set to A-weighting, expressed in dBA.

SOUND-LEVEL METER

An instrument for the measurement of sound levels which conforms to ANSI specifications.

SOUND PRESSURE LEVEL

Twenty times the logarithm to the base 10 of the ratio of the pressure of a sound to the reference pressure of 20 micronewtons per square meter (20×10^{-6} Newtons/meter) and is expressed in decibels (dB).

SOUND REPRODUCTION DEVICE

Noise from any sound-production or sound-reproduction system, whether fixed or mobile, or from any radio, portable radio, tape player television, tape deck, C.D. player, blue tooth speaker or other sound device that produces, reproduces or

amplifies sound in such a manner as to heard 40 feet from its source or inside any occupied residence, dwelling unit, school or religious building.

UNREASONABLY INTRUSIVE

Any sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensitivities under the circumstances.

ZONING DISTRICT

Any zone as defined in the Zoning Law of the Village of Walden.

§ 181-4. Method of sound-level measurement; unregulated activities; maximum levels.

For the purpose of determining noise levels as set forth in this chapter, the following guidelines shall be applicable:

- A. All personnel conducting sound measurements shall be qualified to use the sound level meter. .
- B. Instruments used to determine sound-level measurements shall conform to the sound-level meters as defined by this chapter.
- C. The general steps listed below shall be followed when preparing to take sound-level measurements.
 - (1) The instrument manufacturer's specific instructions for the preparation and use of the sound level meter shall be followed.
 - (2) The sound-level meter shall be calibrated before and after each set of measurements.
 - (3) When measurements are taken out of doors, a wind screen shall be placed over the microphone of the sound-level meter as per the manufacturer's instructions.
 - (4) The sound-level meter shall be placed at an angle to the sound source as specified by the manufacturer's instructions and at least four feet above the ground. It shall be so placed as not to be interfered with by individuals conducting the measurements.
 - (5) Measurements shall be taken at the point that is located about one foot beyond the boundary of the emitter's premises within the receptor's premises. The emitter's premises includes his/her individual unit of land or group of contiguous parcels under the same ownership as indicated by public land records.
- D. No person shall or no owner or occupant of any premises shall operate or permit to be operated or use or cause to be operated in the Village of Walden any sound source that produces a sound level exceeding the limitations in this chapter. The measurement of any sound or noise shall be made with a sound-level meter using the A-weighted scale and slow response except for sounds or noises which occur in single or multiple bursts with a duration of less than one second, for which fast response shall be used. The sound level determination or measurement shall be

conducted not nearer to the sound source than the closest property line of the parcel on which such noise is generated, except where otherwise specified, and in no case on public or private streets. When the determination or measurement is made for a dwelling unit of a multi-dwelling-unit building as the receiving property, all exterior doors and windows of the dwelling unit shall be closed, and the determination or measurement shall be taken in the center of a room.

- E. Customary residential activities. Customary residential activities on properties within any residential zoning district, including social gatherings, deliveries of residential heating oil and pickup of residential garbage, as well as permitted agricultural activities, shall not be regulated by this chapter, except for specific activities or noise sources that are subject to and governed by this chapter and set forth specifically herein.
- F. Other activities. Noise produced by other activities on properties within any residential or nonresidential zoning district shall not exceed the noise level standards in § 181-5.

§ 181-5. Noise levels; exceptions.

- A. It shall be unlawful for any person to emit or cause to be emitted any noise beyond the boundaries of his/her premises in excess of the noise levels established in this chapter.
- B. Noise level standards.
 - (1) No person in a residential zone shall emit noise beyond the boundaries of his/her premises exceeding the levels stated herein and applicable to adjacent residential, business and industrial zones:

Emitter's Zone	Receptor's Zone		Residential	Residential
	Industrial	Business	(day)	(night)
Residential	62 dBA	55 dBA	55 dBA	45 dBA

- (2) No person in a business zone shall emit noise beyond the boundary of his/her premises exceeding the levels stated herein and applicable to adjacent residential, business or industrial zones:

Emitter's Zone	Receptor's Zone		Residential	Residential
	Industrial	Business	(day)	(night)

Business	62 dBA	62 dBA	55 dBA	45 dBA
----------	--------	--------	--------	--------

- (3) No person in an industrial zone shall emit noise beyond the boundary of his/her premises exceeding the levels stated herein and applicable to adjacent residential, business or industrial zones:

		Receptor's Zone		
			Residential	Residential
Emitter's Zone		Industrial	Business	
			(day)	(night)
Industrial		70 dBA	66 dBA	61 dBA
				51 dBA

C. High background noise levels and impulse noise.

- (1) In those individual cases where the background noise levels caused by sources not subject to this chapter exceed the standards contained herein, a source shall be considered to cause excessive noise if the noise emitted by such source exceeds the background noise levels by five dBA, provided that no source subject to the provisions of this chapter shall emit noise in excess of 80 dBA at any time, and provided that this section does not decrease the permissible levels of other sections of this chapter.
- (2) No person shall cause or allow the emission of impulse noise in excess of 80 dB peak sound pressure level during the nighttime to any residential noise zone.
- (3) No person shall cause or allow the emission of impulse noise in excess of 100 dB peak sound pressure level at any time to any zone.

D. Exclusions. These levels shall not apply to noise emitted by or related to:

- (1) Natural phenomena.
- (2) Any bell or chime from any building clock, school or church.
- (3) Any siren, whistle or bell lawfully used by emergency vehicles or any other alarm systems used in an emergency situation; provided, however, that burglar alarms not terminating within 15 minutes after being activated shall be unlawful.
- (4) Warning devices required by the Occupational Safety and Health Administration or other state or federal safety regulations.

E. Exemptions. The following shall be exempt from this chapter, subject to special conditions as spelled out:

- (1) Noise generated by any construction equipment which is operated during daytime hours, provided that the operation of construction equipment during nighttime hours shall not exceed the maximum noise levels as specified in **§ 181-5B**.
- (2) Noise created as a result of or relating to an emergency.
- (3) Noise from domestic power equipment, such as but not limited to power saws, sanders, grinders, lawn and garden tools or similar devices, operated during daytime hours.
- (4) Noise from snow removal equipment.

- (5) Noise from demolition work conducted during daytime hours, provided that when considered emergency work, demolition shall be exempted at all times from the noise levels set in this section.
- (6) Noise created by any aircraft flight operations which are specifically preempted by the Federal Aviation Administration.
- (7) Noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by the Village, including but not limited to parades, sporting events, concerts and fireworks displays.
- (8) Noise created by blasting, other than that conducted in connection with construction activities, shall be exempted, provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. local time at specified hours previously announced to the local public, or provided that a permit for such blasting has been obtained from local authorities.
- (9) Noise created by refuse and solid waste collection, provided that the activity is conducted during daytime hours.
- (10) For sound devices used in connection with weddings or similar events on any property used for residential purposes, sound levels in excess of those permitted in this chapter are allowed, provided that such sound levels do not exceed 65 dBA on any other property used for residential purposes within any residential zoning district, and provided that sound levels in excess of those permitted in § 181-5A cease by 11:00 p.m. on Sunday, Monday, Tuesday, Wednesday and/or Thursday nights and by 12:30 a.m. on Friday, Saturday and/or Sunday mornings.
- (11) Sounds connected with activities and equipment of the Village of Walden Department of Public Works and Police Department are exempted from the limitations of this chapter.

§ 181-6. Prohibited noise activities.

The following activities are prohibited:

- A. Vehicle horns. No person shall at any time sound any horn or other audible signal device of a motor vehicle unless it is necessary as a warning to prevent or avoid a traffic accident.
- B. Truck idling. No person shall operate an engine or any standing motor vehicle with a weight in excess of 10,000 pounds manufacturer's gross vehicle weight (GVW) for a period in excess of 10 minutes when such vehicle is parked on a residential premises or on a town road next to a residential premises.
- C. Exhaust discharge. No person shall discharge into the ambient air the blow-down of any steam vent or the exhaust of any stationary internal combustion engine or air compressor equipment, unless such discharge be through a muffler as defined in § 181-3 of this chapter or through an apparatus providing equal noise reduction.
- D. Burglar alarms. Sound from an exterior burglar alarm of any building or motor vehicle shall terminate within 15 minutes after it has been activated.

- E. Animals. It shall be unlawful for any owner of or any other person harboring any animal to permit or allow such animal while in the Village of Walden to engage in habitual loud howling or barking which is unreasonably intrusive. Engaging in habitual loud howling, barking, whining or causing disturbing noises shall be a violation of this chapter if the habitual loud howling, barking or whining continues for a period of 15 minutes in a continuous or substantially continuous manner, which can be heard by neighboring property, owners, and which unreasonably disturbs neighboring property owners.
- F. Exhaust and mufflers. No person shall cause or permit the operation of any device, vehicle, construction equipment or lawn maintenance equipment, including but not limited to any diesel engine, internal combustion engine or turbine engine, that has been modified or become defective so as to cause the level of sound emitted to be greater than that emitted as originally manufactured.

§ 181-7. Permitted and regulated noises.

- A. Air-conditioning and air-handling equipment. No person shall or no owner or occupant of any premises shall operate or permit to be operated or use or cause to be operated an air-conditioning or air-handling device that produces a sound level greater than 55 dBA on any other property used for residential purposes within any residential zoning district. However, this limitation shall not apply to properly operating air-conditioning equipment installed in residential zoning districts prior to enactment of this chapter.
- B. Construction activities. Any building or construction activity, including the clearing and removal of trees or other site preparation work which is audible outside of a building or structure, is permitted only as follows:
 - (1) Monday, Tuesday, Wednesday, Thursday and Friday, during daytime hours.
 - (2) Saturday, Sunday and holidays during the hours of 10:00 a.m. to 5:00 p.m., except that blasting is not permitted on Sunday and holidays.
 - (3) As may be permitted by a variance granted by the Village Board of Trustees as outlined in **§ 181-9** herein.
- C. Domestic tools and equipment; vehicle repair.
 - (1) In addition to the restrictions of **§ 181-6**, no person shall or no owner or occupant of any premises shall operate or permit to be operated or use or cause to be operated any hand tool or power tool or equipment, including but not limited to saws, hammers, sanders, drills, grinders, lawn or garden tools, mowers, tractors, chain saws, leaf blowers or gatherers or similar devices or wood chippers of any kind, or cause or permit vehicle repair or engine tune-up activities so as to create noise in excess of the following limits. This prohibition includes equipment used by lawn care or landscape services.
 - (2) Noise levels from domestic tools and equipment and from vehicle repair during daytime hours, Monday through Friday, except holidays, and 9:00 a.m. to sundown, Saturday, Sunday and holidays, shall not be restricted by

this subsection. At all other times, such noise levels shall not exceed 45 dBA on any other property used for residential purposes within any residential zoning district.

- (3) However, uses of snowblowers, chain saws and other domestic tools and equipment are exempted from these limits when they are being used to clear driveways, streets or walkways during and within 48 hours after snowfalls, rainstorms, ice storms, windstorms or similar emergencies.
- D. Noise from sound-reproduction devices in motor vehicles.
 - (1) Noise level from sound-reproduction devices emanating from motor vehicles during daytime hours shall not exceed 60 decibels as measured from the nearest curb or edge of the roadway nor shall such noises be audible more than 50 feet from the motor vehicle from which the noise emanates. During nighttime hours such noise level shall not exceed 45 decibels as measured from the nearest curb or edge of the roadway nor be audible more than 25 feet from the motor vehicle from which the noise emanates.
 - (2) Nothing herein shall be deemed to apply to noise emanating from the operation of motor vehicles on public highways, which is regulated by the New York State Vehicle and Traffic Law; nor shall it be deemed to apply to equipment operation used in connection with the operation of motor vehicles, such as mufflers and horns, which are further regulated by the New York State Vehicle and Traffic Law; nor shall this subsection be deemed to apply to motor vehicles regulated by the Federal Noise Control Act of 1972.

§ 181-8. Recreational vehicle noise.

No person shall create or cause to be created any unreasonably loud or disturbing noise due to the operation of a recreational vehicle. A noise shall be deemed to be unreasonably loud and a violation of this chapter when the noise so generated exceeds the noise level standards set forth in § **181-5B** for residential zones.

§ 181-9. Variances.

- A. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this chapter, the Village Manager shall have the power in passing upon a petition for a variance duly made pursuant to Subsection **E** by owners of properties with nonresidential uses which would be in violation of other subsections of this chapter to vary or modify the application of any of the regulations or provisions of this chapter so that the spirit of this chapter shall be observed, public health, safety and welfare secured and substantial justice done.
- B. No variation or adjustment in the strict application of any regulations or provisions of this chapter shall be granted by the Village Manager unless it finds that:
 - (1) The applicant has demonstrated good and sufficient cause for the granting of a variance. Such demonstration shall be founded upon a fair consideration of the circumstances present pertinent to the petition, including but not limited to:

- (a) The social utility of the use or activity for which a variance is sought.
 - (b) The nature and degree of observed variance from prescribed standards that results from such use or activity.
 - (c) The impact of such use or activity on other residents and properties.
 - (d) The nature and cost of available measures that may be taken to mitigate the impact of such use or activity.
- (2) There are unique or special circumstances or conditions, fully described in the findings of the Village Manager applying to the activity or to the use of land, property or facilities for which the variance is sought which warrant the granting of a variance on the ground of practical difficulty or unnecessary hardship.
- (3) The granting of a variance is necessary to enable the applicant to conduct the activity or use for which a variance is sought without unreasonable burden or restriction, and the variance as granted by the Village Manager is the minimum adjustment that will accomplish such purpose.
- (4) The granting of the variance will be in harmony with the general purposes and intent of this chapter, will not be injurious to the community or any neighborhood or otherwise detrimental to the public health, safety or welfare, and will not be in conflict with other laws or ordinances or inconsistent with the comprehensive master plan of the Village.
- C. The Village Manager, in passing upon a petition for a variance under this chapter, may limit the effective period of any variance granted and may impose upon the grant or operation of any variance such conditions in furtherance of the public interest as the Village Manager finds necessary or appropriate.
- D. All variance requests shall be in writing on forms prescribed by the Village Manager and shall refer to the specific provisions of this chapter from which a variance is sought and shall exactly set forth the details of the variance that is applied for and the grounds on which it is claimed that the same should be granted. Any petition for a variance shall also identify all practical steps which have been taken or which are proposed to be taken by the applicant to reduce noise.
- E. Hearing. The Village Manager shall conduct a public hearing on any application made pursuant to this chapter. At such public hearings, all those present and wishing to be heard shall be given an opportunity to be heard.
- F. Notice of hearing. Notice of any hearing shall be published by the Village in the official paper at least five calendar days prior to the date of said hearing. Notice of the hearing shall also be mailed by the Village to the parties at least five calendar days before such hearing. The applicant shall mail, by regular first-class mail notice of the hearing to the owners of all properties located within 500 feet of the boundary of the property that is seeking the variance.. Proof of such mailing shall be submitted to the Village Manager by the applicant prior to the hearing. The applicant shall be responsible for the cost of publication and mailing of such notice.

- G. All determinations made by the Village Manager relative to a request for a variance from the provisions of this Chapter shall be made no later than three (3) calendar days following the close of the public hearing, shall be made in writing and shall be filed forthwith in the office of the Village Clerk.
- H. The determination made by the Village Manager may be appealed to the Village Board by any aggrieved party. The appeal must in writing, must set forth with specificity the basis upon which the appeal is being made and must be filed with the Village Clerk within five (5) calendar days of the date of the Village Manager's written determination was filed with the Village Clerk. The Village Board will hear the appeal at the next available Village Board meeting. Before rendering a determination on the appeal, the Village Board shall have the authority to consider any and all relevant information submitted by any interested party.

§ 181-10. Effect on other provisions.

The provisions of this chapter shall in no case remove or render less restrictive limitations on noise generation or other conditions imposed for specific properties by actions of the Walden Zoning Board of Appeals or by actions of the Walden Planning Board or required under other applicable laws or regulations.

§ 181-11. Enforcement.

The provisions of this chapter shall be enforced by the Police Department of the Village of Walden, the Village Manager Building Department officials or other officials designated by the Village Board.

§ 181-12. Inspections.

- A. For the purpose of determining compliance with the provisions of this chapter, the Police Department of the Village of Walden and building officials of the Village of Walden are hereby authorized to make inspections of all noise sources and to take measurements and make tests whenever necessary to determine the quantity and character of noise. In the event that any person refuses or restricts entry and free access to any part of a premises or refuses inspection, testing or noise measurement of any activity, device, facility or process where inspection is sought, the Police Department of the Village of Walden or building officials of the Village of Walden may seek from the appropriate court a warrant without interference, restriction or obstruction, at a reasonable time, for the purpose of inspecting, testing or measuring noise.
- B. It shall be unlawful for any person to refuse to allow or permit the Police Department of the Village of Walden or building officials of the Village of Walden free access to any premises when the Police Department or Building Department of the Village of Walden is acting in compliance with a warrant for inspection and order issued by the appropriate court.
- C. It shall be unlawful for any person to violate the provisions of any warrant or court order requiring inspection, testing or measurement of noise sources.

- D. No person shall hinder, obstruct, delay, resist, prevent in any way, interfere or attempt to interfere with any authorized person while in the performance of his/her duties under this chapter.

§ 181-13. Penalties for offenses.

A. Any person convicted of a violation of any provision of this chapter, for a first conviction thereof, shall be guilty of a violation and shall be subject to a fine not to exceed \$350 for each violation, or a maximum of 15 days imprisonment, or both such fine and imprisonment; for a second such conviction with six months thereafter, such person shall be subject to a fine not to exceed \$500, or a maximum of 15 days imprisonment, or both; for a third or subsequent conviction within six months after the first conviction, such person shall be subject to a fine not to exceed \$750, or a maximum of 15 days imprisonment, or both, for each such conviction.

B. If a person is served with a violation notice or appearance ticket charging the violation of this chapter and that person fails to cease the violation immediately, then such failure shall be deemed a separate and distinct violation

SECTION 4 - VALIDITY

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 5 - EFFECTIVE DATE

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.