

AMENDMENT TO CHAPTER 82; “NOISE” ORDINANCE

Local Law ____ of the year 2020 amending Chapter 82 of the Code of the Town of Putnam Valley

Chapter 82 of the Code of the Town of Putnam Valley is hereby amended to state as follows:

“§ 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 intended to regulate the generation of unreasonable, unreasonably loud, disturbing or unnecessary noise.

§ 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.

WEEKEND/WEEKDAYS

For the 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.

ZONES or ZONED DISTRICT

Shall mean a zoning district defined and regulated under Chapter 165 of the Town Code.

§ 82-4 Prohibition.

No person shall make, cause or permit to be made noise within the geographical boundaries of the Town of Putnam Valley except to the extent authorized in Section 82-5 below .

§ 82-5 Noise Restrictions.

A. No person shall operate or permit to be operated within the Town of Putnam Valley, any device that produces a sound level exceeding the following limitations in this Article, The measurement of any sound or noise shall be made with a sound-level meter using an A-scale decibel level. The measurement shall be conducted at the property line of the lot on which such noise is generated or perceived, or if the noise is generated on a public street or other public space within the Town of Putnam Valley, the measurement shall be conducted at the place where such noise is perceived.

Residential zoned district limitations:

(a).

During the hours of 8:00 a.m. to 6:00 p.m., noise levels within any residentially zoned district shall not exceed Seventy (70) dB(A)'s. Notwithstanding the foregoing, however, in the normal maintenance of properties from 8 am to 8 pm yard maintenance equipment including but not limited to lawn mowers, weed whackers, snow blowers, chain saws and leaf blowers may be used for a reasonable and customary amount of time during which noise levels shall not exceed 110 dB measured at the adjoining property line.

(b).

During the hours of 6:00 p.m. to 8:00 a.m., noise levels within any residentially zoned district shall not exceed fifty-five (55) dB(A)'s.

Commercial zoned district limitations:

Noise levels within any commercial/retail-zoned districts shall not exceed Seventy (70) dB(A)'s and shall also conform in all respects to the performance standards set forth in Chapter 165, Zoning.

In addition to the noise restrictions set forth in subsection A above, the following restrictions shall also apply,

B.

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 8:00 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 five 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 in 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.

C.

The act 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.

D.

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

(1)

Hours of operation must be between 9:00 a.m. and 4:00 p.m. 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 10 days of operation.

E.

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 is prohibited.

§ 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.

82-11 Severability

If any **provision** of this statute is held illegal or unenforceable in a judicial proceeding, such **provision** shall be severed and shall be inoperative, and the remainder of this statute shall remain operative and binding on the Parties.”

**AMENDMENT TO CHAPTER
165-53; “TEMPORARY SIGNS”
ORDINANCE**

**Local Law __ of the year 2021 Amendment of Town Code 165-53 A (2),
A(3)
and adding a new subdivision A (5)**

Town Zoning Code Sections 165-53 A (2) and A(3) are hereby amended to state as follows:

“A (2) Such signs shall be installed no sooner than 45 days before the voting begins and shall be removed no later than 5 days after the voting is concluded.

A(3) Signs shall not exceed 16 Square Feet in area”

A new section A(5) is hereby added stating as follows:

“A violation of Town Zoning Code Section 165-53 A shall be punishable by a fine of \$100.00 per day for each day that a sign remains in place in violation of this Section. Such violation and fine shall be imposed and levied upon the committee to elect the candidate who’s name is placed upon the sign and the person who installed the sign.”

NEW CHAPTER 166; COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM

LOCAL LAW NO. __-2020

A LOCAL LAW TO ESTABLISH A
COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM
IN THE TOWN OF PUTNAM VALLEY

Be it enacted by TOWN BOARD of the TOWN OF PUTNAM VALLEY as follows:

The Code of the TOWN OF PUTNAM VALLEY is hereby amended by adding a new Chapter 166 entitled "COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM," to read as follows:

§1. Legislative Findings; Intent and Purpose; Authority.

- A. It is the policy of both the TOWN OF PUTNAM VALLEY ("Municipality") and the State of New York to reduce costs and provide cost certainty for the purpose of economic development, to promote deeper penetration of energy efficiency and renewable energy resources such as wind and solar, and wider deployment of distributed energy resources as well as to examine the retail energy markets and increase participation of and benefits for Eligible Consumers in those markets. Among the policies and models that may offer benefits in New York is Community Choice Aggregation ("CCA"), which allows local governments to determine the default supplier of electricity on behalf of Eligible Consumers.
- B. The purpose of CCA is to allow participating local governments to procure energy supply service for Eligible Consumers, who will have the opportunity to opt out of the procurement, while maintaining transmission and distribution service from the existing Distribution Utility. This Chapter establishes a program ("CCA Program") that will allow the Municipality and other local governments to work together through a shared purchasing model to put out for bid the total amount of electricity being purchased by Eligible Consumers within the jurisdictional boundaries of participating municipalities. Eligible consumers will have the opportunity to have more control to lower their overall energy costs, to spur clean energy innovation and investment, to improve customer choice and value, and to protect the environment; thereby, fulfilling the purposes of this Chapter and fulfilling an important public purpose.
- C. The Municipality is authorized to implement this CCA Program pursuant to Section 10(1)(ii)(a)(12) of the New York Municipal Home Rule Law; and State of New York Public Service Commission Case No. 14-M-0224, Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs (issued April 21, 2016) as may be amended, including subsequent orders of the Public Service Commission (PSC) issued in

connection with or related to Case No. 14-M-0224, to the extent that orders related to Case No. 14-M-0224 enable actions by the Municipality.

- D. This Chapter shall be known and may be cited as the COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM Law of the Municipality.

§2. Definitions.

For purposes of this Chapter, and unless otherwise expressly stated or unless the context otherwise requires, the terms in this Chapter shall have the meanings employed in the State of New York Public Service Commission's Uniform Business Practices or, if not so defined there, as indicated below:

- A. AGGREGATED DATA shall mean aggregated and anonymized information including the number of consumers by service class, the aggregated peak demand (kW) (for electricity) by month for the past 12 months, by service class to the extent possible, and the aggregated energy (kWh) for electricity by month for the past 12 months by service class.
- B. CCA ADMINISTRATOR shall mean the Town of Putnam Valley, or a third party CCA Administrator duly authorized to put out for bid the total amount of electricity being purchased by Participating Consumers. CCA Administrator is responsible for Program organization, administration, procurement, and communications, unless otherwise specified.
- C. CUSTOMER SPECIFIC DATA shall mean customer specific information, personal data and utility data for all consumers in the municipality eligible for opt-out treatment based on the terms of PSC CCA Order and the CCA program design including the customer of record's name, mailing address, telephone number, account number, and primary language, if available, and any customer-specific alternate billing name, address, and phone number.
- D. DATA SECURITY AGREEMENT shall mean an agreement between the Distribution Utility and the Municipality that obligates each party to meet, collectively, (i) all national, state and local laws, regulations or other government standards relating to the protection of information that identifies or can be used to identify an individual Eligible Consumer with respect to the CCA Administrator or its representative's processing of confidential utility information; (ii) the Distribution Utility's internal requirements and procedures relating to the protection of information that identifies or can be used to identify individual Eligible Consumer with respect to the CCA Administrator or its representative's processing of confidential utility information; and (iii) the PSC CCA Order and PSC rules, regulations and guidelines relating to confidential data.
- E. DEFAULT SERVICE shall mean supply service provided by the Distribution Utility to consumers who are not currently receiving service from an energy service company (ESCO). Eligible Consumers within the Municipality that receive Default Service, and have not opted out, will be enrolled in the Program as of the Effective Date.
- F. DISTRIBUTED ENERGY RESOURCES (DER) shall mean local renewable energy projects, shared renewables like community solar, energy efficiency, demand response, energy management, energy storage, microgrid projects and other innovative Reforming the Energy Vision (REV) initiatives that optimize system benefits, target and address load pockets/profile within the CCA's zone, and reduce cost of service for Participating Consumers.

- G. DISTRIBUTION UTILITY shall mean owner or controller of the means of distribution of the electricity that is regulated by the Public Service Commission.
- H. ELIGIBLE CONSUMERS shall mean eligible customers of electricity who receive Default Service from the Distribution Utility as of the Effective Date, or New Consumers that subsequently become eligible to participate in the Program, at one or more locations within the geographic boundaries of the Municipality, except those consumers who receive Default Service and have requested not to have their account information shared by the Distribution Utility. For the avoidance of doubt, all Eligible Consumers must reside or be otherwise located at one or more locations within the geographic boundaries of the Municipality, as such boundaries exist on the effective date of the ESA.
- I. ESCO or ENERGY SERVICES COMPANY mean an entity duly authorized to conduct business in the State of New York as an ESCO.
- J. NEW CONSUMERS shall mean consumers of electricity that become Eligible Consumers after the effective date of the ESA, including those that opt in or move into Municipality.
- K. PARTICIPATING CONSUMERS shall mean Eligible Consumers enrolled in the Program, either because they are consumers who receive Default Service from the Distribution Utility as of the Effective Date and have not opted out, or are New Consumers.
- L. PROGRAM ORGANIZER shall mean the group responsible for initiating and organizing the CCA. This group will typically secure buy-in from local governments and engage in preliminary outreach and education around CCA. The Program Organizer may be a non-profit organization, local government, or other third party. The Program Organizer and the CCA Administrator may be the same.
- M. PSC CCA ORDER shall mean the PSC's Order Authorizing Framework for Community Choice Aggregation Opt-Out Program, issued on April 21, 2016 in Case 14-M-0224, "Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs."
- N. PUBLIC SERVICE COMMISSION or PSC shall mean New York State Public Service Commission.
- O. SUPPLIERS shall mean ESCOs that procure electric power for Eligible Consumers in connection with this Chapter or, alternatively, generators of electricity or other entities who procure and resell electricity.

§3. Establishment of a Community Choice Aggregation (Energy) Program.

- A. A Community Choice Aggregation (Energy) Program is hereby established by the Municipality, whereby the Municipality shall be authorized, but not required, to implement a CCA Program to the full extent permitted by the PSC CCA Order, as set forth more fully herein.
- B. The Municipality may act as aggregator or broker for the sale of electric supply to Eligible Consumers and may enter into contracts with one or more Suppliers for energy supply and other services on behalf of Eligible Consumers.
- C. The Municipality may enter into agreements and contracts with other municipalities, non-profits, consultants, and/or other third parties to i) develop and implement the CCA

Program, ii) act as CCA Administrator, and/or iii) develop offers of opt-in distributed energy resources (DER) products and services to Participating Consumers, including opportunities to participate in local renewable energy projects, shared solar, energy efficiency, microgrids, storage, demand response, energy management, and other innovative Reforming the Energy Vision (REV) initiatives and objectives designed to optimize system benefits, target and address load pockets/profile within the CCA zone, and reduce costs for CCA customers.

- D. The operation and ownership of the utility service shall remain with the Distribution Utility. The Municipality's participation in a CCA Program constitutes neither the purchase of a public utility system, nor the furnishing of utility service. The Municipality shall not take over any part of the electric transmission or distribution system and will not furnish any type of utility service, but will instead negotiate with Suppliers on behalf of Participating Consumers.

§4. Eligibility.

- A. All consumers within the Municipality, including residential and non-residential, regardless of size, shall be eligible to participate in the CCA Program.
- B. All consumers that are members of New York State Electric and Gas SC-1 Residential Service and SC-6 General Service for electric service shall be enrolled on an opt-out basis except for consumers i) that are already taking service from an ESCO, ii) that have placed a freeze or block on their account, or iii) for whom inclusion in the CCA Program will interfere with a choice the customer has already made to take service pursuant to a special rate. Those consumers may be enrolled on an opt-in basis.
- C. New Consumers shall be enrolled on an opt-out basis.

§5. Opt-Out Process.

- A. An opt-out letter, printed on municipal letterhead, shall be mailed to Eligible Consumers at least 30 days prior to customer enrollment. The opt-out letter shall include information on the CCA Program and the contract signed with the selected ESCO including specific details on rates, services, contract term, cancellation fee, and methods for opting-out of the CCA Program. The letter shall explain that consumers that do not opt-out will be enrolled in ESCO service under the contract terms and that information on those consumers, including energy usage data and APP status, will be provided to the ESCO.
- B. All consumers shall have the option to opt-out of the CCA Program at any time without penalty.
- C. Termination fees shall not be charged to consumers that cancel their CCA service as a result of moving out of the premises served.

§6. Customer Service.

Participating Consumers shall be provided customer service including a toll-free telephone number available during normal business hours (9:00 A.M.- 5:00 P.M. Eastern Time, Monday through Friday) to resolve concerns, answer questions, and transact business with respect to the service

received from the Supplier.

§7. Data Protection Requirements.

- A. The Municipality may request Aggregated Data and Customer Specific Data from the Distribution Utility provided, however, that the request for Customer Specific Data is limited to only those Eligible Consumers who did not opt-out once the initial opt-out period has closed.
- B. Customer Specific Data shall be protected in a manner compliant with, collectively, (i) all national, state and local laws, regulations or other government standards relating to the protection of information that identifies or can be used to identify an individual that apply with respect to the Municipality or its representative's processing of confidential utility information; (ii) the utility's internal requirements and procedures relating to the protection of information that identifies or can be used to identify an individual that apply with respect to the Municipality or its representative's processing of confidential utility information; and (iii) the PSC CCA Order and PSC rules, regulations and guidelines relating to confidential data.
- C. The Municipality must enter into a Data Security Agreement with the Distribution Utility for the purpose of protecting customer data.

§8. CCA Advisory Group.

- A. A CCA Advisory Group is hereby established to develop and review CCA related proposals, act as the Municipality's agent in awarding said proposals, and forward information regarding such awards to the Town Board for ratification.
- B. Membership to the CCA Advisory Group shall include the members of the Town Board

§9. Administration Fee.

The Municipality may collect, or cause to be collected, funds from customer payments to pay for administrative costs associated with running the CCA program.

§10. Reporting.

- A. Annual reports shall be filed with the Town Board of the Municipality by March 31 of each year and cover the previous calendar year.
- B. Annual reports shall include, at a minimum: number of consumers served; number of consumers cancelling during the year; number of complaints received; commodity prices paid; value-added services provided during the year (e.g. installation of DER or other clean energy services); and administrative costs collected. The first report shall also include the number of consumers who opted-out in response to the initial opt-out letter or letters.
- C. If a CCA supply contract will expire less than one year following the filing of the annual report, the report must identify current plans for soliciting a new contract, negotiating an extension, or ending the CCA program.

§11. Effective Date.

This Local Law shall be effective immediately upon passage.

§12. Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.