

LOCAL LAW NO. 1 OF YEAR 2014

Be it enacted by the BOARD OF TRUSTEES of the
Village of WATKINS GLEN, COUNTY OF SCHUYLER, as follows:

Section 1. Short Title

This local law shall be known as the “Noise Control Law” of the Village of Watkins Glen.

Section 2. Declaration of Policy

The Board of Trustees of the Village of Watkins Glen hereby declares its intent to prevent unreasonably loud and disturbing noise and sounds determined by the Board to be of a character, intensity or duration as to be detrimental to the peace, quiet, comfort, repose, welfare or good order of the people of the Village of Watkins Glen. By this legislation, the Village Board intends to improve and promote the quality of life in our community, and in the exercise of its lawful enforcement in this regard, the Village Board does hereby enact the following Local Law.

Section 3. Interpretation.

It is the intent of the Village Board that this Local Law will be liberally construed so as to effectuate the purpose described in this Local Law. Nothing herein shall abridge the powers and responsibilities of any police department or law enforcement agency to enforce the provisions of this Local Law.

Section 4. Definitions

The following words, terms and phrases, when used in this Local Law, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

DECIBEL – A unit for measuring the volume of a sound and pressure of sound.

EMERGENCY – Any occurrence or circumstances involving actual or imminent physical or property damage which demands immediate action.

EMERGENCY SIGNAL DEVICE – Any gong, siren, whistle, air horn or similar device, the use of which on emergency vehicles is permitted by Subdivision 26 of §375 of the New York State Vehicle and Traffic Law.

EXCESSIVE NOISE –

- A. Sound 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. Such sound includes but is not limited to mechanically increased volume of sounds of the human voice, musical instruments, recorded music, or any other mechanically enhanced sound-producing or reproducing device, apparatus or device.
- B. "Excessive noise" also includes incessant or repeated sounds that have the effect of disturbing the welfare, comfort, peace and quiet of the community, or any sound in excess of 85 Decibels.

MOTOR VEHICLE –

- A. Every device or vehicle in, upon or by which any person or property is or may be transported or drawn, which is propelled by any power other than muscular power, except vehicles which run only upon rails or tracks
- B. This definition shall include but not be limited to vehicles, trucks buses, automobiles, vans, motorcycles, motor scooters, dune buggies, snowmobiles, all-terrain vehicles, go-carts, minibikes, trail bikes and all other types of motorized recreational vehicles.

PROPERTY LINE – Either (a) the imaginary line including its vertical extension that separates one parcel of real property from another, or (b) the vertical and horizontal boundaries of a dwelling unit that is one in a multi-dwelling-unit building.

Section 5. Prohibited Acts.

- A. Excessive noise. No person shall make, continue or cause to be made or continued any excessive noise.
- B. Use of signaling devices. No person shall cause the sounding of any horn or signaling device on any automobile, motorcycle, bicycle or other vehicle, except as a danger warning, as stated in §375, Subdivision 1, of the New York State Vehicle and Traffic Law.
- C. Motor vehicles, excessive noise.
 - 1. No person shall operate or cause to be operated any motor vehicle in such a manner that the sound emitted is excessive noise as defined in this Local Law and:
 - a. The excessive noise is audible at a distance of 25 feet or more from the vehicle when operated or parked on a public street, in a park, or other public place; or
 - b. The excessive noise is audible at or beyond the property line when a vehicle is parked or operated on private property.
 - 2. Motor vehicle sound limits and equipment shall be in compliance with provisions of any state law including but not limited to Sections 386 (motor vehicle sound limits) and 375 (equipment) of the New York State Vehicle and Traffic Law.

3. No person shall allow noise from an automobile alarm in excess of five (5) minutes after it has been activated.
 4. No person shall operate a motor vehicle in such a manner as to cause unreasonable noise by spinning or squealing the tires of such vehicle.
- D. Animals and birds. No person shall own, harbor or possess any animal or bird which frequently or for a continued duration, makes excessive noise which is audible beyond a property line, and is continuous for a period exceeding fifteen (15) minutes.

Section 6. Construction Activities.

- A. No person shall engage in or permit any person to be engaged in construction activities which creates excessive noise at the property limits of the construction site between the hours of 10:00 p.m. of one day and 7:00 a.m. of the following day on any day of the week, except as permitted in subsections B and C hereof.
- B. Following the receipt of a written application for a variance from the requirements of subsection A, the Code Enforcement Officer or his designee may, within a reasonable time, grant a variance authorizing such construction activities upon the applicant's demonstration of hardship and/or practical difficulty in meeting said requirements and upon a determination that the public interest will be served by the granting of the requested variance. The Code Enforcement Officer shall set any stipulations deemed necessary in the interest of the public health, safety and/or welfare at the time of granting such a variance. The written authorization/variance must be maintained on the site and be made available for viewing by any municipal authority requesting the same.
- C. In the case of an emergency, so declared by the Code Enforcement Officer, or the Police Department, construction activities directly connected to the abatement of such emergency may be undertaken without obtaining a variance, for a period not to exceed 72 hours from the commencement of such activities, during which time application for a variance hereunder shall be made.

Section 7. Sound Reproduction Devices for Commercial or Advertising Purposes.

No person shall operate or use or cause to be operated or used any sound reproduction device for commercial or business advertising purposes or for the purpose of attracting attention to any performance, show or sale or display of merchandise in connection with any commercial or business enterprise, including those engaged in the sale of radios, television sets, phonographs, tape recorders, compact disc players, phonograph records, tapes or compact discs in front of or outside of any building, place or premises or on or through any aperture of such building, place or premises abutting on or adjacent to a public street, park or place or in or upon any vehicle operated, standing or being in or on any public street, park or place where the sound therefrom may be heard upon any public street, park or place or from any stand, platform or other structure

or from any airplane or other device used for flying, flying over the Village or anywhere on the public streets, parks or places; provided, however, that nothing in this section shall prohibit vehicles from which ice cream products or similar products are being sold from being equipped with a bell or bell-like device, nor prohibit the use thereof by the driver of such vehicle, provided that such bell or bell-like device shall be capable of being heard from a distance greater than 400 feet and provided further that no such bell or bell-like device shall be used for any purpose between the hours of 9:00 p.m. and 9:00 a.m. the following day nor be used as an ordinary warning signal at any time.

Section 8. Sound Reproduction Devices Used For Miscellaneous Purposes.

A. No person shall use or operate or permit to be used or operated any radio, television, phonograph, tape or other recorder of sound, musical instrument or other apparatus, machine or device for the production, reproduction or amplification of sound with louder volume than is necessary for convenient hearing for the person or persons who are voluntary listeners thereto. It shall be prima facie evidence of a violation of this section if sound emanating from such apparatus, machine or device is:

1. Audible beyond the property line of the premises upon which it is being used from Sunday through Thursday between the hours of 10:00 p.m. and 8:00 a.m. the following day; and on Fridays and Saturdays between the hours of 11:00 p.m. and 8:00 a.m. the following day.
2. Audible at a distance of 50 feet from such apparatus, machine or device when operated in a public park or other public place.
3. Audible at a distance of 50 feet beyond the property line of the premises upon which it is being used between the hours of 8:00 a.m. and 10:00 p.m. on the same day.
4. Audible at a distance of 50 feet from such machine or device if operated from within a motor vehicle on a public street.

B. The provisions of this section shall not apply to the following:

1. Funeral processions or use of such devices by a church.
2. The production of music in connection with any parade authorized under any provision of law.
3. Special events such as annual church festivals and other events, activities, carnivals, festivals, picnics, fund raisers, block parties, races, walks or gatherings of individuals that are required to obtain a permit or authorization from either the Village Board, Village Clerk, Department of Public Works, or Code Enforcement Officer. This subsection shall not apply during the hours of 11:00 p.m. through 9:00 a.m. of the following day. During these hours this Local Law shall apply.

4. The use of amplifiers or other sound-producing instruments or equipment in connection with any religious or political activity or any permitted athletic competition or recreational event held on athletic fields or stadiums within the Village.

Section 9. Vessels and Boats.

- A. Vessel and boat sound level limits and equipment shall be in compliance with provisions of any state law including but not limited to Section 44 of the New York State Navigation Law.
- B. No person shall operate or permit to be operated any vessel, boat, jet ski or similar machinery in any canal, channel, or on Seneca Lake at any time, at any speed and at any manner whatsoever, as to exceed a sound level of sixty-five (65) decibels at the nearest shoreline or at fifty (50) feet whichever distance is less.

Section 10. Places of Public Entertainment.

Notwithstanding the provisions of Section 7, no person shall operate or permit to be operated a place of public entertainment, including but not limited to, a restaurant, bar, café, discoteque or dance hall, in such a manner as to create sound audible beyond the property lines of the premises upon which it is being generated, between the hours of 10:00 p.m and 8:00 a.m. the following day, unless a permit for a variance is obtained upon proper application, from the Village Board.

Section 11. General Exceptions.

The provisions of this Local Law shall not apply to the following:

- A. The emission of sound for the purpose of alerting persons to the existence of an emergency. Nothing in this section shall be construed as to interfere with the lawful activities related to Police Department, Fire Department, Emergency Medical Services or Public Works.
- 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.
- D. The operation or use of any organ, radio, bell, chimes or other instrument, apparatus, or device by any business, church, synagogue, or school licensed or chartered by the State of New York, provided such operation is reasonably related to the purpose and operation of such entity.
- E. Noise generated by the installation and maintenance of utilities.

- F. The use of snowblowers, snow throwers, and snowplows when used in their usual customary manner, provided that the equipment is equipped with intake and exhaust mufflers recommended by the manufacturer thereof.
- G. The use of lawnmowers, hedge trimmers, leaf blowers, chain saws, tillers, mulchers, chippers and other domestic power tools and devices used for the care and maintenance of lawns, yards and vegetation between the hours of 6:30 a.m. and sunset.

Section 12. Enforcement.

- A. It shall be the duty of the Code Enforcement Officer and the Village Police Department to enforce the provisions of this Local Law.
- B. No person shall hinder, obstruct, delay, resist, prevent in any way, interfere or attempt to interfere with any authorized person while in the performance of his/her duties under this Local Law.
- C. Persons authorized under this section shall issue a verbal warning in response to the first offense, a written warning in response to the second offense, and an appearance ticket in response to the third or subsequent offense under this Local Law.
- D. Any sound-producing or amplifying device that is used or suspected to be used in violation of this Local Law may be confiscated upon the issuance of an appearance ticket and held as evidence pending such resolution of the matter in Village Court.

Section 13. Penalties for offenses.

- A. Any person acting alone or in concert with others who violates any provision of this Local Law or harbors any device which creates a violation of this Local Law, shall be guilty of a violation and, upon conviction thereof, shall be punished in the following manner:
 - 1. Upon a first conviction, by a fine of not less than fifty dollars (\$50) nor more than two-hundred fifty dollars (\$250), or by imprisonment not to exceed seven (7) days, or by both such fine and imprisonment.
 - 2. Upon a second conviction, by a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), or by imprisonment not to exceed ten (10) days, or by both such fine and imprisonment.
 - 3. Upon a third conviction, by a fine of not less than two-hundred fifty dollars (\$250) nor more than three thousand dollars (\$3,000), or by imprisonment not to exceed fifteen (15) days, or by both such fine and imprisonment.
- B. The owner of any property and any person, firm, association or corporation in control of the real property where the violation(s) of this Local Law occur(s) shall be guilty of a separate violation and, upon conviction thereof, shall be fined or imprisoned as herein provided.

- C. Separate violations shall be deemed committed during the same day if violations continue to occur after an appearance ticket is issued.
- D. The Village may seek injunctive relief to prevent the continued violation of this Local Law.

(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 2014 of the ~~(County)(City)(Town)~~ (Village) of Watkins Glen was duly passed by the Board of Trustees on JAN 21, 2014, 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.)~~

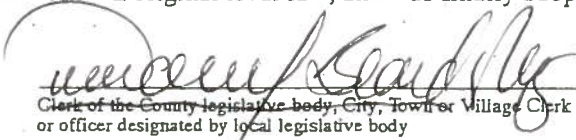
~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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-----1-----, above.


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

Donna J. Beardsley, Village Clerk

Date: January 24, 2014

(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 SCHUYLER

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.


Signature David H. Ealy

Village Attorney
Title

~~County~~
~~City~~ of Watkins Glen
~~Town~~
Village

Date: January 16, 2014