

Local Law No. ____ of 2007

Revision of Noise Law

Be it enacted by the Town Board of the Town of Putnam Valley as follows:

Section 1. TITLE.

This Law shall be known as the "Revision of the Noise Law of the Town of Putnam Valley."

Section 2. FINDINGS.

The Town Board of the Town of Putnam Valley hereby finds:

- A. Inappropriate, unreasonable and unnecessary generation of noise can be a significant infringement of quality of life in the Town of Putnam Valley, in particularly the ability to enjoy residential property and outdoor recreation.
- B. The health and welfare of the town and its residents requires increasing the protection against noise-related nuisances now provided by the Code of the Town of Putnam Valley.

Section 3. AMENDMENT OF NOISE LAW.

Chapter 82 of the Code of the Town of Putnam Valley, entitled "Noise," is hereby amended to read in its entirety as follows:

Chapter 82

NOISE

82-1. Title.

This chapter shall be known and may be cited as the "Noise Law."

82-2. Intent.

The making and creating of disturbing or offensive noises within the jurisdiction of the Town of Putnam Valley is a condition which has persisted, and the level and frequency of occurrences of such noises continues to increase. These noise levels are a detriment to the public health, comfort, convenience, safety and welfare of the citizens. Every person is entitled to an environment in which disturbing, excessive or offensive noise is not a detriment to his or her life, health or enjoyment of property. This chapter is to be construed liberally, but not intended to be construed so as to discourage the enjoyment by residents of normal, reasonable and usual activities.

82-3. Definitions.

As used herein, the following terms shall have the meaning indicated:

HOLIDAY – federal holiday

PERSONS -- One or more natural persons of either sex, corporations, partnerships, associations, membership societies and all other entities capable of being sued.

SELF-PROPELLED VEHICLE -- Any vehicle which is propelled or drawn on land or on the surface of a lake by a motor, such as but not limited to passenger cars, trucks, truck trailers, semitrailers, campers, go-carts, snowmobiles, amphibious craft on land, dune buggies, all-terrain vehicles, racing vehicles, motorboats, jet skis and motorcycles.

SOUND REPRODUCTION DEVICE -- Any device that is designed to be used or is actually used for the production or reproduction of sound, including but not limited to any amplified musical instrument, radio, television, tape recorder, phonograph, loudspeaker, public-address system or any other sound-amplifying device.

UNREASONABLE, UNREASONABLY LOUD, DISTURBING OR UNNECESSARY NOISE -- Any excessive or unusually loud sound or any sound which either annoys, disturbs, injures or endangers or interferes with the sleep, comfort, repose, health or safety of a reasonable person of normal sensitivities or which causes injury to animal life or damage to property or business.

WEEKEND/WEEKDAYS – For purposes of this chapter a weekend is a period of time from Friday at 7:00 p.m. until Monday at 6:00 a.m. All other times of the week will be considered weekdays.

82-4. Prohibition.

No person shall make, cause or permit to be made unreasonable, unreasonably loud, disturbing or unnecessary noise within the geographical boundaries of the Town of Putnam Valley.

82-5. Unreasonably loud, disturbing or unnecessary noise.

The creation of unreasonably loud, disturbing or unnecessary noise by any of the following acts and their causes is declared to be a violation of this chapter.

A. Between the hours of 8:00 p.m. and 8:00 a.m. on weekdays (8:00 p.m. and 6:00 a.m. for the Town of Putnam Valley Highway Department, or any of its contractors repairing or maintaining public roads and highways, from June 1 through September 30), and the hours of 7:00 p.m. and 9:00 a.m. on weekends and holidays, the following acts are not permitted:

(1)The use of heavy equipment, motorized lawn equipment or any noise-making equipment.

- (2)The operation of engines in residential zones outdoors. This would include the stationary idling of any engine, including but not limited to automobiles, trucks, motorcycles, motorboats, minibikes, snowmobiles or all terrain vehicles for more than 5 minutes.
- (3)Any noise from a vehicle, machine or signaling device for an unnecessary or unreasonable period of time.
- (4)The use of explosives, firearms or similar devices.
- (5)The operation of any audio equipment or the use of any musical instrument or human voice, including but not limited to parked or moving vehicles in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence.
- (6)Every motorboat over two horsepower shall be provided with an underwater exhaust or muffler so constructed and used as to muffle the noise so that the noise of the motor shall be effectively muffled. The use of cutouts or similar appliances is prohibited.

B. The acts of singing or talking, partying sounds or radio and recording sounds which are audible more than 100 feet from the source between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and 11:00 p.m. and 9:00 a.m. on weekends and holidays are prohibited.

C. Machines to hammer, crush or shatter rock are permitted for use only as follows:

- 1. Hours of operation must be between 9:00 am and 4:00 pm weekdays; operation is not permitted on weekends or holidays.
- 2. The property owner or designee must obtain a permit from the code enforcement officer which shall be valid only for a maximum of ten (10) days of operation.

D. In the PD (Preservation District), CD (Conservation District), R-3 (Low Density Residence District), R-2 (Moderate Density Residence District), R-1 (Medium Density Residence District) and LP (Lake Peekskill Residence District) persons may not engage in the acts listed in clauses A(1)-(6) above more than four (4) instances during any two (2) week period without first obtaining a permit from the code enforcement officer.

82-6. Persons liable for violations.

The owner, tenant and person in charge of the premises on which a violation under the provisions of this chapter has been committed shall be deemed to have permitted such violation on the subject premises and, as such, shall be guilty of such violation.

82-7. Exceptions.

The provisions of this chapter shall not apply to the following acts:

- A. The emissions of sound for the purpose of alerting persons of an existing 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 Town Clerk.
- 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 that such operation or use does not occur between the hours of 10:00 p.m. and 8:00 a.m.
- E. Noise generated by the installation and maintenance of utilities or by any generator during a power outage.
- F. Noise generated by a municipality during any emergency repair and maintenance or any other repair or maintenance undertaken by the municipality.

82-8. Enforcement.

- A. The provisions of this chapter shall be enforced by the local policing agency (Putnam County Sheriff or New York State Police) and code enforcement personnel of the Town of Putnam Valley or other officials designated by the Town Board of the Town of Putnam Valley.
- B. The investigating police officer, Code Enforcement Officer or other designated official who is a witness to the noise which is in violation to this chapter is authorized to issue a summons hereunder.

82-9. Penalties for offenses.

Any person who violates any provision of this chapter shall be guilty of a violation and shall be subject to a fine not to exceed \$500 for each offense, imprisonment not to exceed 15 days, or both such fine and imprisonment. The town may also seek injunctive relief to prevent the continued violation of this chapter.

82-10. Fees

The Town Board shall by resolution set application fees for the permits authorized in this Chapter.

Section 3. EFFECTIVE DATE.

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