

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(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.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
JAN 29 2004

MISCELLANEOUS
& STATE RECORDS

~~COUNTY~~
~~CITY~~ of Catskill
~~TOWN~~
Village

Local Law No. 2 of the year ~~19~~ 2003

A local law Regulating Unreasonable Noise in the Village of Catskill
(Insert Title)

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

~~COUNTY~~
~~CITY~~ of Catskill **as follows:**
~~TOWN~~
Village

See 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. 2 of ~~19~~ 2003 of the ~~(County)(City)(Town)(Village)~~ of Catskill Village Board was duly passed by the on Dec. 8 ~~19~~ 2003, 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. 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 _____ 19____, 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, 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.

LOCAL LAW REGULATING UNREASONABLE NOISE IN THE VILLAGE OF CATSKILL

Section 1. Legislative Intent.

The making and creating of disturbing, excessive, or offensive noise within the jurisdictional limits of the Village of Catskill is a condition that has persisted, and the level and frequency of occurrences of such noises continues to increase. These levels are a detriment to the public health, comfort, convenience, safety, and welfare of the citizens. The life, health, or enjoyment of property of no person should be diminished by disturbing, excessive, or offensive noise. The chapter is to be construed liberally, but it is not intended to be construed to discourage the enjoyment by residents of normal, reasonable and usual activities.

Section 2. Prohibited Acts.

- A. No person, with the intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, shall cause, suffer, allow or permit to be made unreasonable noise. For purposes of this chapter, unreasonable noise is any disturbing, excessive, or offensive sound that disturbs a reasonable person of normal sensitivities.
- B. The following acts are declared to be prima facie evidence of a violation of this chapter. This enumeration shall not be deemed exclusive.
 - (1) Any unnecessary noise from any source between the hours of 11:00 p.m. and 7:00 a.m. the following day.
 - (2) Noise from a dog or other pet animal that is continuous and exceeds 15 minutes.

- (3) Noise from a burglar alarm or other alarm system of any building, motor vehicle, or boat that is continuous and exceeds 15 minutes.
- (4) Noise from any sound reproduction system, operating or playing any radio, portable radio or tape player, television, tape deck or similar device that reproduces or amplifies sound in such a manner as to be heard 60 feet from its source or over any property line.
- (5) The erection, including excavation, demolition, alteration or repair of any building other than between 7:00 a.m. and 9:00 p.m., except in case of a public safety or emergency.
- (6) The operation of power equipment outdoors between the hours of 10:00 p.m. and 7:00 a.m. the following day, and on weekends between 10:00 p.m. and 8:00 a.m., except in the case of public or personal safety or emergency.
- (7) The sounding of any horn or signaling device of an automobile, motorcycle or other vehicle for any unnecessary or unreasonable period of time.
- (8) The making of improper noise or disturbance while operating a motor vehicle.
- (9) Offering for sale anything by shouting or outcrying upon the public streets and sidewalks.
- (10) Yelling, shouting or hooting at any time or place so as to annoy or disturb the quiet, comfort and repose of a reasonable person of normal sensitivities.

Section 3. Exceptions.

The provisions of this chapter shall not apply to the following acts unless a permit has been issued by the Village:

- A. The emission of sound for the purpose of alerting persons to the existence of an emergency.
- B. Noise from municipally sponsored celebrations or events.
- C. Noise from individually sponsored events where a permit for public assembly or other relevant permission has been obtained from the village board.
- D. The operation or use of any organ, radio, bell, chimes or other instrument, apparatus, or device by any church, synagogue, or school licensed or chartered by the State of New York, provided such operation or use does not occur between the hours of 10:00 p.m. and 7:00 a.m.
- E. Noise generated by the installation and maintenance of utilities.

Section 4. Penalties for Offenses.

A violation of any of the provisions contained in this chapter shall constitute an offense punishable by a fine of not less than \$100 nor more than \$200 or by imprisonment for not more than three days for each violation, except that:

- A. When the person was found to have previously violated any of the provisions of this chapter within the preceding five years, the fine may be of not less than \$200 nor more than \$500 or by imprisonment for not more than seven days for each violation; and
- B. When the person was found to have previously committed two or more such violations within the preceding five years, the fine may be of not less than \$500 nor more than \$1,000 or by imprisonment for not more than 15 days for each violation. These penalties shall be in addition to any other penalty

provided by law. The village may also seek injunctive relief to prevent the continued violation of this chapter.

Section 5.

- A. Should any one or more provisions of this law be declared null and void, all remaining provisions shall remain in full force and effect.

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 19_____ 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 _____ 19_____, 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 19_____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19_____, 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 _____, above.

Caraeun A. Pardee

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

12/22/03

Date: _____

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Greene

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

J. Theodore O...

Signature

Village attorney

Title

County _____
City _____
Town of Catskill
Village

Date: 12/22/03