



City of Kingston Laws and Rules Committee  
Meeting Agenda  
Thursday, January 18, 2018

**NEW BUSINESS**

Amendment to Chapter 300 - Noise Ordinance

**Suggested Action: Approve changing time frame for start of work on construction activities from 8 AM to 7AM**

[Noise Ordinance Communication to CC.pdf](#)

Alderman Schabot Re: Zoning Change Request

[zoning change request January 2018.pdf](#)

**CITY OF KINGSTON**  
**Office of Planning**  
planning@kingston-ny.gov

Suzanne Cahill, Planning Director



Steven T. Noble, Mayor

December 13, 2017

Hon. James Noble, President  
City of Kingston Common Council  
City Hall – 420 Broadway  
Kingston, NY 12401

Re: Amendment to Chapter 300 – Noise Ordinance

Dear Pres. Noble:

After giving this serious thought, and having communication with both our City Engineer and our Police Chief, I am asking for consideration to update §300-5 –Prohibitive Acts of the City Code addressing noise disturbances. Under sub section (2) Construction – “Operating or permitting the operation of any tools or equipment used in construction, drilling or demolition work is prohibited before 8 AM on weekdays or at any time on Sundays/weekends or holidays....” It is my opinion that the current start time of 8 am for construction delays normal construction work schedules and extends work hours during the summer months when overheating is a health and safety issue. I am therefore asking that consideration be given to amending this section to allow work to begin at 7 AM. It should be noted that emergency work or public service utilities are already excluded from this stipulation.

A copy of the code section is attached for your reference. If you have any questions regarding this change please contact our office.

Thank you.

Sincerely,

Suzanne Cahill  
Planning Director

Cc: Mayor Noble  
R. Swenson, City Engineer  
E. Tinti, Police Chief  
K. Bryant, Corp. Counsel

## Chapter 300. Noise

### Article I. Noise Control

#### § 300-5. Prohibitive acts.

- A. Specific prohibitions. No person shall cause, allow or permit the following acts which shall be considered to be a noise disturbance:

[Amended 12-16-1999 by L.L. No. 2-2000, approved 1-3-2000]

- (1) Animals.

[Amended 2-3-2004 by L.L. No. 1-2004, approved 2-24-2004]

- (a) Owning, possessing or harboring any animal which creates a noise disturbance across a residential real property boundary which would be deemed unreasonable by any person of normal sensitivities.
- (b) Said noise disturbance shall include, but not be limited to, barking, howling, or the making of other loud noises by said animal between the hours of 10:00 p.m. and 8:00 a.m. for more than one fifteen-minute period and from the hours of 8:00 a.m. to 10:00 p.m. for more than two fifteen-minute periods.
- (2) Construction. Operating or permitting the operation of any tools or equipment used in construction, drilling or demolition work:
  - (a) Between the hours of 6:00 p.m. and 8:00 a.m. on weekdays or at any time on Sundays/weekends or holidays, such that the sound therefrom creates a disturbance across a residential real property boundary or is in violation of § 300-6 (sound level measurements), except for emergency work or public service utilities or by special permit issued pursuant to § 300-7.
  - (b) This section shall not apply to the use of domestic power tools, lawn mowers and garden equipment between the hours of 8:00 a.m. and 8:00 p.m. on weekdays and 8:00 a.m. and 8:00 p.m. on weekends and legal holidays, and snowblowers between the hours of 6:00 a.m. and 10:00 p.m., provided that they produce less than 90 dBA at or within any real property line of a residential property.
  - (c) In violation of any state or federal law.
- (3) Domestic power tools. Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool or similar device used outdoors in residential areas between the hours of 8:00 p.m. and 8:00 a.m., and the operation of any mechanically powered domestic snow-removal device between the hours of 10:00 p.m. and 6:00 a.m., so as to cause a noise disturbance across a residential real property.
- (4) Emergency signaling devices as follows:
  - (a) The intentional sounding or permitting the sounding outdoors of any fire, burglar or civil defense alarm, siren, whistle or similar stationary emergency signaling device, except for emergency purposes or for testing, as provided in Subsection B(4)(b).
  - (b) Testing.

- [1] Testing of a stationery emergency signaling device shall occur at the same time of day each time such a test is performed. Any such testing shall use the minimal cycle test time.
  - [2] Testing of the complete emergency signaling system, including the function of the signaling device and the personnel response to the signaling device, shall not occur more than once in each calendar month.
- (c) Sounding or permitting the sounding of any exterior burglar alarm or any motor vehicle burglar alarm unless such alarm is automatically terminated within 15 minutes of activation and shall not be operated more than 15 minutes in any one-hour period.
- (5) Explosives, firearms and similar devices. The use of firing of explosives, firearms or any other impulsive source so as to cause a noise disturbance across the real property boundary or on a public space or right-of-way, without first obtaining a special variance issued pursuant to § 300-9. Such permit need not be obtained for such licensed game-hunting activities on property where such activities are authorized.
- (6) Loading and unloading.
  - (a) Loading, unloading, opening, closing or handling of boxes, crates, containers, building materials, liquids, garbage containers, refuse or similar objects; the pneumatic or pumped loading or unloading of bulk materials in liquid, gaseous, powder or pellet form; and compacting refuse by persons engaged in the business of scavenging or garbage collection whether private or municipal, between the hours of 10:00 p.m. and 6:00 a.m. on weekdays, and between the hours of 10:00 p.m. and 7:00 a.m. on weekends or legal holidays, or in such a manner as to cause a noise disturbance across a residential or real property boundary or within a noise-sensitive zone.
  - (b) Any loading or unloading not addressed in the preceding subsection, or by other provision herein, will be prohibited between the hours of 8:00 p.m. and 7:00 a.m and will be subject to the provisions of § 300-6 herein.
- (7) Loudspeakers/public address systems.
  - (a) Using or operating for any noncommercial purpose any loud speaker, public address system or similar device between the hours of 10:00 p.m. and 10:00 a.m. the following day, such that the sound therefrom creates a noise disturbance or is plainly audible across a residential real property boundary or within a noise-sensitive zone.
  - (b) Using or operating for any commercial purpose any loud speaker, public address system or similar device:
    - [1] Such that the sound therefrom creates a noise disturbance or is plainly audible across the real property boundary or within a noise-sensitive zone; or
    - [2] Between the hours of 10:00 p.m. and 10:00 a.m. on a public right-of-way or public space.
- (8) 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 from such device to be greater than that emitted from such device as originally manufactured.
- (9) Motor boats. Operating or permitting the operation of any motor boat in any lake, river, stream or other waterway and upon the waters of the Rondout Creek in such a manner as to exceed a sound level of 85 dBA at 50 feet (15 meters) or the nearest shoreline whichever distance is less. [See Subsection B(14) of this section also.]
- (10) Sound reproduction systems.
  - (a) Operating, playing or permitting the operation of any radio, television, phonograph or similar device that reproduces or amplifies sound in such a manner as to create a noise disturbance to any other person other than the operator of the device.

- (b) This section shall not apply to noncommercial, spoken language covered under Subsection B(7) of this section.
- (11) Nonemergency signaling devices.
- (a) Alternative 1.
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- [1] Sounding or permitting the sounding of any electronically amplified signal from any bell, chime, siren, whistle or similar device, intended primarily for nonemergency purposes, from any place for more than five minutes in any hour. These sounds are not permitted between the hours of 10:00 p.m. and 7:00 a.m.
  - [2] Devices used in conjunction with places of religious worship shall be exempt from the operation of this provision.
- (12) Street sales. Offering for sale or selling anything by shouting or outcry within any residential or commercial area of the city except by permit issued by the appropriate department within the city between the hours of 8:00 p.m. and 10:00 a.m., unless otherwise permitted by the proper authority.
- (13) Vehicle or motor boat repairs and testing. Repairing, rebuilding, modifying or testing any motor vehicle, motorcycle or motor boat in such a manner as to cause a noise disturbance across a residential real property boundary or between the hours of 8:00 p.m. and 8:00 a.m. At no time shall the decibel level exceed 85 dBA at the receiving boundary.
- (14) Prohibited noise. If any said noise is deemed unreasonable by an officer of the Kingston Police Department, said opinion by said officer of the Kingston Police Department shall be deemed presumptive evidence of unreasonable noise. This presumption may be rebutted by competent evidence.

**LAWS & RULES  
COMMITTEE REPORT**

## Winnie, Carly

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**From:** James Noble <jnoble39@aol.com>  
**Sent:** Tuesday, December 12, 2017 12:43 PM  
**To:** Winnie, Carly  
**Subject:** Fwd: Zoning Change

Please add to the PS Committee communications. Thank you. Jim

Sent from my iPad

Begin forwarded message:

**From:** "STEVEN SCHABOT" <[SSCHABOT@hvc.rr.com](mailto:sschabot@hvc.rr.com)>  
**Date:** December 11, 2017 at 10:19:04 AM EST  
**To:** "'James Noble'" <[jnoble39@aol.com](mailto:jnoble39@aol.com)>  
**Cc:** "'Bill Carey'" <[kingstoncarey5@yahoo.com](mailto:kingstoncarey5@yahoo.com)>, <[jsafford@kingston-ny.gov](mailto:jsafford@kingston-ny.gov)>  
**Subject:** Zoning Change

Jim

I was advised by a constituent of commercial trailers parked on an adjacent property. I spoke with Joe Safford about this and while the property owner was cited, Joe feels that a slight amendment to section 405-3. Specifically, this section addresses trailers, such as RV's that are driven, Joe suggests adding and including vehicles that are towed by another vehicle. Please refer to the appropriate committee.

Thanks

Steve

