VILLAGE OF HAMILTON
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APPLICATION FOR SOUND PERMIT

(FOR EVENTS WITH ANTICIPATED SOUNDS IN EXCESS OF *80 dB's, AN APPLICATION FOR A* ***SOUND VARIANCE*** *MUST BE SUBMITTED* AT LEAST 21 DAYS PRIOR TO THE EVENT.)

THIS APPLICATION MUST BE SUBMITTED **NOT LESS THAN 7 BUSINESS** DAYS BEFORE THE EVENT.

By submitting this Application, Applicant(s) acknowledge and agree that he/she/they have read the Village Code section 109-2 excerpts attached regarding excessive sound levels, and that the Village of Hamilton will post prior public notice, including on the Village website, that a Sound Permit has been issued, including the name(s) of the Applicant(s), the address of the event, and other relevant information regarding the event and the permit issued. All sound should always be kept at an acceptable level that will not unduly disturb the surrounding community, regardless of the issuance of a sound permit.

APPLICANT NAME(S): **(Applicant(s) must be an owner or tenant of the premises where event will be held.)**

_____ (owner / tenant) _____ (owner / tenant)

APPLICANT'S ADDRESS: _____

APPLICANT'S TELEPHONE #_____ E-MAIL: _____

DATE(S) OF THE EVENT: _____ TIME OF EVENT: _____ TO _____

ADDRESS WHERE THE EVENT WILL BE HELD: _____ NO. OF PEOPLE EXPECTED TO ATTEND: _____

(MAXIMUM 1 PERMIT PER LOCATION PER CALENDAR MONTH. MAXIMUM PERMIT DURATION IS 4 HOURS. NO PERMITS WILL BE ISSUED FOR ANY HOURS BETWEEN MIDNIGHT AND 9:00 A.M. SATURDAY AND SUNDAY, OR BETWEEN 9:00 P.M. AND 9:00 A.M. ALL OTHER DAYS)

DESCRIBE ACTIVITIES CREATING SOUND: _____

NAME & ADDRESS OF PERSON(s) / ORGANIZATION SPONSORING THE EVENT (if not the Applicant):

_____

NAMES OF PARTIES RESPONSIBLE FOR STAGING AND CONDUCT OF THE EVENT (if other than Applicants):

_____ _____ _____

NAMES OF PRIMARY TENANTS OF THE PREMISES (if Tenant(s) is/are not the Applicant):

_____ _____ _____

NAMES AND ADDRESS OF OWNER(S) OF THE PREMISES (if Owner is not the Applicant):

_____

OWNER'S TELEPHONE # _____ E-MAIL: _____

APPLICANT SIGNATURE: _____ DATE: _____

CO-APPLICANT SIGNATURE: _____ DATE: _____

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VILLAGE APPROVAL: _____ DATE: _____

Printed Name: _____ Title: _____

Hamilton Village Code Section 109-2. Sound Creation and Amplification

A. Policy Statement.

It is hereby declared to be the policy of the Village of Hamilton to prevent unreasonably loud, disturbing, and unnecessary noise and sounds and to reduce noise and sound levels within the Village so as to preserve, protect and promote the public health, safety, and welfare and to foster convenience, peace, and quiet within the Village by inhabitants and visitors. By enacting this chapter and this section 109-2, the Village Board of Trustees intends to improve and promote the quality of life in our community. The Village of Hamilton welcomes weddings, dining and other similar outdoor festivities and celebrations. Such activities may include music, sound amplification, and other noises that require the issuance of a sound permit or sound level variance.

B. Definitions (See Village Code).

C. Maximum Permitted Sound Levels.

(1) Except as otherwise expressly permitted in this Section, no person shall cause, suffer, allow, or permit the operation of any sound device or apparatus within the Village of Hamilton with volume which is annoying, causes alarm, disturbs a reasonable person of reasonable sensitivity, unreasonably causes public inconvenience, or unreasonably disturbs the quiet use and enjoyment of one's life and property.

(2) Except as otherwise expressly permitted in this Section, it shall be prima facie evidence of a violation of this chapter if the sound level emanating from any sound device or apparatus is measured at a decibel level that exceeds 70 dB from one or more of the following locations:

a) upon a public sidewalk adjacent to the premises upon which the sound device or apparatus is being operated or used, and/or

b), upon any property adjacent to the premises upon which the sound device or apparatus is being operated or used, and/or

c) at a distance of 30 feet or more from such sound device or apparatus when used or operated in a public park or other public place.

(3) Use of a sound device or apparatus that produces sound in excess of the decibel level set forth in paragraph (2) above, but in no event greater than 80dB, shall be permissible if such sound is produced within the limitations of a sound permit issued by the Village at least seven (7) business days prior to the event as provided herein. A sound permit application may be obtained from the Village Office. Application for multiple planned events may be made in a single application subject to the conditions set forth below. Sound permit applications shall be signed by at least one owner (if the premises are owner occupied) or at least one tenant (if the premises are not owner occupied) of the premises upon which the subject event is to occur, and shall list all owners, and all tenants and residents of the premises, as well as all individuals and organizations involved in the staging and conduct of the planned event. Applications may be approved by either the Mayor or the Codes Enforcement Officer of the Village of Hamilton after consultation with the Chief of Police. Sound permits may be subject to payment of an application fee which may be determined from time to time by the Board of Trustees. Approval of sound permits shall be subject to demonstrated conformance to the following additional criteria and limitations:

(a) Permits shall be issued and valid only for single day events beginning no earlier than 9:00 a.m. The maximum effective duration of any sound permit shall be four (4) continuous hours. On Fridays and Saturdays, all sound permits shall expire no later than 11:59 p.m. on the day of the event for which the sound permit is issued. On all other days (Sunday through Thursday), all sound permits shall expire no later than 9:00 p.m.

(b) No sounds emanating from the premises upon which the event is occurring may exceed the 80 dB maximum at the distances stated in paragraph (2) above.

(c) No sound permit shall be issued for an event to be held upon any premises, or by any applicant, which is the subject of a pending citation for a violation of any provision of this chapter, or which has been the subject of a conviction for a violation of this section, within the immediately preceding three (3) month period.

(d) No more than one sound permit shall be issued for any single location in any given calendar month. This limitation may be exceeded only upon the issuance of a Sound Level Variance as set forth in subsection D below.

(e) No sound permits will be issued for an event which the Mayor or Codes Enforcement Officer reasonably believes would be in violation of any other State or local law, code or regulation.

D. Sound Level Variances.

Notwithstanding the provisions of subsection (C) above, to promote a positive image of the hospitality of the Village of Hamilton, written applications for Sound Level Variances will be considered by the Board of Trustees for outdoor dining, outdoor weddings, and other activities which may include music, sound amplification, and other noises that exceed any of the limits prescribed under Subsection C above. Such Sound Level Variances may be obtained only upon approval by the Board of Trustees, and may be approved upon such terms and conditions as the Board of Trustees, in its discretion, deems appropriate, including presentment of the application at a duly noticed public hearing. Prior to the issuance of a Sound Level Variance, the Chief of Police shall be consulted so that the Board of Trustees may take into consideration prior sound and other complaints at

the location of the planned event. The Village Codes Enforcement Officer shall also be consulted in advance for matters relating to construction, demolition or other relevant building zoning and property use and maintenance issues.

(1) Any person seeking a variance pursuant to this subsection (D) shall file a written application with the Village Clerk no later than twenty-one (21) days prior to the date of the planned event, and shall pay an application fee as may be determined from time to time by resolution of the Board of Trustees.

(2) Unless a specific application form is prescribed and provided by the Village, the application shall consist of a letter signed by the applicant(s) containing information which demonstrates benefit of the event to the community, if any, the benefit of the event to the applicant, and also the hardship that compliance with this section would create on the part of the applicant, the community, or other persons. Said application shall describe the sources and purposes of the sounds to be created, and set forth other pertinent information such as the direction and placement or location on the property of speakers, highest anticipated decibel level that is expected if a variance is granted, the address of the event, expected attendance, and the hours, days and duration of the event for which the variance is requested. The Board of Trustees may require that additional information be submitted as deemed by the Board of Trustees to be necessary to make an informed decision. Noncompliance with any granted variance shall immediately terminate the variance and shall subject the applicant and all other persons to the provisions of this chapter.

(3) No Sound Level Variance shall be issued for an event to be held upon any premises, or by any applicant, which is the subject of a pending citation for a violation of any provision of this chapter, or which has been the subject of a conviction for a violation of this section, within the immediately preceding three (3) month period, except and unless the Board of Trustees deems that sufficient measures have been implemented by the Applicant or others to minimize the likelihood of future violations.

E. Public Notice.

Notice that a Sound Permit or a Sound Level Variance has been issued, including the address of the event, the name of the person(s) to whom the permit or variance was issued, and the date and hours of the event, along with a copy of the application, will be posted on the Village website. Failure of the Village to post such notice shall not affect the validity of the permit or variance issued, nor shall such failure to post create any liability on the part of the Village.

E. Exceptions. (See Village Code).

G. Enforcement.

(1) This chapter shall be enforced by the Village Codes Enforcement Officer and/or the Hamilton Police Department. Upon the issuance of a citation for violation of this Section, the conduct in violation shall immediately cease and the sound permit or Sound Level Variance, as applicable, shall be deemed to be immediately revoked.

(2) All persons applying for a sound permit or variance, and all persons named as a tenant or resident of the subject premises in any such application, shall be subject to citation or arrest for each violation of this chapter that occurs upon the premises for which the sound permit or variance was issued, and all such persons shall be subject to the penalties provided herein upon conviction. Notwithstanding the foregoing, and regardless of whether a sound permit or variance was applied for or issued, all persons creating sound in violation of this chapter, and all persons who are tenants and/or residents of the premises upon which any offending sound is created shall be subject to citation and/or arrest for violation of this chapter.

(3) The Village of Hamilton Code Enforcement Officer or Police Department shall notify the record owner of the property (as listed in the most recent Village assessment roll and any applicable permit application) in writing by regular U.S. mail, as soon as practical, of each citation for a violation of this statute was written by a law enforcement or code enforcement officer and that the incident will be a factor for consideration for renewal of a rooming house/boarding house permit, as applicable.

H. Penalties.

(1) Any person who violates any provision of this chapter shall, upon conviction thereof for a first offense be deemed guilty of a violation, punishable by a fine not to exceed two hundred fifty dollars ($250.00), fifteen days imprisonment, or both. In addition, upon such conviction, the convicted person(s) and the premises upon which said violation occurred shall not be eligible for the issuance of a sound permit or Sound Level Variance for a period of three (3) months following the date of the conviction.

(2) Upon conviction of any subsequent violation within six months of a previous violation, such person shall be deemed guilty of an unclassified misdemeanor, punishable by a fine not to exceed one thousand dollars ($1,000.00), thirty days imprisonment, or both. In addition, upon such subsequent conviction, the convicted person(s) and the premises upon which said violations occurred shall not be eligible for the issuance of a sound permit or Sound Level Variance for a period of six (6) months following the date of the second conviction.