

## Chapter 125. Noise

[HISTORY: Adopted by the Common Council of the City of Lockport as indicated in article histories. Amendments noted where applicable.]

### Article I. Unnecessary and Unusual Noises

[Adopted 12-3-1945]

#### § 125-1. Definitions.

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

##### **PERSON**

Includes one or more natural persons, corporations, partnerships, associations, joint-stock companies, societies and all other entities capable of being sued.

#### § 125-2. Unnecessary noise prohibited.

It shall be unlawful for any person to make, continue or cause to be made or continued any unnecessary or unusual noise between the hours of 6:00 a.m. and 8:00 p.m. which either annoys, injures or endangers the comfort, repose, health or safety of others, or to make, continue or cause to be made or continued between the hours of 8:00 p.m. and 6:00 a.m., whether in the operation of any machine or the exercise of any trade or calling or otherwise, any noise which either annoys, injures or endangers the comfort, repose, health or safety of others, unless the making and continuing of the same is necessary for the protection or preservation of property or of the health or safety of life or limb of some person.

#### § 125-3. Radio devices or loudspeakers.

It shall be unlawful for any person to maintain and operate in any building or on any premises or on any automobile, motortruck or other motor vehicle any radio device, mechanical device or loudspeaker or any device of any kind whereby the sound therefrom is cast directly upon the streets and public places and where such device is maintained for advertising purposes or for the purpose of attracting the attention of the passing public, or which is so placed and operated that the sounds coming therefrom can be heard to the annoyance or inconvenience of travelers upon any street or public places or of persons in neighboring premises.

#### § 125-4. Exceptions.

[Amended 6-6-1949; 9-5-2007]

- A. Public dissemination, through radio loudspeakers, of items of news and matters of public concern and athletic activities shall not be deemed a violation of this article, provided that the same be

done under permission obtained from the Board of Police Commissioners, excepting in the public parks of this City, where such permission must be obtained from the Common Council.

- B. Entertainment at restaurants, bars, nightclubs, and cafes through loudspeakers, live performance or other noise-amplifying devices within the Downtown Business District between the hours of 10:00 a.m. Friday to 1:00 a.m. Saturday, 10:00 a.m. Saturday to 1:00 a.m. Sunday and 10:00 a.m. to 12:00 a.m. Sunday through Thursday shall not be deemed a violation of this article. The "Downtown Business District" is defined as follows: beginning at a point at the intersection of Walnut and Washburn Streets north along Washburn Street to a point in the intersection of Washburn and the Conrail railroad tracks west along the Conrail railroad tracks to a point, said point being the intersection of the Conrail railroad tracks and the northwest bank of the Erie Barge Canal, then southwest along the northwest bank of the Erie Barge Canal to a point, said point being the intersection of the northwest bank of the Erie Barge Canal and the east side of Pine Street, then southwest along Richmond Avenue to a point, said point being the intersection of Richmond Avenue and Niagara Street, then west on Niagara Street to a point, said point being the intersection of Niagara and North Transit Streets, then south along North Transit Street to the intersection of North Transit Street and Walnut Street, then northeast along Walnut Street to the point or place of beginning.  
[Amended 8-1-2012]

## § 125-5. Penalties for offenses.

[Amended 11-2-1983]

An offense against the provisions of this article shall constitute a violation under the Penal Law and shall be punishable by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both.

## Article II. Sound Trucks

[Adopted 6-20-1949]

## § 125-6. Definitions.

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

### **SOUND-AMPLIFYING EQUIPMENT**

Any machine or device for the amplification of the human voice, music or any other sound. "Sound-amplifying equipment" as used herein shall not be construed as including standard automobile radios when used and heard only by occupants of the vehicle in which installed nor warning devices on authorized emergency vehicles nor horns or other warning devices on other vehicles used only for traffic safety purposes.

### **SOUND TRUCK**

Any vehicle having mounted thereon or attached thereto any sound-amplifying equipment.

## § 125-7. Noncommercial use of sound trucks.

- A. Registration statement. No person shall use or cause to be used a sound truck with its sound-amplifying equipment in operation for noncommercial purposes in the City before filing a registration statement with the City Clerk in writing. This registration statement shall be filed in duplicate and shall state the following:
- (1) Name and home address of the applicant.

- (2) Address of place of business of applicant.
  - (3) License number and motor number of the sound truck to be used by applicant.
  - (4) Name and address of person who owns the sound truck.
  - (5) Name and address of person having direct charge of sound truck.
  - (6) Names and addresses of all persons who will use or operate the sound truck.
  - (7) The purpose for which the sound truck will be used.
  - (8) A general statement as to the section or sections of the City in which the sound truck will be used.
  - (9) The proposed hours of operation of the sound truck.
  - (10) The number of days of proposed operation of the sound truck.
  - (11) A general description of the sound-amplifying equipment which is to be used.
  - (12) The maximum sound-producing power of the sound-amplifying equipment to be used in or on the sound truck, stating the following:
    - (a) The wattage to be used.
    - (b) The volume in decibels of the sound which will be produced.
    - (c) The approximate maximum distance for which sound will be thrown from the sound truck.
- B. Registration statement amendment. All persons using or causing to be used sound trucks for noncommercial purposes shall amend any registration statement filed pursuant to Subsection **A** above within 48 hours after any change in the information therein furnished.
- C. Registration and identification. The City Clerk shall return to each applicant under Subsection **A** above one copy of the registration statement certified by the City Clerk as a correct copy of the application. The certified copy of the application shall be in the possession of any person operating the sound truck at all times while the sound truck's sound-amplifying equipment is in operation, and the copy shall be promptly displayed and shown to any policeman of the City upon request.
- D. Regulations for use. Noncommercial use of sound trucks in the City with sound-amplifying equipment in operation shall be subject to the following regulations:
- (1) The only sounds permitted are music or human speech.
  - (2) Operations are permitted for four hours each day, except on Sundays and legal holidays, when no operations are authorized. The permitted four hours of operation shall be between the hours of 11:30 a.m. and 1:30 p.m. and between the hours of 4:30 p.m. and 6:30 p.m.
  - (3) Sound-amplifying equipment shall not be operated unless the sound truck upon which such equipment is mounted is operated at a speed of at least 10 miles per hour except when said truck is stopped or impeded by traffic. Where stopped by traffic, the said sound-amplifying equipment shall not be operated for longer than one-minute of each such stop.
  - (4) Sound shall not be issued within 100 yards of hospitals, schools, churches or courthouses.
  - (5) The human speech and music amplified shall not be profane, lewd, indecent or slanderous.
  - (6) The volume of sound shall be controlled so that it will not be audible for a distance in excess of 100 feet from the sound truck and so that said volume is not unreasonably loud, raucous, jarring, disturbing or a nuisance to persons within the area of audibility.

- (7) No sound-amplifying equipment shall be operated in excess of 15 watts of power in the last stage of amplification.

## § 125-8. Commercial advertising.

- A. No person shall operate or cause to be operated any sound truck in the City for commercial advertising purposes with sound-amplifying equipment in operation unless a license has been obtained from the City Clerk. The fee for license shall be \$5 for each day such equipment is used in the City.  
[Amended 8-14-1950]
- B. Persons applying for the license required under this section shall file with the City Clerk an application in writing, giving in the application the information required in the registration statement under § 125-7A.
- C. The City Clerk shall issue a license under this section upon payment of the required license fee, unless the application required reveals that the applicant would violate any provision of this article.
- D. A licensee shall keep such license in his possession in the sound truck during the time the sound truck's sound-amplifying equipment is in operation. The license shall be promptly displayed and shown to any policeman of the City upon request.
- E. No person shall operate any sound truck for commercial sound-advertising purposes in violation of the regulations set forth in § 125-7D.

## § 125-9. Penalties for offenses.

[Added 11-2-1983]

An offense against the provisions of this article shall constitute a violation under the Penal Law and shall be punishable by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both.