

## Unreasonable Noise

If you are a Village resident and you experience a situation with a neighbor or other individuals who are creating unreasonable noise, here is the information that you need to know. Please read the following fully:

1. The Village of Endicott does not have a noise ordinance; however, Endicott Police enforce noise issues through the New York State Penal Law Disorderly Conduct Section (Penal Law §240.20 sub. 2).
2. Disorderly Conduct is not a crime, it is a petty offense (i.e. it is a “Violation” level offense, which is the Penal Law equivalent of a traffic infraction).
3. Because Disorderly Conduct is a Violation, the law puts certain rules on when police can make arrests. Specifically, in this instance, the police officer **MUST PERSONALLY OBSERVE** the offense. That means that in order to make an arrest, the police officer must hear the noise and deem it to be unreasonable.
4. There is no time of day where noise is automatically reasonable or unreasonable. It is subjective based on the totality of the circumstances present at the time the noise is being made. For example, loud noise from a chain saw may be unreasonable at 10:00 PM on any normal night, but may be completely reasonable if a significant weather event just occurred that requires a tree to be cut down immediately.
5. Many times, when police are called for noise complaints (e.g. loud music) the music is turned down before or as police arrive and the officer does not hear unreasonable noise. In instances where the police cannot make personal observations, YOU as a citizen have the power to file charges for unreasonable noise against the offender – as long as you personally observe the unreasonable noise. Police Officers will assist you in identifying the offender and conducting the investigation into the offense, so you have the proper information available to file the charge. The officer will also assist you in preparing the paperwork for the Village Court. Once the proper charging document (referred to as “an Information) is completed, the officer will assist you in filing the Information in Village Court. The Information will be reviewed by the Judge and if the Judge believes there is enough evidence to warrant intercession by the Court, a criminal summons will be issued and the offender will be directed to appear in court.
6. Some things you should consider to assist your observation of unreasonable noise are:
  - a. Do other neighbors hear the noise and do they think it’s unreasonable? If so, obtain sworn statements from them as well.
  - b. Is the noise an ongoing issue or a one-time event?
  - c. If the noise is an ongoing issue, have the police been requested for assistance in telling the offender that others believe the noise is unreasonable.

- d. Is the noise common for the time of day and day of the week?
- e. If you live in an apartment complex, have you advised the landlord of the situation?