

Chapter 213. Noise

[HISTORY: Adopted by the Council of the City of New Rochelle 4-13-1976 by Ord. No. 95-1976.^[1] Amendments noted where applicable.]

GENERAL REFERENCES

Alarm systems — See Ch. 81.

Animals — See Ch. 89.

Sound trucks — See Ch. 276.

Zoning — See Ch. 331.

[1] *Editor's Note: This legislation was included as Ch. 21 of the 1965 General Ordinances.*

Article I. General Provisions

§ 213-1. Title.

This chapter shall be known as the "New Rochelle Noise Control Ordinance."

§ 213-2. Policy.

[Amended 9-16-1998 by Ord. No. 234-1998]

It is hereby declared to be the policy of the City of New Rochelle to prevent excessive, unreasonable or unusually loud noise which may jeopardize the well-being or health or welfare of its citizens or degrade the quality of life. The provisions and prohibitions hereinafter contained and enacted are for the above-mentioned purpose.

§ 213-3. Definitions.

- A. All definitions used in this chapter, where applicable, shall be in conformance with the terminology of the American National Standards Institute. A copy of the American National Standards definitions shall be available at the City Clerk's office for public use.
- B. Unless otherwise indicated by context, the following terms and phrases shall mean:

A-WEIGHTED SOUND LEVEL

The sound-pressure level in decibels as measured on a sound-level meter using the A-weighting network and designated as "db(A)."

AMBIENT NOISE

The all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources, near and far.

AIR COMPRESSOR

A device which draws in air or gas, compresses it and delivers it at a higher pressure.

CONSTRUCTION

Any activity necessary or incidental to the erection, demolition, assembling, altering, installing or equipping of buildings, public or private highways, roads, premises, parks, utility lines or other property, including but

not limited to related activities such as land clearing, grading, earthmoving, excavating, blasting, filling and landscaping.

CONSTRUCTION SITE

Any location, including land and water, where construction takes place.

CONTINUOUS SOUND

Any sound that is not an impulsive sound.

DECIBEL (db)

A unit for measuring the volume of a sound, equal to the logarithm to the base 10 of the ratio of the pressure of the sound and the quantities concerned are proportional to power. (American National Standards Institute terminology.)

DEVICE

Any machine, mechanism or equipment which is intended to or which actually produces sound or vibration.

DISCRETE TONE

A sound wave whose instantaneous sound pressure varies essentially as a simple sinusoidal function of time. (American National Standards Institute terminology.)

EXHAUST

A system which removes and transports air or gas from a device.

FREQUENCY

A function periodic in time which is the reciprocal of the period. (American National Standards Institute terminology.)

IMPULSIVE SOUND

A sound of short duration, usually less than one second and of high intensity, with an abrupt onset and rapid decay. (American National Standards Institute terminology. Examples include an explosion or discharge of a firearm.)

L₁₀

The A-weighted sound level measured with slow response that is exceeded 10% of the time in any one-hour interval. The measurement time interval need not be one hour, provided that the measurement results are representative of a one-hour interval.

L₉₀

The A-weighted sound level measured with slow response that is exceeded 90% of the time in any one-hour interval. The measurement time interval need not be one hour, provided that the measurement results are representative of a one-hour interval.

LEAF BLOWER

Any device powered by an internal combustion engine which emits air and which is used or designed to move leaves, grass, clippings, dust, dirt or other matter by blowing them with air emitted by such device. [Added 12-13-1994 by Ord. No. 291-1994]

MAXIMUM GROSS WEIGHT

The weight of the vehicle unladen, plus the weight of the maximum load to be carried by such vehicle during the registration period or the maximum gross weight for which the vehicle is registered, whichever is greater. (New York State Traffic and Vehicle Law.)

MOTOR VEHICLE

Every vehicle operated or driven upon a public highway which is propelled by any power other than muscular power. (New York State Vehicle and Traffic Law.)

MUFFLER

A device for abating the sound of escaping gases of an internal combustion engine or other sound source.

NOISE-SENSITIVE ZONE

An area adjacent to a site, including but not limited to any authorized school, church, senior citizen center, day-care center or hospital, which requires specific noise limitations.

PAVING BREAKER

Any powered construction device that is designed to be used or is actually used to cut or trench pavement, subbase macadam, gravel, concrete or hard ground.

PERSON

Includes the singular and plural and also any person, firm, corporation, association, club, partnership, society or any other form of association or organization.

PUBLIC HIGHWAY

Any highway, road, street, avenue, alley, public place, public driveway or any other public way. (New York State Vehicle and Traffic Law.)

RAILROAD

A railroad operated for public use for conveying people or property for compensation and includes all material and facilities used therewith.

RECREATIONAL VEHICLE

Any vehicle which is propelled by any power other than muscular power that is designed for or capable of cross-country travel, such as a motorcycle, trailbike or minibike. A "recreational vehicle" is also classed as a motor vehicle when such "recreational vehicle" is operated or driven upon a public highway.

REFUSE-COLLECTING VEHICLE

Any motor vehicle designed to compact and transport refuse.

SNOWMOBILE

Any self-propelled vehicle designed for travel on snow or ice.

SOUND

An oscillation in pressure, stress, particle displacement or other physical parameter in a medium with internal forces. (American National Standards Institute terminology.)

SOUND LEVEL

The weighted pressure level, measured by the use of a metering characteristic and the weighing A, B, C. (American National Standards Institute terminology.)

SOUND-LEVEL METER

An instrument, including a microphone, an amplifier, an output meter and frequency weighing networks, for the measurement of sound levels. (American National Standards Institute terminology.)

SOUND-REPRODUCTION DEVICE

Any device that is designed to be used or is actually used for the production or reproduction of sound, including but not limited to any musical instrument, radio, television, tape recorder, phonograph or any other sound-amplifying equipment.

SOUND SOURCE

Any activity or device that produces sound.

SOUND TRUCK

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

UNREASONABLE NOISE

Any excessive or unreasonably loud sound made with the intent to or which recklessly creates a risk of disturbing the peace, comfort or repose of a reasonable person of normal sensitivities, injuring or endangering the health or safety of a reasonable person of normal sensitivities or causing injury to plant or animal life or damage to property or business.

[Added 12-9-1997 by Ord. No. 272-1997; amended 9-16-1998 by Ord. No. 234-1998]

ZONING DISTRICT

Any zone as defined in the Zoning Ordinance of the City of New Rochelle.^[1]

[1] *Editor's Note: See Ch. 331, Zoning.*

Article II. Unreasonable Noise

[1] *Editor's Note: Ordinance No. 234-1998, adopted 9-16-1998, provided for changing the title of Article II from "Unnecessary Noise" to "Unreasonable Noise."*

§ 213-4. General prohibitions.

[Amended 12-9-1997 by Ord. No. 272-1997]

- A. Any act in violation of any of the provisions of this article is deemed to be in violation of Subsection **B** of this section without in any way limiting the generality of the provisions of Subsection **B** of this section.
- B. No person shall make, continue or cause or permit to be made, verbally or mechanically, any unreasonable noise. Standards to be considered in determining whether unreasonable noise exists include, but are not limited to the following:
 - (1) The volume of the noise.
 - (2) The intensity of the noise.
 - (3) Whether the nature of the noise is usual or unusual.
 - (4) Whether the origin of the noise is natural or unnatural.
 - (5) The volume and intensity of the background noise, if any.
 - (6) The proximity of the noise to residential sleeping facilities or private residences.
 - (7) The nature and the zoning district of the area within which the noise emanate.
 - (8) The time of day or night the noise occurs.
 - (9) The time duration of the noise.
 - (10) Whether the sound source is temporary.
 - (11) Whether the noise is continuous or impulsive.
 - (12) The presence of discrete tones.

§ 213-5. Specific prohibitions.

The following acts and the causing thereof are declared to be in violation of this chapter:

- A. Sound-reproduction devices.
 - (1) No person shall operate or use or cause to be operated a sound-reproduction device that produces unreasonable noise.
[Amended 9-16-1998 by Ord. No. 234-1998]
 - (2) No person shall operate or use or cause to be operated any sound-reproduction device for commercial or business advertising purposes or for the purpose of attracting attention to any performance, show or sale or display of merchandise, in connection with any commercial operation, in front or outside of any building, place or premises abutting on or adjacent to a public street, park or place, or in or upon any vehicle operated, standing or being in or on any public street, park or place. Nothing in this section is

intended to prohibit incidental sounds emanating from sporting, entertainment or other public events.

- (3) No person shall operate or use any sound-reproduction device in any public place, such as public auditoriums, halls and mass transit vehicles, in such a manner that the sound emanating is audible to other persons.
- B. Sound signal devices. No person shall operate or cause to be operated any sound signal device, including but not limited to any claxon, horn, whistle, bell, gong, drum or siren, so as to create unreasonable noise, except: [Amended 9-16-1998 by Ord. No. 234-1998]
- (1) As required by the Vehicle and Traffic Law of the State of New York.
- (2) To give notice of the time to stop and start work.
- C. Emergency warning device. No person shall operate or cause to be operated any emergency warning device, except:
- (1) To give notice as a warning of an emergency.
- (2) On an authorized vehicle when such vehicle is engaged in emergency operations.
- (3) When such device is under test.
- D. Burglar alarms. No person shall operate or cause to be operated a continuous or intermittent audible burglar alarm or any continuous or intermittent motor vehicle burglar alarm unless such continuous or intermittent alarm shall be capable of automatically terminating within 15 minutes after such continuous or intermittent alarm is first activated. Any member of the Police Department of New Rochelle shall have the authority to take such steps as may be necessary to disconnect such alarm at any time when such alarm is operating. (It is recommended that a phone number be displayed in order to contact the owner.) [Amended 6-25-1991 by Ord. No. 155-1991]
- E. Animals. No person shall permit or allow any animal under his/her control to bark, whine, howl or make any other noise continuously for a period of 10 minutes or more at a volume which can be heard anywhere beyond the residential, commercial or industrial location from which such noise emanates. For the purposes of this subsection, "continuously" shall mean constant, with few, if any, brief breaks or periods of silence. [Amended 9-16-1998 by Ord. No. 234-1998]
- F. Containers and construction material. No person shall load, unload, handle, transport, open, close or destroy any containers or construction material in such a manner as to create unreasonable noise. [Amended 9-16-1998 by Ord. No. 234-1998^[1]]
- [1] *Editor's Note: This ordinance also repealed former Subsections F, Shouting; H, Squealing tires, and I, Exhausts, and renumbered former Subsection G as F and former Subsections J, K, L and M as G, H, I and J, respectively.*
- G. Domestic power tools and equipment. [Amended 9-14-1988 by Ord. No. 262-1988; 12-13-1994 by Ord. No. 291-1994]
- (1) No person shall operate or permit to be operated any powered tool or equipment, including but not limited to saws, sanders, drills or similar devices, outdoors in a residentially zoned district during the hours of 10:00 p.m. to 8:00 a.m.
- (2) Notwithstanding any other provision of this Chapter **213**, between April 15 and October 15 inclusive of each calendar year, power-driven garden tools, including but not limited to lawn mowers, lawn tractors and hedge trimmers, shall not be operated in the City of New Rochelle, except at the following times: [Amended 1-17-1995 by Ord. No. 24-1995]
- (a) On weekdays between 8:00 a.m. and 5:00 p.m., except grass may be cut with an internal combustion engine lawn mower by an occupant of the premises where it is being cut on weekdays between the hours of 5:00 p.m. and 8:00 p.m.
- (b) On Saturdays between 10:00 a.m. and 5:00 p.m.
- (c) On Sundays between 10:00 a.m. and 5:00 p.m.

- (3) Notwithstanding any other provision of this Chapter **213**, leaf blowers, as defined in this chapter, shall not be operated at all between June 1 and September 30 of each calendar year. From October 1 to May 31 of each calendar year, leaf blowers may be operated in the City of New Rochelle at the following times:
- (a) On weekdays between 8:00 a.m. and 5:00 p.m.
 - (b) On Saturdays between 10:00 a.m. and 5:00 p.m.
 - (c) On Sundays between 10:00 a.m. and 5:00 p.m.
- H. Modification of noise control devices. No person shall operate or permit to be operated any device that has been modified so as to cause the sound emitted to be greater than that emitted by such device as originally manufactured.
- I. 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, without a properly functioning muffler.
[Added 3-15-1994 by Ord. No. 64-1994]
- J. Severability. If any section, subdivision, sentence, clause, phrase or portion of this section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provisions, and such holding shall not affect the validity of the remaining portions thereof.
[Added 12-13-1994 by Ord. No. 291-1994]

Article III. Sound-Level Standards

§ 213-6. Motor vehicle operational limits.

- A. It shall be unlawful for any person to operate or cause to be operated on a public highway any motor vehicle or combination of vehicles, at any time, under any condition of grade, load, acceleration or deceleration, in such a manner as to exceed the applicable A-weighted sound level set forth in this section. The maximum allowable sound levels are based on a sound level measured at or adjusted to a distance of 50 feet from the center of the lane in which the motor vehicle is traveling. These limits shall apply to the total sound level emitted.
- B. This section shall not apply to authorized emergency vehicles.
- C. The maximum allowable A-weighted sound levels shall be as follows:

| Vehicle | Maximum Speed 35 mph or Less Greater Than 35 mph | |
|---|---|----------|
| Any motor vehicle or combination of vehicles with a maximum gross weight in excess of 10,000 pounds | 86 db(A) | 90 db(A) |
| Any motorcycle | 82 db(A) | 86 db(A) |
| Any other motor vehicle or combination of vehicles | 76 db(A) | 82 db(A) |

(EPA Regulations)

§ 213-7. Stationary motor vehicle limits.

It shall be unlawful for any person to operate, or cause to be operated, on a public highway any motor vehicle or combination of vehicles with a maximum gross weight in excess of 10,000 pounds, equipped with an engine speed governor which generates an A-weighted sound level in excess of 88 db(A) measured at, or adjusted to, a distance of 50 feet from the longitudinal center line of the vehicle, when its engine is accelerated from idle with a wide open throttle to governed speed with the vehicle stationary, transmission in neutral and clutch engaged. (EPA regulations.)

§ 213-8. Refuse-collecting vehicles.

No person shall operate, or permit to be operated, a refuse collecting vehicle which, when collecting or compacting, exceeds a sound level of 80 db(A) at a distance of 10 feet from any surface of the collecting or compacting unit. (New York State recommendation.)

§ 213-9. Recreational vehicles.

No person shall operate, or permit to be operated, any recreational vehicle, including snowmobiles, off a public highway at any time, at any speed or under any condition of grade, load, acceleration or deceleration or in any manner whatsoever as to exceed the sound level limits set forth in the following tables for the specified date of manufacture. The limits shall apply at a distance of 50 feet from such recreational vehicle.

| Date of Manufacture | Sound Level Limit | |
|----------------------------|--------------------------------------|---|
| | Displacement Less Than 240 cc | Displacement Greater Than 240 cc |
| 6/ 1/70 — 5/3 1/73 | 89 db(A) | 92 db(A) |
| 6/ 1/73 — 5/3 1/78 | 87 db(A) | 90 db(A) |
| 6/ 1/78 — 5/3 1/83 | 83 db(A) | 86 db(A) |
| 6/ 1/83 and after | 76d b(A) | 77 db(A) |

(New York State recommendation)

| Snowmobiles Date of Manufacture | Sound Level Limit |
|--|--------------------------|
| 6/ 1/72 — 5/3 1/75 | 82 db(A) |
| 6/ 1/75 — 5/3 1/78 | 78 db(A) |
| 6/ 1/78 and after | 73 db(A) |

(New York State law)

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 213-10. Motorboats.

No person shall operate, or permit to be operated, any engine-powered commercial or pleasure motorboats under 65 feet within the waters of New Rochelle, at any time, at any speed or under any condition of load, acceleration or deceleration or in any condition of load, acceleration or deceleration or in any manner whatsoever as to exceed a sound level of 80 db(A) at a distance of 50 feet from such motorboat.

§ 213-11. Railroad operations.

No person shall operate, or permit to be operated, any railroad locomotive, cars or any other rolling stock or equipment so as to cause a violation of the allowable sound levels adopted by the federal government. (The Environmental Protection Agency and Department of Transportation are currently negotiating a resolution of their differences regarding the proposed standards.)

§ 213-12. Aircraft operations.

No person shall operate, or permit to be operated, any aircraft so as to cause a violation of the Federal Aviation Administration's certified noise levels as presented in Advisory Circular 36-1 and/or in all future revisions and publications.

§ 213-13. Air-conditioning and air-handling devices.

No person shall operate, or permit to be operated, an air-conditioning or air-handling device that exceeds the maximum sound level limitations provided in this section.

- A. In areas zoned residential, single-family or multiple dwelling units, continuous sound in air which has crossed the property line shall not exceed 55 db(A) at any point.

- B. The provisions of this section shall not apply if the sound from the air conditioner or air-handling device produces less than a five-db(A) increase in the sound level that exists in the absence of such sound. (Provisions agree with recommendations of the Environmental Protection Agency and the Air Conditioning and Refrigeration Institute.)

§ 213-14. Air compressors.

No person shall operate, or permit to be operated, an air compressor unless a muffler certified by the manufacturer of such muffler to provide a dynamic insertion loss of not less than 20 db(A) of the sound emitted from the exhaust of such compressor is installed on such exhaust. (New York State recommendation.)

§ 213-14.1. Outdoor emergency energy-generation systems and generators.

[Added 4-24-2001 by Ord. No. 98-2001]

No person shall operate, or permit to be operated, an outdoor emergency energy-generation system or generator in a residentially zoned district in which the sound level of such system or generator exceeds 70 db(A) at a distance of more than 25 feet from the system or generator, except at the time of an electrical power outage or other emergency situation.

§ 213-15. Paving breakers.

No person shall operate, or permit to be operated, a paving breaker manufactured prior to December 31, 1974, other than one operated electrically or hydraulically, unless a muffler certified by the manufacturer of such muffler to provide a dynamic insertion loss of five db(A) of the sound emitted from the air exhaust of such paving breaker is installed on such air exhaust. (New York State recommendation.)

§ 213-16. Places of public entertainment.

No person shall operate, or permit to be operated, a place of public entertainment, including but not limited to a restaurant, bar, cafe, discotheque or dance hall, in which the sound level is equal to or exceeds 95 db(A) for more than 30 seconds at the location of the spectators. (Recommended by New York State and the National Institute of Municipal Law Officers.)

§ 213-17. Revisions and amendments.

The sections and provisions of Article III shall be revised and amended from time to time in order to be kept current with all up dated federal and/or state noise level standards.

Article IV. Sound Levels by Receiving Land Use

§ 213-18. General limitations.

No person shall operate or permit to be operated in a zoning district, as defined in the New Rochelle Zoning Ordinance,^[1] any device that produces a sound level exceeding the limitations in Article IV. The measurement of any sound or noise shall be made with a sound-level meter using an A-scale decibel level. The measurement shall be conducted at the property line on which such noise is generated or perceived, whichever is appropriate in a residential district, or at the boundary lines of the receiving land use district. The provisions of Article IV shall not apply to areas of federal preemptions.

[1] *Editor's Note: See Ch. 331, Zoning.*

§ 213-19. Residential zoned districts.

- A. During the hours of 8:00 a.m. to 10:00 p.m., noise levels within any residential zoned district shall not exceed 65 db(A) or an L_{10} in excess of 60 db(A).
- B. During the hours of 10:00 p.m. to 8:00 a.m., noise levels within any residential zoned district shall not exceed 55 db(A) or an L in excess of 50 db(A)
- C. The sound levels specified in Subsections **A** and **B** above shall be decreased by five decibels if the sound contains impulsive or discrete tone characteristics.
- D. During the hours of 10:00 p.m. to 6:00 a.m., no person shall make, continue or cause or permit to be made or continued any unreasonable noise as defined in § 213-3 of this chapter notwithstanding whether or not such noise exceeds the decibel levels provided in this section.
[Added 12-9-1997 by Ord. No. 272-1997]

§ 213-20. Commercial zoned districts.

[Amended 12-9-1997 by Ord. No. 272-1997]

- A. Noise levels within any commercial/retail zoned districts shall not exceed 65 db(A) or an L_{10} of 60 db(A).
- B. During the hours of 10:00 p.m. to 6:00 a.m., no person shall make, continue or cause or permit to be made or continued any unreasonable noise as defined in § 213-3 of this chapter notwithstanding whether or not such noise exceeds the decibel levels provided in this section.

§ 213-21. Manufacturing zoned districts.

- A. Noise levels within any manufacturing zoned districts shall not exceed 70 db(A) for a duration of 24 hours per day. (EPA recommendation.)
- B. At no point on the boundary of a residential zoned district shall the sound level of any manufacturing operation exceed the following L levels:

| District | Measured | Level |
|----------|----------------------------------|----------|
| M-1 | At residential district boundary | 60 db(A) |
| M-2 | At residential district boundary | 60 db(A) |
| M-3 | At residential district boundary | 65 db(A) |

- C. At no point on the boundary of a commercial/retail district shall the sound level of any manufacturing operation exceed the following L_{10} levels:

| District | Measured | Level |
|----------|---------------------------------|----------|
| M-1 | At commercial district boundary | 65 db(A) |
| M-2 | At commercial district boundary | 65 db(A) |
| M-3 | At commercial district boundary | 65 db(A) |

(Noise regulations for workers in manufacturing districts are regulated by the Occupational Safety and Health Act.)

- D. During the hours of 10:00 p.m. to 6:00 a.m., no person shall make, continue or cause or permit to be made or continued any unreasonable noise as defined in § 213-3 of this chapter notwithstanding whether or not such noise exceeds the decibel levels provided in this section.
[Added 12-9-1997 by Ord. No. 272-1997]

§ 213-22. Construction sites.

[Amended 3-19-2002 by Ord. No. 53-2002]

No person shall conduct, or permit to be conducted, construction activities in a manner as to produce a sound level exceeding the limitations in this section. Construction activities shall be defined as the erection, construction, reconstruction, demolition, or major repair of buildings; the excavation, clearing, filling, or grading of land; or the placement or removal of earth, stone or building material.

A. Residential zoned districts.

- (1) From 8:00 a.m. to 7:00 p.m., Monday through Friday, and from 10:00 a.m. to 5:00 p.m. Saturday and Sunday, noise levels from a construction site shall not exceed an L_{10} of 70 db(A) when measured at a distance of 400 feet from the construction site.
- (2) From 5:00 p.m. Sunday to 8:00 a.m. Monday; from 7:00 p.m. Monday to 8:00 a.m. Tuesday; from 7:00 p.m. to 8:00 a.m. Tuesday through Thursday; from 7:00 p.m. Thursday to 8:00 a.m. Friday; from 7:00 p.m. Friday to 10:00 a.m. Saturday; from 5:00 p.m. Saturday to 10:00 a.m. Sunday; and from 12:00 a.m. to 11:59 p.m. on state legal holidays, noise emanating from construction sites shall not be unreasonable. A noise level shall be presumed unreasonable for the purpose of this subsection if it can be heard beyond the perimeter of the property from which it originates.

B. Commercial/retail zoned districts. During normal business hours noise levels shall not exceed L_{10} of 75 db(A) when measured at a distance of 400 feet from the construction site; during other than normal business hours noise levels shall not exceed an L_{10} of 80 db(A) when measured at a distance of 400 feet from the construction site.

C. Manufacturing/zoned districts. During a 24 hour period, noise levels shall not exceed 80 db(A) when measured at the construction site boundary. (New York State recommendation. Construction workers are protected by the Occupational Safety and Health Act.)

§ 213-23. Noise-sensitive zones.

[Amended 9-16-1998 by Ord. No. 234-1998]

No person shall cause or permit the creation of any noise exceeding 55 db(A) on any street, sidewalk or public place adjacent to any school, church, senior citizen center or authorized day-care center while in use, or adjacent to any hospital at any time, provided that signs are displayed so as to identify such zones.

Article V. Administration and Enforcement

§ 213-24. Permit for relief.

Applications for a permit for relief from the noise level provisions of this chapter on the basis of undue hardship shall be made to the City Clerk of the City of New Rochelle. Any permit granted shall contain all conditions upon which said permit has been granted, shall specify reasonable time that the permit shall be effective and shall include a time schedule for the installation of noise abatement procedures or devices. In determining whether to grant a permit, the hardship of the applicant should be balanced against the adverse impact on the health, safety and welfare of the persons and property affected. A permit may be granted if it is found that additional time is necessary for the applicant to alter or modify his activity or operation to comply with this chapter, or that no other reasonable alternative is available to the applicant, and the activity, operation or noise source will be of temporary duration and cannot be done in a manner that would comply with this chapter.

§ 213-25. Public hearing.

A public hearing may be held if there is sufficient public interest concerning an application for a permit.

§ 213-26. Enforcement.

The provisions of this chapter shall be enforced by the Police Department of the City of New Rochelle, and it shall have the power to:

- A. Order any person to cease and desist from any activity which causes, or is conducted so as to cause, a violation of any provision of this chapter.
- B. Seal any device, after obtaining the proper judicial order, which causes, or is maintained or operated so as to cause, a violation of any provision of this chapter.

§ 213-27. Penalties for offenses.

[Amended 10-18-1988 by L.L. No. 1-1988]

An offense against the provisions of this chapter shall be punishable by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

§ 213-28. Exemptions.

The operation of vehicles and equipment used by the Department of Public Works in the performance of official duties shall be exempt from the requirements of this chapter until such time as vehicles and equipment capable of compliance are available and acquisition thereof is authorized by City Council.