

(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~~ of MARGARETVILLE
~~Town~~
Village

Local Law No. 4 of the year 2000

A local law **REGULATING THE PROPAGATION OF NOISE**
(Insert Title) **WITHIN THE VILLAGE OF MARGARETVILLE**

Be it enacted by the **BOARD OF TRUSTEES** of the
(Name of Legislative Body)

~~County~~
~~City~~ of MARGARETVILLE as follows:
~~Town~~
Village

Section 1. Purpose. The Board of Trustees of the Village of Margaretville finds that the propagation of unreasonable noise within the Village of Margaretville is detrimental to the health, safety and welfare of the residents of the Village of Margaretville.

Section 2. Definitions.

AIRBORNE SOUND - Sound that reaches the point of intersect by propagation through air.

COMMERCIAL SERVICE EQUIPMENT - All engine - or motor-powered equipment intended for infrequent service work in inhabited areas, typically requiring commercial or skilled operators. Examples of "commercial service equipment" are chain saws, log chippers, paving roller, etc.

CONSTRUCTION DEVICE - Any powered device or equipment designed and intended for use in construction. Examples of "construction devices" are air compressors, bulldozers, backhoes, trucks, shovels, derricks and cranes.

dB - The abbreviation for decibel.

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

dBA - The A-weighted sound level in decibels, as measured by a general purpose sound level meter complying with the provisions of the American National Standards Institute Specifications for Sound Level Meters (ANSI S1.4 1971), properly calibrated, and operated on the A-weighting network.

DECIBEL - A unit for measuring the volume of a sound, equal to the logarithm of the ratio of the sound pressure of the sound to the sound pressure of a standard sound (two ten-thousandths (0.0002) microbar); abbreviated "dB".

HOMEOWNER'S LIGHT RESIDENTIAL OUTDOOR EQUIPMENT - All engine - or motor-powered garden or maintenance tools intended for repetitive use in residential areas, typically capable of being used by a homeowner. Examples of "homeowner's light residential outdoor equipment" are lawn mowers, garden tools, riding tractors, snowblowers, snowplows, etc.

NOISE POLLUTION - The presence of that amount of acoustic energy for that amount of time necessary to:

- A. Cause temporary or permanent hearing loss in the person exposed; or
- B. Otherwise be injurious, or tend to be on the basis of current information injurious, to the public health or welfare; or
- C. Cause a nuisance; or
- D. Exceed standards or restrictions established herein; or
- E. Interfere with the comfortable enjoyment of life and property or the conduct of business. The following are deemed to interfere with the comfortable enjoyment of life and property or the conduct of business:
 - (1) Yelling, shouting, hooting, whistling, or singing on the public streets or from private property at any time that annoys or disturbs the quiet comfort or repose of person or persons in the vicinity or that such noise is plainly audible at a distance of fifty (50) feet from the area, building, structure or vehicle from which such noise emanates; or
 - (2) The using of, operating of or permitting to be played, used or operated, any radio, receiving set, musical instrument, phonograph, television set or other machine or device for the producing or reproducing of sound in such

manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or in such manner as to be plainly audible at a distance of fifty (50) feet from the area, building, structure or vehicle in which it is located.

PERSON - An individual, association, firm, syndicate, company, trust, corporation, department, bureau or agency or any other entity recognized by law as the subject of rights and duties.

POINT OF INTERSECT - any point on a property line between the property from which the sound in question is emanating and any other property, public sidewalk, public space, or public street or road

Section 3. General Prohibition.

No persons owning, leasing or controlling the operation of any source of noise shall permit the occurrence of any condition that constitutes noise pollution. Except as provided in Section 5, the use of amplifiers, speakers or other machines or devices capable of reproducing amplified sound on the exterior of any premises, dwelling or building within the Village shall be considered noise pollution and shall be prohibited at all times.

Section 4. Noise Standards.

No person shall create or cause to be emitted any noise that, when measured at or beyond any lot line of the property on which such noise is being generated, exceeds the following standards:

- (A) From 7:00 a.m. Monday through Friday and from 9:00 a.m. Saturday, Sunday and legal holidays to 10:00 p.m., airborne sound in excess of sixty-five (65) dBA's; and
- (B) From 10:00 p.m. to 7:00 a.m. Monday through Friday and to 9:00 a.m. on Saturday, Sunday and legal holidays, airborne sound in excess of fifty (50) dBA's.

Section 5. Exceptions.

The provisions of Section 4 shall apply to the use or occupancy of any lot or structure thereon and to noise produced therefrom, except the following:

- A. (1) The intermittent or occasional use between 9:00 a.m. through 7:00 p.m. of homeowner's light residential outdoor equipment or commercial

service equipment, provided that said equipment and its use comply with the other provisions hereof.

(2) Construction activities between 7:00 a.m. through 7:00 p.m. and the associated use of construction devices and or the noise produced thereby, provided that such activities and such equipment and their use comply with the other provisions hereof.

(3) Agriculture.

(4) Noise from church bells or chimes used in conjunction with religious services.

(5) Public celebrations.

(6) Noise of aircraft flight operations.

(7) The lawful operation of properly equipped motor vehicles on any public way.

(8) Noise from snowblowers, snowthrowers and snowplows when operated with a muffler for the purpose of snow removal.

(9) Noise generated from lawful athletic or recreational events held on the property of the Village of Margaretville so suited for such activities.

(10) Organized activities sponsored by any school district, private school or fire district or department within the Village of Margaretville.

(11) Noise from municipally sponsored celebrations or events.

(12) Noise from lawful fireworks displays, parades, carnivals and the like held in accordance with all pertinent laws and regulations of the Village of Margaretville.

(13) Noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way.

(14) Emergency construction or repair work performed by or authorized by the State of New York, the County of Delaware, the Town of Middletown, the Village of Margaretville, New York State Electric and Gas Company, Margaretville Telephone or any other recognized utility serving the area.

(15) The activities of any fire department, ambulance squad or similar emergency or rescue organization.

(16) Noncommercial amplified sound that does not exceed the noise standard established in Section 4 of this Local Law.

B. The exceptions to the standards provided for in Section 4 of this Local Law enumerated in Subsection A above shall not be construed to exempt

any said source of noise from the provisions of this Local Law under the definitions of noise pollution or person in Section 2 hereof.

- C. This chapter shall not apply to the following:
- (1) Emergency signal devices.
 - (2) Audible exterior burglar alarms in operation for fifteen (15) minutes or less.

Section 6. Presumption of Guilt.

Anyone present with several persons whose collective behavior shall constitute noise pollution shall be rebuttably presumed to have participated therein and shall be subject to all the provisions of this chapter.

Section 7. Penalties.

Failure to comply with any provision of this Local Law shall constitute a violation. The penalty for any violation of this Local Law imposed by a court of competent jurisdiction shall be a fine of not more than two hundred fifty dollars (\$250.00) or imprisonment for not more than fifteen (15) days or both. Each violation hereof shall be deemed to be a separate offense and be subject to an additional fine or imprisonment or both. In addition to any other remedy provided in this Local Law, the Village Board of Trustees or their authorized agent or representative may bring an action for injunctive relief in any court of competent jurisdiction.

Section 8. Effective Date.

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

(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. 4 of 20⁰⁰ of the (County)(City)(Town)(Village) of MARGARETVILLE was duly passed by the BOARD OF TRUSTEES on OCTOBER 16 20⁰⁰, 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.

Betty Desilva

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

Date: 11/10/2000

(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 _____ Delaware

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.

Dale W. Hughes

Signature

Village Attorney

Title

County _____
City of _____ Margaretville _____
Town _____
Village _____

Date: November 10, 2000