



Dear Honorable Body,

Enclosed is the updated *Noise Control Ordinance of the City of North Tonawanda*, prepared through several months of work by our multi-member Steering Committee with support from the Noise Pollution Clearinghouse, Council Members and input from residents, businesses, and city departments.

This revised ordinance represents a significant step forward in modernizing our community's approach to sound management. It incorporates measurable sound limits using both *dBA* and *dBC* standards, updates enforcement and penalty provisions, clarifies definitions, and establishes clear operating hours for residential and commercial properties. Importantly, it balances quality of life for residents with the practical needs of businesses and public events.

I want to extend my sincere thanks to the committee members, department staff, council members, and community participants whose input shaped this final draft. Their dedication and professionalism have resulted in a comprehensive, enforceable, and modern ordinance that reflects both technical best practices and local realities.

I respectfully submit this updated ordinance to the Common Council for formal review and adoption consideration. Its passage will mark a meaningful milestone in our ongoing efforts to address noise-related concerns responsibly and proactively.

Thank you for your attention and partnership as we continue improving the standards and livability of North Tonawanda for all.

Respectfully,  
Austin Tylec  
Mayor

**MOVED** by Alderman Schulmeister      **SECONDED** by Alderman Richards  
The Common Council made a motion to put the Noise Ordinance back to what was submitted on the January 20<sup>th</sup> meeting.  
Ayes: Alderman Schulmeister, Richards (2)  
Nays: Alderman, Roe, Murphy, Lavey (3)  
**CARRIED.**

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**MOVED** by Alderman Lavey      **SECONDED** by Alderman Roe  
That the Common Council at a regular meeting, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 6:30 pm on February 17<sup>th</sup>, 2026, approved the Amendment to the North Tonawanda City Code Chapter 61A Noise Control and it reads as follows:

**§ 61A-1. Title.**

This ordinance shall be known and shall be cited as the "Noise Control Ordinance of the City of North Tonawanda."

**§ 61A-2. Policy.**

It is hereby declared to be the policy of the City of North Tonawanda to prevent excessive, unreasonable or unusually loud noise. It is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of preserving, protecting and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the City of North Tonawanda and its inhabitants.

**§ 61A-3. Definitions.**

Unless otherwise indicated by context, the following terms and phrases shall mean:

**AUTHORIZED EMERGENCY VEHICLE** — Every ambulance, police vehicle, fire vehicle and civil defense emergency vehicle.

**A-WEIGHTED SOUND LEVEL** — The sound pressure level measured by the use of an instrument with the metering characteristics and the A-weighting frequency response prescribed for sound level meters by the American National Standards Institute S1.4-1983 or its successors. The level so read is designated "dBA."

**C-WEIGHTED SOUND LEVEL** — The sound pressure level measured by the use of an instrument with the metering characteristics and the C-weighting frequency response prescribed for sound level meters by the American National Standards Institute S1.4-1983 or its successors. The level so read is designated "dBC."

**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 the related activity such as line clearing, grading, earth moving, excavating, blasting, filling and landscaping, but not including agriculture.

**DAYTIME** — The time from 7:00 a.m. to 10:00 p.m.

**DECIBEL (dB)** — The practical unit of measurement for sound pressure level; the number of "decibels" of a measured sound is equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a reference sound of 20 micropascals; abbreviated "dB."

**DWELLING UNIT** — Any structure or part of a structure used for human habitation, including but not limited to single family homes or units within a multi-dwelling unit building, such as apartments, condominiums, co-ops, multiple family houses, townhouses, and attached residences.

**EMERGENCY** — A public calamity, utility services failure or an exposure of any person or property to actual or imminent danger.

**IMPULSIVE SOUND** — A sound of short duration, usually less than one second and of high intensity, with an abrupt onset and rapid decay.

**MOTOR VEHICLE** — Every vehicle operated or driven upon the public highway which is propelled by any power other than muscular power, except electrically driven invalid chairs being operated or driven by an invalid, vehicles which run only upon rails or tracks and snowmobiles.

**MUFFLER** — A device consisting of a series of chambers or baffle plates or other mechanical design for the purpose of receiving exhaust gas from a sound source and effective in reducing noise.

**NIGHTTIME** — That part of a twenty-four-hour time interval which is not otherwise defined as daytime.

**NOISE DISTURBANCE** — Any sound which endangers or injures the safety or health of humans or animals or annoys or disturbs a reasonable person of normal sensitivities or endangers or injures personal or real property.

**PERSON** — Includes the singular and plural and shall also mean and include an individual, association, partnership, business, corporation, club, society, union, lessor, lessee, landlord, tenant or any other form of association or organization.

**PLAINLY AUDIBLE**—Any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the enforcement officer need not

determine the title of a song, specific words, or the artist performing the song. The detection of the rhythmic base component of the music is sufficient to constitute a plainly audible sound.

**PUBLIC HIGHWAY** — Any highway, road, street, avenue, alley, public place, public driveway or any other public way.

**PUBLIC SPACE** -- Any real property or structures thereon which are owned or controlled by a governmental entity.

**PURE TONE** – Any sound which can be distinctly heard as a single pitch or a set of single pitches. For the purposes of this ordinance, a pure tone shall exist if the one-third octave band sound pressure level in the band with the tone exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by 5 dB for center frequencies of 500 Hz and above and by 8 dB for center frequencies between 160 and 400 Hz and by 15 dB for center frequencies less than or equal to 125 Hz.

**QUIET ZONE**— An area within 300 feet of any church, court, hospital, nursing home, school, funeral homes, or library.

**REAL PROPERTY BOUNDARY** — Either (a) the vertical boundary that separates one parcel of property from another property; or (b) the vertical and horizontal boundaries of a dwelling unit separates it from other dwelling units in a multi dwelling unit building, or other units within a building.

**SOUND LEVEL** — The quantity in decibels measured by a sound-level meter satisfying the requirements of American National Standards specification for sound-level meters. "Sound level" is the frequency weighted sound pressure level obtained with the standardized dynamic characteristic "fast" and weighting (A) or (C).

**SOUND-LEVEL METER** — An instrument, including a microphone, an amplifier, an output meter and frequency weighting networks, for the measurement of sound levels.

**ZONING DISTRICT** — The same meaning as provided by the Zoning Ordinance of the City of North Tonawanda (Chapter 103, Zoning, of the Code of the City of North Tonawanda).

#### **§ 61A-4. General Prohibitions.**

##### **A. Noise Disturbances Prohibited.**

- (1) No person shall unreasonably make, continue, or cause to be made, or continued, any sound which (a) endangers or injures the safety or health of humans or animals; or (b) annoys or disturbs a reasonable person of normal sensitivities; or (c) endangers or injures personal or real property

##### **B. Maximum Permissible Sound Pressure Levels.**

- (1) No person shall operate or cause to be operated on private property any source of sound in such a manner as to create a sound level which exceeds the limits set forth in Table 1 for any receiving property within the land use district when measured at or within the property boundary of the receiving property.

**TABLE 1: SOUND LEVELS BY RECEIVING LAND USE**

		Sound Level Limits	
<b>Receiving Land Use Category</b>	<b>Time</b>	<b>dBA Fast Lmax</b>	<b>dB C Fast Lmax</b>
<b>Residential or Public Space</b>	7 a.m. to 10 p.m.	55	60
	10 p.m. to 7 a.m.	50	50
<b>Commercial</b>	7 a.m. to 10 p.m.	60	65
	10 p.m. to 7 a.m.	55	60

<b>Industrial</b>	7 a.m. to 10 p.m.	65	70
	10 p.m. to 7 a.m.	65	70

(2). Correction for Character of Sound.

For any source of sound which emits a pure tone or impulsive sound, the maximum sound level limits set forth in Table 1. shall be reduced by 5 dBA and 5 dBC respectively.

C. Maximum Increase in Interior Sound Pressure Levels

No person shall operate or cause to be operated on private property any source of sound in such a manner as to create a sound level which intrudes upon the interior of a residence or dwelling unit such that it raises the background sound level by more than 3 dBC when measured within the residential property.

D. The restrictions set forth in Section 61A-4 B and C shall not apply to alarms as defined in Section 61A-5B, C and F.

**§ 61A-5. Specific Prohibitions.**

The following acts, and the causing thereof, are declared to be in violation of this ordinance

- A. Animals. No person shall own, possess or harbor any animal or bird which frequently or for continued duration, makes sounds which create a noise disturbance across a residential real property boundary. For the purpose of this ordinance, the barking of a dog or other animal sounds shall be defined as a noise disturbance if it plainly audible more than 20 times in 5 minutes or 40 times in 20 minutes,
- B. No person shall allow on any property or premises owned, leased, or managed by him the creation, continuance or maintenance of any noise disturbance, or allow the installation, use or operation of any noise source that violates or fails to comply with any section of 61A.
- C. Burglar alarms. No owner of a building shall have in operation an audible burglar alarm thereon unless such burglar alarm shall be capable of and shall automatically terminate its operation within 15 minutes of its being activated.
- D. Motor vehicle burglar alarms. No owner of a motor vehicle shall have in operation an audible burglar alarm thereon unless such burglar alarm shall be capable of and shall automatically terminate its operation within 1 minute of its being activated.
- E. Sound production or reproduction. No person shall operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound:
  - (1) Between the hours of 7:00 a.m. and 10 p.m. in such a manner as to be plainly audible at 100 feet.
  - (2) Between the hours of 10:00 p.m. and 7:00 a.m. of the following day in such a manner as to be plainly audible across a real property boundary.
  - (3) Between the hours of 7:00 a.m. and 11:00 p.m. Friday, Saturday, and holidays in such a manner as to be plainly audible at 100 feet.
  - (4) Between the hours of 11:00 p.m. and 7:00 a.m. of the following day Friday, Saturday, and holidays in such a manner as to be plainly audible at 100 feet.
  - (5) In such a manner as to be plainly audible at 50 feet from such a device, when operated in or on a motor vehicle on a public highway or in a boat in public waters.
  - (6) In such a manner as to be plainly audible to any person other than the operator of the device, when operated by any passenger on a common carrier.
  - (7) Except as otherwise provided herein, the production, reproduction, or amplification of sound for entertainment purposes (including but not limited to live or

recorded music, performances, and instruments) is prohibited on private residential property during the restricted hours stated above. However, such sound production is permitted within private businesses lawfully operating as bars, restaurants, theaters, event venues, or similar establishments, provided that the sound occurs only between 7:00 a.m. and 11:00 p.m. on Fridays, Saturdays, and legal holidays, and otherwise complies with applicable licensing and zoning regulations.

- F. Emergency warning devices. No person shall operate or cause to be operated by emergency warning device, except:
- (1) To give notice of a warning of an emergency.
  - (2) On an authorized emergency vehicle when such vehicle is engaged in emergency operation, provided that such device shall not be operated so as to create a noise disturbance or for a period of time longer than is necessary to respond to such emergency.
  - (3) When such device is under test.
- G. Loading and unloading. No person shall load, unload, open, close or handle boxes, crates, containers, building materials, garbage cans or similar objects between the hours of 10:00 p.m. and 7:00 a.m. of the following day within 300 feet of a residential zone.
- H. Domestic power tools in a residential zone. No person shall operate or permit to be operated any power tool or equipment, including but not limited to saws, sanders, drills, grinders, lawn or garden tools, mowers, tractors, leaf blowers or gatherers, or similar devices, when used outdoors in a residentially zoned district during the hours of 10:00 p.m. to 7:00 a.m.
- I. 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 by such device as originally manufactured.
- J. Squealing tires. No person shall operate a vehicle in such a manner as to cause a noise disturbance by spinning or squealing the tires of such vehicle.
- K. Sound signal devices. No person shall operate or cause to be operated any sound signal device so as to create unreasonable noise, except:
- (1) As required by the Vehicle and Traffic Law of the State of New York.
  - (2) To give notice of the time to start and stop work.
  - (3) As attendant to religious activities.
- L. Construction. No person shall conduct or permit to be conducted construction, alone or in combination with other construction conducted or permitted by such person, during nighttime or anytime on Sundays or holidays. The provisions of this section shall not apply to the following:
- (1) Emergency work and safety and protective devices.
  - (2) Domestic power tools subject to § 61A-4H.
- M. 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 dBA for more than 30 seconds at the location of the spectators.
- N. Quiet Zones around courts, hospitals, nursing homes, schools, funeral homes, and libraries. No person shall create or permit the creation of any noise that is plainly audible at 300 feet through the use of any device on any street, sidewalk or public space within 300 feet of any church, court or school while such church, court or school is in use, or within 300 feet of any hospital at any time.

- O. Heating, ventilating, air conditioning equipment. Heating, ventilating, air conditioning equipment, including but not limited to fans, compressors, air conditioners, heat pumps, and chillers shall not exceed 45 dBA at or beyond any real property line within a residential area or noise sensitive zone.
- P. Wind Turbines. Wind turbines shall not exceed 40 dBA at or beyond any real property line within a residential area or noise sensitive zone.

**§ 61A-6. Motor vehicles on public rights-of-way.**

No person shall operate a motor vehicle or combination of vehicles on a public right-of-way at any time in such a manner that the sound pressure level emitted by said vehicle exceeds the levels set forth in the New York State Vehicle and Traffic Law.

**§ 61A-7. Exceptions.**

The requirements, prohibitions and terms of this ordinance shall not apply to:

- A. Any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.
- B. The operation of any vehicles or equipment when responding to an emergency or a declared state of emergency (i.e., civil defense, storm).
- C. Those activities of a temporary duration permitted by law and for which a license or permit therefor has been granted by the city, including but not limited to parades, fireworks displays and public cosponsored boat races and events.
- D. The production of music in connection with a military or civic parade, funeral procession or religious ceremony; any musical performance conducted under consent of municipal authority.
- E. Sounds emanating from any publicly sponsored and/or authorized sporting, entertainment or other public event.
- F. Snow removal equipment.

**§ 61A-8. Authority to grant exceptions and variances.**

The Mayor or duly authorized representative shall have the authority to grant special variances, issue temporary permits and suspend any of the provisions of this ordinance upon such conditions and for such time as it shall deem fit to best serve the public health and welfare and the quality of life in the City of North Tonawanda.

**§ 61A-9. Enforcement; standards.**

- A. The provisions of this ordinance shall be enforced by the Police Department of the City of North Tonawanda and it shall have the power to:
  - (1) Order any person or premise to cease and desist from any activity which causes or is conducted so as to cause a violation of any provision of this ordinance.
  - (2) 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 ordinance.
  - (3) Issue appearance tickets for violation of any provision of this ordinance.
  - (4) A North Tonawanda police officer who, in the course of his/her duties and with firsthand knowledge, observes a person or business in violation of the City's noise ordinance may take enforcement action against said person or business.

**§ 61A-10. Penalties for offenses.**

- A. Any person or premises violating any of the provisions of this ordinance shall be deemed guilty of a violation and subject to the following:

1. **First offense:** Upon a first conviction, a monetary penalty not to exceed \$250.00 for motor vehicles and residential area, and \$500.00 for commercial or industrial properties.
2. **Second offense:** Upon a second conviction, for an offense committed within a period of one year from the first such conviction, a monetary penalty not to exceed \$500.00 for motor vehicles and residential area, and \$1000.00 for commercial or industrial properties.
3. **Third offense:** For a third and any subsequent conviction for an offense committed within a period of one year from the second such conviction, a monetary penalty not to exceed \$1,000.00 for motor vehicles and residential area, and \$3000.00 for commercial or industrial properties.
4. **Continuing Violation:** If any violation is of a continuing nature, each day during which such violation occurs shall constitute an additional, separate and distinct violation for which a separate monetary penalty shall apply.
5. **Persistent Noise Offender:** Any person who, upon more than three convictions of this Ordinance within one year, may be subject to imprisonment for a period not to exceed 15 days.
6. **Public Nuisance:** Any person or premises who, upon twelve or more convictions of this Ordinance within one year, shall constitute a public nuisance subject to Chapter 62 of this Code and the abatement procedures therein.

#### **§ 61A-11. Inspections.**

- A. For the purposes of determining compliance with the provisions of this Ordinance, the Police Department of the City of North Tonawanda, any other law enforcement agency including, but not limited to, the New York State Police, The Niagara County Sheriff's Department, as well as the Code Enforcement Officer or any other officials designated by the Mayor are hereby authorized to make inspections of all noise sources and to take measurements and make tests whenever necessary. If any Person refuses or restricts entry and free access to any of the premises or refuses inspection, testing or noise measurement of any activity, device, facility, or process where inspection is sought, the Police Department of the City of North Tonawanda may seek from the appropriate court a warrant to inspect the premises without interference, restriction, or obstruction.

#### **§ 61A-12. Severability.**

If any provision of this ordinance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

#### **§ 61A-13. Repealer.**

This ordinance shall repeal former Chapter 61A, adopted August 17, 1976, and any amendments thereto, of the Code of the City of North Tonawanda.

This repeal shall not affect or impair any act done or offense committed, or liability, penalty, forfeiture, or punishment incurred prior to the time such repeal takes effect, but the same may be enforced or prosecuted as fully and to the same extent as if such repeal had not been effected. All actions and proceedings commenced under or by virtue of the ordinance, chapter, repealed hereby and pending immediately prior to the date on which such repeal takes place may be prosecuted and defended to final effect in the same manner as they might if such provisions were not so repealed.

#### **§ 61A-14. When effective.**

This ordinance shall become effective immediately upon passage thereof.

**Ayes: Alderman Roe, Murphy, Lavey** (3)  
**Nays: Alderman Schulmeister, Richards** (2)  
**CARRIED.**





**On behalf of the NT Parks & Recreation Department I am requesting that you review and pass the attached resolution which allows us to move forward with a desirable enhancement project at the Botanical Gardens (1825 Sweeney Street).**

**North Tonawanda Botanical Gardens Organization (NTBGO) was able to secure grant funds in the amount of \$98,000 (engineering of all 3 phases) from the Niagara River Greenway Commission which paired with an existing grant of \$99,580 from NYSDECEJ (construction) will bring to fruition the front entrance and boat launch access portion of Phase 1 of the Green Infrastructure Project. We have worked closely with NTBGO in supporting, coordinating and planning this project.**

**The Greenway funds are reimbursable in full only after project completion (Fall of 2026). The NYSDECEJ funds can only be used for construction; and therefore, there is a need for the City to front the cost of the engineering which will be reimbursed through the grant award at the end of project completion.**

**NTBGO, as a project lead, sent out a request for proposals solicited to reputable Civil Engineering Firms and all proposals were reviewed by a committee (including our City Engineer and myself), with an award going to Nussbaumer and Clarke for services of \$84,000 (under the projected cost and grant amount awarded).**

**Sincerely,  
Alex Domaradzki  
Dir. Youth, Recreation, Parks & Seniors**

**MOVED by Alderman Roe**

**SECONDED by Alderman Lavey**

**That the Common Council at a regular meeting, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 6:30 pm on February 17<sup>th</sup>, 2026, approves the Resolution Authorizing the Allocation of Reimbursable Funds for the Botanical Gardens Enhancement Project and it reads as follows:**

**WHEREAS**, the City of North Tonawanda (“City”) maintains a municipal agreement with the North Tonawanda Botanical Garden Organization, a 501 (c)(3) nonprofit entity (“NTBGO”), for the beautification, enhancement, and maintenance of the grounds located at 1825 Sweeney Street, commonly known as the Botanical Gardens; and

**WHEREAS**, on March 19, 2024 the City Council passed a resolution for NTBGO to submit a grant application for engineering of the Green Infrastructure Project at Botanical Gardens to the Niagara River Greenway Commission.

**WHEREAS**, the North Tonawanda Botanical Garden Organization has been awarded a grant from the Greenway Recreation/Tourism Fund by the Host Community Greenway Fund Standing Committee to support engineering services of the Green Infrastructure Project in the amount of \$98,000

**WHEREAS**, the Niagara River Greenway Commission grant operates on a reimbursable basis, requiring project expenses to be paid upfront before reimbursement may be issued upon satisfactory completion of the project; and

**WHEREAS**, the North Tonawanda Botanical Garden Organization has requested the City’s assistance in fronting the necessary project funds to allow work to proceed in a timely and efficient manner; and

**WHEREAS**, the total cost of \$98,000 which shall be fully reimbursed to the City upon final approval of completion of engineering services and the Entrance and Boat Launch Access portion of Phase 1 construction expected in 2026

**WHEREAS**, the Common Council finds that supporting the project aligns with the City’s goals of public beautification, environmental stewardship, enhancement of recreational and community green spaces, and continued partnership with NTBGO



Through this upcoming opportunity, we believe the City could be eligible for up to \$5.8 Million in TAP funds.

At this time we would like to request this Honorable Council to authorize the city to submit a TAP grant application.

Sincerely,  
Laura Wilson  
Dir. Community Development

MOVED by Alderman Richards

SECONDED by Alderman Murphy

That the Common Council at a regular meeting, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 6:30 pm on February 17, 2026, approves the Resolution to submit 2025 TAP Grant Application to support the North Tonawanda Safe Routes to School Program and it reads as follows:

WHEREAS, The City of North Tonawanda desires to install new and update existing sidewalks around the City’s schools, as well as installing intersection improvements including rectangular flashing beacons, raised intersections, and new/improved cross walks; and

WHEREAS, the project is consistent with the priorities of the funding agency NYSDOT TAP Grant; and

WHEREAS, the TAP Grant would fund 80% with a City match of 20%; and

WHEREAS, The City-wide project will result in improved safety for children walking to school, encourage additional students to walk to school, and increase connectivity between neighborhoods; therefore be it

RESOLVED, that the City is hereby authorized to submit a grant application to the NYSDOT TAP Grant,

RESOLVED, that the City has committed to a 20% required match, and be it further

RESOLVED, That the Mayor is hereby authorized to execute documents between the City and the agencies and all related documents associated with the grant application, such documents to be subject to review and approval by the City Attorney.

Ayes: Alderman Schulmeister, Roe, Murphy, Lavey, Richards (5)

Nays: None (0)

CARRIED.

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**COMMUNICATIONS FROM OTHERS**

A.  
NT Neighborhood Watch

February 2, 2026

Mayor Austin Tylec  
And Common Council  
216 Payne Avenue  
North Tonawanda, NY 14120

Dear Honorable Body:

As we look ahead to Monday, April 6, 2026, the North Tonawanda Neighborhood Watch respectfully seeks the continued support of the City of North Tonawanda for the 6<sup>th</sup> Annual NT Neighborhood Watch Dyngus Day Parade & Post-Parade Celebration.





