

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET, 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.

~~COUNTY~~

~~CITY~~

Town

~~VILLAGE~~

of Volney

Local Law No. 1 of the year 2008

A local law regulating noise in the Town of Volney  
(Insert Title)

STATE OF NEW YORK  
DEPARTMENT OF STATE

**FILED**

AUG 25 2008

MISCELLANEOUS  
STATE RECORDS

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

~~COUNTY~~

~~CITY~~

Town

~~VILLAGE~~

of Volney

as follows:

## SECTION 1: TITLE:

This Local Law shall be known as Local Law No. 1 of 2008, a Local Law regulating noise ordinance in the Town of Volney.

## SECTION 2: PURPOSE:

The purpose of this local law is to prevent excessive, unnecessary or unnatural or unusually loud noise within the boundaries of the Town of Volney. Such policy is in conformance with efforts by the Town to promote public health, comfort, convenience, and to promote economic development within the township.

## SECTION 3: DEFINITIONS:

A) A-Weighted: the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level is read in "db (A)" decibels.

B) Construction: Any activity necessary or incidental to the erection, demolition, assembling or altering or installing or equipping of a building, public or private highways, roads, premises,

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

parks, utility lines, or other property. This can include to related activity such as grading, earth moving, excavation, blasting, or landscaping. Agricultural activity is excluded.

C) Daytime: The period of time between the hours of 7:00 am and 9:00 pm.

D): Decibel: The unit or standard for measuring the volume of a sound, based on the pressure level of the sound.

E) Impulsive Sound: A sound of short duration usually of less than one second and of high intensity with and abrupt onset.

F) Nighttime: The period of time between the hours of 9:00 pm and 7:00 am.

G) Owner: A person who has ownership or regular control of a device or sight, or premises, to include a lessee or agent of a lessee.

H) Person: Includes the singular or plural, and also any individual, property owner, and or lessee, or any firm or corporation, or government agency or independent contractor.

I) Real property boundary: Exterior imaginary line separating one real property owner from another.

J) Sound Level: the quantity in decibels measured by a sound level meter satisfying the requirements of American National Standards.

K) Sound Level Meter: An instrument that measures sound level fluctuations.

L) Unreasonable Noise: Any excessive, unnecessary or unusual loud sound or any sound or noise that either annoys, disturbs, injures or endangers the comfort, repose, health, or safety of a reasonable person with normal sensitivities. Also any noise that can damage a structure or animal life.

Standards to be considered when determining if a sound is unreasonable may include but not be limited to:

- A) Volume, intensity or duration
- B) Cause, and whether such sound is temporary or would be repeated.
- C) Time of day or day of week
- D) Zoning district, or proximity of residential area to source.
- E) Whether it is a normal part of an approved business or if the noise is unusual.

#### **SECTION 4: PROHIBITIONS:**

##### **A) General Prohibitions:**

It shall be unlawful for any person to make, continue, or cause to be made or continued any loud or unreasonable noise as defined in this ordinance or that may cause discomfort or injury to a resident of this township and that occurs within the boundaries of this township.

**B) Specific Prohibitions:**

1) No person shall use or operate an instrument or device that causes a sound or reproduces a sound that disturbs the peace and quiet of neighbors by causing an unreasonable noise across a real property or boundary line.

2) No person should own, harbor or possess an animal that continuously or frequently creates an unreasonable sound or noise across a real property boundary line. This would include a barking dog who barks continuously, specifically for over a 10 minute period.

3) Alarms: No person shall maintain an alarm system in a building or motor vehicle unless said alarm is capable of and shall automatically cease its operation within a 15 minute time period from the time of activation.

4) Emergency Warning Devices: shall not be used except in the case of an actual emergency and/or by a person authorized to operate such device or have such device operated on a vehicle.

**C) Motor Vehicles:**

1) No person shall operate a motor vehicle in such a way as to create an unreasonable noise. Examples would include spinning of tires, gunning of engines in such a manner as to create a sound level that exceeds the limitations set forth in the New York Vehicle and Traffic Laws.

2) Sound emanating from a vehicle, such as from "boom boxes" should not exceed limitations set in this local law for unreasonable noise.

**D) Outdoor Equipment/Power Tools:**

The use of outdoor equipment and power tools, whose sound generates an unreasonable noise beyond real property boundaries during nighttime hours are prohibited.

**E) Construction Activities:**

No person shall engage in construction or permit construction in such a manner as to cause unreasonable noise that crosses real property lines during the nighttime hours. Excluded is emergency work or equipment or temporary activities reviewed by and approved by the Code Enforcement Officer.

**F) Parties, Social Events, or Places of Public Authority:**

1) No person can operate or permit use of a public place such as a bar or restaurant in which the sound equals or exceeds 55 dB's for greater than 30 seconds in an adjoining residential area. Excluded would be special events such as concerts or races of limited duration which occur no more than 4 times a month during summer months and do not exceed 2 hours in duration during nighttime hours.

2) No person in charge of a party or other social event shall permit the party or event to produce an unreasonable noise in a loud, annoying or offensive manner that would interfere with the comfort, repose, or safety of the public within a building or neighbors.

3) No person shall conduct a party or gathering that would generate an unreasonable noise across real property boundaries, that would be deemed offensive or interfere with the quiet comfort of neighbors during nighttime hours.

**SECTION 5: NOISE IN EXCESS OF PERMISSIBLE LEVELS:**

It is unlawful for any person to make, continue or cause to be made or continued any noise which exposes any person to continuous sound levels in excess of those shown below. Unless an exception is approved.

Measurement of permissible sound level:	5	
Source of Sound (residential)	Daytime Hours	65 db (heard neighboring Residential property line)
Source of Sound (residential)	Nighttime Hours	55 db (heard neighboring Residential property line)
Source of Sound (commercial/industrial)	Daytime Hours	65 db (heard neighboring residential or commercial property lines)
Source of Sound (commercial/industrial)	Nighttime Hours	55 db (heard neighboring residential or commercial property lines)

**SECTION 6: EXCEPTIONS:**

This local law shall not apply to the following:

- 1) Emergency vehicles or activities
- 2) Publicly sponsored events, approved by the municipality.
- 3) Snow removal equipment or the activities of Town of County DPW equipment.

**SECTION 7: VARIANCES:**

Town council, upon submission of a request, can grant a limited variance to this local law.

**SECTION 8: ENFORCEMENT:**

This local law may be enforced by law enforcement agencies or the Town Code Enforcement Officer.

**SECTION 9: PENALTIES:**

Any person who violates any provisions of this local law shall be guilty of an offense and shall upon conviction be subject to a fine of not less than \$100 or more than \$500 for the first offense. The penalty for second or subsequent offenses shall be not less than \$500 or more than \$1,000 or imprisonment for a period of 15 days or both such fine and imprisonment. Each day such violation is permitted to continue after notification of violation shall constitute a separate offense and shall be punishable as such.

**SECTION 10: SEVERABILITY**

Should any portion whatsoever of this Local Law be held invalid or unenforceable for any reason, by any Court of competent jurisdiction, such portion shall be deemed severable, but only to the extent of such holding, and such holding shall not affect the remaining portions thereof.

**SECTION 11: EFFECTIVE DATE**

This Local Law shall take affect immediately upon filing with the Department of State.

(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 2008 of the ~~(County)~~(City)(Town)(Village) of Volney was duly passed by the ~~Town Board~~ on August 14, 2008, 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)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*~~

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)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. 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.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

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)(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.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

\* 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 \_\_\_\_\_, above.

*Barbara A MacEwen*

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

Barbara A. MacEwen, Town Clerk

(Seal)

Date: 8-14-08

(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 OSWEGO

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.

*Olson J Nelson*  
Signature

Title Town Attorney

~~XXXXXX~~  
~~XXX~~ of Volney  
Town  
~~XXXXXX~~

Date: 8/19/08