LOCAL LAW NO. 1 OF 2026

Regulating Noise in the Town of Oswego

Section 1 – Purpose.

It is hereby declared to be the policy of the Town Board in accordance with Penal Law §240.20 which regulates disorderly conduct, to prevent unreasonable loud, disturbing and unnecessary noise and to reduce noise level within the Town so as to preserve, protect and promote the public health, safety and welfare and to foster convenience, peace and quiet within the Town by the inhabitants thereof. The Town Board finds that every person is entitled to have maintained noise levels which are not detrimental to life, health and the enjoyment of property, and that excessive and unnecessary noise within the Town of Oswego affects and is a menace to public health, safety, welfare and the comfort of the people of the Town.

Section 2 – Disorderly Conduct.

Pursuant to NYS Penal Law § 240.20 Disorderly conduct a person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof:

1. He engages in fighting or in violent, tumultuous or threatening behavior; or
2. He makes unreasonable noise; or
3. In a public place, he uses abusive or obscene language, or makes an obscene gesture; or
4. Without lawful authority, he disturbs any lawful assembly or meeting of persons; or
5. He obstructs vehicular or pedestrian traffic; or
6. He congregates with other persons in a public place and refuses to comply with a lawful order of the police to disperse; or
7. He creates a hazardous or physically offensive condition by any act which serves no legitimate purpose.

Disorderly conduct is a violation.

Section 3 – Exceptions.

The following sounds and noises are deemed beyond the scope and intent of the Town to regulate and are not subject to this law:

A. Any sound intended to warn the public or indicate the existence of an emergency condition, including any warning device, siren, horn or whistle used by emergency vehicles or by any governmental agency to alert the public to an emergency or warn of a dangerous condition. This exception shall exempt the noise generated by business and residential alarms when such alarms are activated under circumstances indicating the existence of an emergency condition.

Proposed

B. Any sound within limits set by and under the jurisdiction of the federal Occupational Health and Safety Act, or any other state or federal act preempting local regulation.

Section 4 – Unreasonably Intrusive Noise; Criteria.

No person shall make, continue, cause, or permit to be made, verbally or mechanically, any unreasonably intrusive noise. Standards to be considered in determining whether an unreasonably intrusive noise exists include, but are not limited to, the following:

A. The volume of the noise;

B. The frequency of the noise;

C. The periodicity of the noise;

D. Whether the noise is unusual and incongruous with the surrounding environment;

E. The volume and frequency of the ambient noise, if any:

F. The proximity of the noise source to any residential, education, medical religious or judicial facility;

G. The use, nature and character of the zoning district of the immediate area where the noise source exists;

H. The time of day or night the noise occurs; and

I. The duration of the noise.

Section 5 – Permissible Acts, Sounds and Noises.

The following list of acts and associated sounds are permissible as of right and not subject to regulation under this Chapter. This enumeration is illustrative only and is not intended to be exhaustive. Permissible acts and associated sounds include, but are not limited to, the following:

A. Music performed in conjunction with any military or civic parade, funeral procession or religious service or the use of any bell, chimes or other instrument, apparatus or device by any church or synagogue, or school licensed, chartered or recognized by the State of New York, provided such performance or activity does not occur between the hours of 10:00 p.m. and 7:00 a.m. of the following day.

B. Sounds created by any governmental agency, railroad, or emergency service organization intended to alert the public to an emergency or warn of a dangerous condition.

C. Sounds created by public utilities in furtherance of fulfilling their franchise.

Proposed

D. Sounds generated by, or associated with, organized sporting events of any public or private school or generated by, or associated with, any sport or recreational activity sponsored or permitted by the Town.

E. Sounds generated by, or associated with, the activities of the Town Highway Department.

F. Sounds generated on private property, amplified or unamplified, for private, noncommercial use and enjoyment provided such sound does not exceed 65 dBA as measured from the closest point of the adjacent property owned, rented or leased by any person complaining that such sound is unreasonably intrusive.

G. Amplified noncommercial speech offered to express ideas or communicate thought is permitted, provided such sound does not exceed 65 dBA as measured from the closest point of the property owned, rented or leased by any person complaining such sound is unreasonably intrusive.

H. Routine construction work, unless prohibited by Section 6(F), and all associated sounds and noises between the hours of 7:00 a.m. and 10:00 p.m. Monday through Sunday. Routine construction work includes, but is not limited to, building, repairing, blasting, when authorized by Town permit, grading, leveling, excavating and other similar acts and activities usually and customarily associated with building and construction.

I. Power tools, blowers and gasoline-powered engines operating at 65 dBA, or less, except as regulated by Section 6(G).

J. The operation of gasoline-powered snow removal equipment at any time Monday – Sunday.

Section 6 – Prohibited Sounds/Noise.

The following acts and associated sounds are prohibited under this local law. Prohibited acts and associated sounds include, but are not limited to, the following:

A. The sounding of any horn or signal device on any motor vehicle, except as a warning signal pursuant to the provisions of the Vehicle and Traffic Law of the State of New York.

B. The use or operation of any radio, television, phonograph, musical instrument or instruments, loudspeaker, sound amplification equipment, or other machine or device for the production or reproduction of sound so as to create an unreasonably intrusive noise.

C. The keeping or harboring of any animal, fowl, or bird which disturbs the peace, comfort or repose of any person residing in the vicinity by causing frequent unreasonably intrusive noise.

D. The blowing of any whistle attached to any stationary boiler, except to give notice of the time to begin work, stop work, or as a danger warning.

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E. The discharge of exhaust into the open air generated by any steam engine, internal-combustion engine, stationary or mobile, air compressor, or other device which creates an unreasonably intrusive noise, except where such discharge is through a muffler or other device which effectively prevents loud, unusual or explosive noise.

F. The operation of gasoline-powered power lawn mowers, leaf blowers, other gasoline-powered lawn or garden equipment or construction tools, between the hours of 10:00 p.m. and 7:00 a.m. any day of the week.

G. The use or operation of any radio, phonograph, musical instrument loudspeaker, sound amplifier, or other machine or device for the production or reproduction of sound intended as commercial advertising or solicitation, unless permitted by the Town.

H. The use of any drum, bell, loudspeaker or other instrument or device for the purpose of attracting attention to any solicitation, performance, show, sale or display of merchandise, unless permitted by the Town.

Section 7 – Penalties for Offenses.

Any person who shall violate any of the provisions of this Local Law shall be guilty of a violation and shall be punishable by a fine of not more than Two Hundred Fifty and 00/100 ($250.00) Dollars or imprisonment for not more than fifteen (15) days, or both. This Local Law shall be administered by the Enforcement Officer of the Town of Oswego and enforced by any law enforcement officer with jurisdiction within the Town of Oswego.

Section 8 – Severability.

If any section, subdivision, paragraph, sentence or other portion of this Local Law shall for any reason be held or adjudged to be invalid or illegal or unenforceable by any court of competent jurisdiction, it is the intention of the Town Board that such section, subdivision, paragraph, sentence or other portion so adjudged, invalid, illegal or unenforceable shall be deemed separate, distinct and independent, and the remainder of this Local Law shall be and remain in full force and effect.

Section 9 – Effective Date.

This Local Law shall be effective upon filing with the New York State Secretary of State.

[END OF LOCAL LAW]

Proposed