

**TOWN OF NORTHUMBERLAND**

**Local Law No. 2 of the year 2005**

**Local Law regarding noise and nuisance**

**Be it enacted by the Town Board of the  
Town of Northumberland as follows:**

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NORTHUMBERLAND  
BUILDING INSPECTOR**

**Section 1. General prohibition; declaration of nuisance.**

It shall be unlawful and in violation of this chapter to create and/or suffer, permit and/or allow the creation of any unreasonably loud, disturbing or unnecessary noise in the Town. Noise of such character, intensity or duration as to endanger the public comfort, peace or repose or to be detrimental to the life or health of any individual is declared to be a nuisance and is prohibited.

**Section 2. Playing of radios or similar apparatus.**

It shall be unlawful and in violation of this chapter for any person and/or owner or occupant of property in the Town to operate or play or cause to be operated or played or to suffer, permit and/or allow the operation or playing of any radio, phonograph or any musical instrument or device in such manner or with such volume at any time, particularly during the hours between 11:00pm and 7:00am, as to annoy the quiet, comfort or repose of persons in any dwelling, hotel or any other type of residence in the town.

**Section 3. Mufflers required on engines.**

It shall be unlawful and in violation of this chapter for any person to discharge, cause to be discharged and/or suffer, permit and/or allow the discharge into the open air the exhaust of any engine or motor boat engine, except through a muffler or other device which will effectively prevent loud or explosive noise therefrom.

**Section 4. Use of mechanical devices operated by compressed air.**

It shall be unlawful and in violation of this chapter for any person to use, cause to be used and/or suffer, permit and/or allow the use of any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and reduced.

**Section 5. Penalties for offenses.**

- A. Criminal penalty. Any person who violates any provision of this chapter shall, upon conviction thereof, be subject to a fine not to exceed \$250 or to imprisonment for a term not to exceed 15 days, or both.
- B. Civil penalties; construal.
  - (1) Obedience to the provisions set fort herein may be enforced by criminal information for the penalties herein prescribed, by prosecution of the offender as provided in Subsection A of this section or by a civil action for a penalty or by civil remedy at law or equity by way of injunction or otherwise to abate or prevent a violation of the provisions of this chapter.

- (2) Neither a judgment in nor the pendency of a criminal prosecution for an alleged violation of the provisions of this chapter nor a judgment in the pendency of a civil action at law or in equity shall be a bar to the other form of proceeding.
- (3) The imposition of a penalty for a violation of this chapter shall not excuse the violation or permit it to continue, and the remedies herein provided for penalties and civil action to enjoin or abate a violation shall be cumulative.

C. Definitions. As used in this chapter, the following terms shall have the meanings indicated.

CIVIL PENALTY --- A penalty not to exceed \$250, to be imposed in a civil proceeding upon proof of a violation of this chapter.

**Section 6.**

This Local Law shall take effect immediately upon filing in the office of the Secretary of State

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