

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one:)

of Tannersville

SECRETARY OF STATE
DIVISION OF CORPORATIONS
FILED

NOV 13 2013

Local Law No. 1 of the year 2013

SECRETARY OF STATE
STATE RECORDS

A local law Noise Control Law
(Insert Title)

Be it enacted by the Village Board of Trustees of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of Tannersville

as follows:

(attached..)

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2013 of the ~~(County)(City)(Town)~~(Village) of Tannersville was duly passed by the Village Board of Trustees on October 16, 2013, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

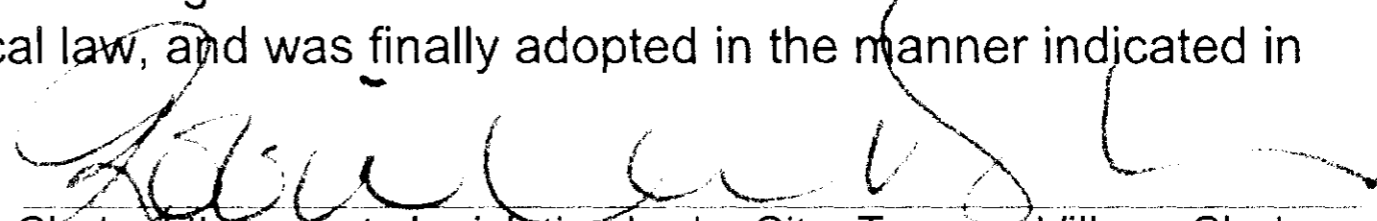
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.


Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 11/5/2013

(Seal)

VILLAGE OF Tannersville
LOCAL LAW #1 OF 2013

NOISE CONTROL LAW

•1. Declaration of Policy

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It is hereby declared the policy of the Tannersville Board of Trustees ("Board") that unreasonably loud, disturbing and unnecessary noises within the Village of Tannersville ("Village") be restricted so as to preserve, protect and promote the public health, safety and welfare of the residents of the Village. The Board finds that the residents of the Village are entitled to have maintained noise levels which are not detrimental to the public health, safety and welfare, and the excessive, disturbing and unnecessary noise within the Village adversely affects the comfort, convenience, welfare and prosperity of the inhabitants thereof.

•2. Definitions

All terminology used in this Local Law, not defined below, shall be in substantial conformance with applicable published standards of the American National Standards Institute ("ANSI") or its successor bodies. For the purposes of this Law, the terms used herein are defined as follows:

- (A) ADMINISTRATOR –The building inspector of the Village of Tannersville or any Deputy Building Inspector , the Code enforcement officer of the Village of Tannersville , or any deputy code enforcement officer, Any member of the Police Department of the Town of Hunter or any other official designed by the Board.
- (B) A-WEIGHTED SOUND LEVEL - The sound pressure level in decibels as measured on a sound level meter using the A-Weighting network. The level so read is designated db(A).
- (C) EMERGENCY - Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.
- (D) MULTI-DWELLING UNIT BUILDING - Any building which consists of two (2) or more dwelling units.

- (E) NOISE - Any reasonable sounds of such level and duration as to be or tend to be injurious to human health or welfare or that would unreasonably interfere with the enjoyment of life, property and the aesthetic resources of the Village.
- (F) PERSON - Any individual, association, partnership or corporation and lessees, employees, agents and independent contractors of such persons.
- (G) PROPERTY LINE - Either the apparent boundary line, including its vertical extension, that separates one parcel of real property from another, or the vertical and horizontal boundaries of a dwelling unit located within a multi-dwelling unit building.
- (H) RESIDENTIAL PROPERTY - Any property used for human habitation.
- (I) SOUND - An oscillation in pressure, particle displacement, particle velocity or other physical parameter in a medium with internal forces that cause compression and rarefaction of that medium. The description of "sound" may include any characteristic of such "sound", including duration, intensity and frequency.
- (J) SOUND DEVICE OR APPARATUS - Any apparatus or device for the making, reproduction or amplification of the human voice or other sounds, including, but not limited to, musical instruments, radios and loudspeakers.
- (K) SOUND LEVEL METER - An instrument, including a microphone, amplifier, output display and frequency weighting network, for the measurement of sound levels. A "sound level meter" shall conform to the requirements of the ANSI specifications for sound level meters: SI.11-1966; SI.6-1967; SI.8-1968; SI.4-1972; SI.4-1983 AND SI.25-1978 (or the latest approved revisions thereof).
- (L) SOUND PRESSURE LEVEL - Twenty (20) times the logarithm to the base 10 of the ratio of the pressure of the sound to the reference sound pressure of twenty (20) micropascals (20 micronewtons per square meter). Unless otherwise specified, the level is that of a root-mean-square pressure. The "sound pressure level" is expressed in decibels (dB).
- (M) UNNECESSARY - That which is not required by the usual circumstances.

•3. Prohibited Noises

- A. It shall be unlawful to any person to make, continue or cause or permit to be made or continued any unreasonable, excessive, unnecessary or unusually loud noise which disturbs, injures or endangers the comfort, health, safety or welfare

of others within the boundaries of the Village. For the purposes of this Local Law, it shall be presumed that the owner, tenant, person or persons in possession or control, and the occupants of the particular premises are, jointly or severally, permitting such sound.

- B. The following acts are declared to be the making of unreasonable, excessive, unnecessary and unusually loud noises in violation of this Law and are prohibited:
 - (1) the operation of any sound device or apparatus in such manner or with such volume as to disturb the quiet and comfort of persons in adjoining or abutting residential or commercial properties and at an A-Weighted sound level in excess of 50 db(A);
 - (2) the possessing or keeping of any animal or bird which, by causing frequent or long-continued noise, disturbs the quiet and comfort of any person across a residential property line;
 - (3) the discharge into the open air of the exhaust of any stationary internal combustion engine, motor vehicle engine or vessel engine, except through a muffler or other device which will effectively prevent loud or explosive noises there from;
 - (4) the excavation, demolition, alteration or repair (except painting) of any building or structure for which a zoning or building permit is required under any applicable law, rule or regulation, between the hours of 9:00 PM and 7:00 AM, and the performance of such activity on any Sunday prior to 9:00 AM, New Years Day, Thanksgiving and Christmas, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Village Code Enforcement Officer;
 - (5) the creation of any noise on any street adjacent to any school, church, institution of learning or court while the same is in use, or adjacent to any medical facility, which unreasonably interferes with the workings of such institutions, .
 - (6) the creation of any noise between the hours of 8:00 PM and 7:00 AM in connection with the loading, unloading, opening, closing or other handling of boxes, crates or other containers;
 - (7) any noise from the shouting of peddlers or vendors which disturbs the peace and quiet of the surrounding vicinity;

- (8) the use of any drum, loudspeaker or other device for the purpose of attracting attention to any performance, show, sale or display of merchandise by the creation of noise;
 - (9) the sounding of any horn or signal device on any automobile, motorcycle or other vehicle or vessel, except as a warning signal pursuant to the provisions of Subsection 1 of §375 of the Vehicle and Traffic Law of the State of New York or as a warning signal for navigation purposes;
 - (10) the use of any sound device or apparatus in, on, near or adjacent to any public street, park or place for commercial or business advertising purposes, or the operation or driving of any automobile, truck or other vehicle for commercial or business advertising, using a sound device or apparatus. The use of any persona, trade, business or corporate name for business advertising shall be presumptive evidence that such advertising was conducted by that person, trade, business or corporation;
 - (11) the yelling, shouting, whistling or singing so as to disturb the quiet and comfort of any persons in the vicinity of the source of the noise; and
 - (12) the creation of noise by spinning or squealing the tires of a motor vehicle.
- C. The following provisions shall apply in addition to those set forth in Subsection "B" above:
- (1) No person shall operate or cause or permit to be operated any mechanism, equipment or sound device or apparatus, including but not limited too any: engine, motor, amplifier, radio, musical instrument, speaker, bell, horn, drum, hoist, pump, fan, air-conditioning apparatus or similar mechanical device in such a manner as to create a sound at the property line of the property on which such sound is generated or perceived, as appropriate, exceeding the following levels:

Noise Level Limits at Property Line

Daily

7:00 AM - 9:00 PM 65 db(A)

Evenings

9:00 PM - 7:00 AM 50 db(A)

Readings will be valid if the operator of the instrument, in his expert opinion, reads them as specific decibel levels even though fluctuations above and below the readings exist. The measurement of sound shall be made with a sound level meter meeting the standards prescribed by the ANSI, and maintained in calibration and good working order.

•4. Exceptions

The following sounds shall not constitute a violation of this Law:

- A. Sounds created by the use of any organ, bell, chimes or any other similar instrument or device by any church, synagogue or school on or within its premises, in connection with religious rites or ceremonies of such church or synagogue or in connection with a school education program;
- B. sounds created by any government agency or by the use of public warning devices;
- C. sounds created by trash haulers, lawnmowers, snowblowers, manual and power tools generators, and household appliances when used between the hours of 8:00 AM and 8:00 PM weekdays, and 9:00 AM and 9:00 PM Saturdays and Sundays;
- D. sounds created by carbide cannons, poppers or other "scarecrow" devices used by a farmer having not less than ten (10) acres in crop cultivation during growing season, or by the operation of agricultural machinery by any farmer on his farm property;
- E. sounds created by public utilities in carrying out the operation of their franchises;
- F. sounds created by the production of music in connection with any military or civic parade, funeral procession or school concert;
- G. sounds created by the production of music in connection with school band practice between 9:00 AM and 9:00 PM;
- H. sounds from an exterior burglar alarm of any building or motor vehicle, so long as the sound terminates within fifteen (15) minutes after it has been activated;

- I. sounds connected with sporting events of any public or private school, or with any carnival, fair, exhibition, parade or similar public event authorized by appropriate permit from the Village;
- J. sounds on private property which do not carry beyond the boundary lines of the property on which they are created;
- K. sounds created by the use of loudspeakers in connection with voter registration projects and, within thirty (30) days prior to an election, the use of loudspeakers in connection with election campaigns between 9:00 AM and 8:00 PM; and
- L. sounds emitted in the performance of emergency work or for the purpose of alerting persons to the existence of an emergency, or created by a Generator during a power outage..

•5. Variances

- A. The Board of Trustees shall have the authority consistent with this section, to grant variances of this law.
- B. Any person seeking a variance pursuant to this section shall file an application with the Board of Trustees. The application shall consist of a letter signed by the applicant and containing a legal form of verification. Such letter shall contain information which demonstrates that bringing the source of sound or activity for which the variance is sought into compliance with this law would constitute an unreasonable hardship on the applicant, on the community, or on other persons. In addition, the following information shall be provided.
 - 1. The plan, specifications and other information pertinent to such sources;
 - 2. the characteristics of the sound emitted by the source, including but not limited to the sound levels, the presence of impulsive sounds and the hours during which such sound is generated; and
 - 3. the noise abatement and control methods used to restrict the emission of sound.
- C. In determining whether to grant or deny the application, the Board of Trustees shall determine the hardship on the applicant, the community and other persons of not granting the application against the adverse impact on the health, safety and welfare of

persons affected, the adverse impact on the property affected and any other adverse impact of granting the application. Applicants for variances and persons contesting such applications may be required to submit any information that the Board of Trustees may reasonably require.

- D. In granting or denying an application, the Board of Trustees shall notify the applicant and shall keep on public file, a copy of the decision and the reasons for denying or granting the variance. The Board of Trustees shall have the power to impose restrictions and conditions upon any source site in the event that it shall grant any application for a variance hereunder. The variance shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of the variance shall terminate the variance and subject the person holding to it those provisions of the Law for which the variance was granted.
- E. An application for the extension of time limits specified in a variance or for a modification of other substantial conditions shall be treated like an application for initial variances under Subsection "B" above, except that the Board must find that the need for the extension or modification clearly outweighs any adverse impacts of granting the extension or modification.

•6. Inspections

Upon presentation of proper credentials, a properly identified Administrator may enter and inspect any private property at any reasonable time when a violation of this Law is suspected, when granted permission by the owner or by some other person with apparent authority to act for the owner. When permission is refused or cannot be obtained, a search warrant may be obtained from a court of competent jurisdiction upon showing probable cause to believe that a violation of this Law may exist. Such inspection may include the administration of any necessary tests.

•7. Other Restrictions

The provisions of this Law shall in no case remove or render less restrictive limitations on noise generation or other conditions imposed upon specific properties by action of the Village Zoning Board of Appeals or Planning Board, or required under other applicable laws or regulations.

•8. Notices of Violations

The provisions of this Law shall be enforced by the Administrator. Emission from any source of sound in excess of the limitations established in this Law shall be deemed and is hereby declared to be a public nuisance and shall be cause for a notice of violation to be issued by the Administrator.

•9. Penalties

Any person who violates any provision of this Law shall be guilty of a violation punishable by a fine of not more than Two Hundred Fifty and 00/100 dollars (\$250.00) or by imprisonment for not more than fifteen (15) days, or by both. A separate offense shall be deemed committed on each day during which a violation occurs or continues. In addition, the Board may maintain an action or proceeding in the name of the Village in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of this Law.

•10. Severability

If any section, subsection, paragraph, sentence or clause of this Law shall be adjudged to be invalid or unenforceable by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of this Law, but shall be confined in its operation to the section, subsection, paragraph, sentence or clause thereof so invalidated.

•11. Effective Date

This Law shall take effect immediately upon filing with the Secretary of State.