

**I. DECLARATION OF POLICY.**

It is hereby declared to be the policy of the Town of Putnam Valley to prevent excessive, unnecessary or unusually loud noise. It is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of preserving, protecting and promoting the public health, comfort, convenience, safety and welfare and the peace and quiet of Putnam Valley and its inhabitants.

This chapter shall be liberally construed so as to effectuate the purposes described in this article. Nothing herein shall be construed to abridge the powers and responsibilities of the Police to engage in any proper or necessary activities.

**II. DEFINITIONS.**

**Impulsive Sound.**

Any sound or vibration of short duration that has an abrupt increase and abrupt decay.

**Motor Vehicle.**

A car, truck, recreational vehicle, motorcycle, off road vehicle, or snowmobile.

**Noise Disturbance**

Noise Disturbance means any excessive or unusually loud sound or any sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensibilities, or which causes injury to animal life or damage to property or business.

**Off-road Vehicle.**

Any motorized track or wheeled vehicle designed, or used, for ground travel over private or public natural terrain.

**Person**

Any individual, association, partnership, joint venture, or corporation, and includes any officer, employee, department, agency, or instrumentality of a state or any political subdivision of the state.

**Plainly Audible Sound.**

Any sound for which the information content is unambiguously communicated to the listener, such as, but not limited to, understandable speech, comprehension of whether a voice is raised or normal, repetitive bass sounds, or comprehension of musical rhythms, without the aid of any listening device.

**Public-Right-of -Way.**

Any street, avenue, boulevard, highway, sidewalk, alley, or similar place which is owned or controlled by a governmental entity.

**Public Property.**

Any real property, or structures thereon, which are owned or controlled by a government entity.

**Real Property Boundary.**

An imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intrabuilding real property divisions.

**Source.**

The physical location of the person, place, or thing from which the Sound creating a Noise Disturbance is generated.

**Residential Use Zone.**

Any of the following zoning districts within the Town of Putnam Valley: R- 1 , R-2, R-3, LP, CD, and PD.

**III. PROHIBITION.**

No person shall make, continue, or cause to be made or continued, any Noise Disturbance within the geographical boundaries of the Town of Putnam Valley by any of the Prohibited Acts set forth in Subdivision B of this paragraph.

**A. Standards.**

Standards to be considered in determining whether Noise Disturbance exists in a given situation, include the following:

- (1) The intensity of the noise.
- (2) Whether the nature of the noise is usual or unusual.
- (3) Whether the origin of the noise is natural or unnatural.

- (4) The intensity of the background noise.
- (5) The proximity of the noise to sleeping facilities.
- (6) The nature and the zoning district of the area within which the noise emanates.
- (7) The time of the day or night the noise occurs.
- (8) The duration of the noise.
- (9) Whether the sound source is temporary.
- (10) Whether the noise is continuous or intermittent.
- (11) Whether alternate methods are available to achieve the objectives of the sound producing activity.

## **B. SPECIFIC PROHIBITED ACTS**

A Noise Disturbance created by any of the following acts is hereby prohibited:

- (1) Radios, Television Sets, Musical Instruments, and Similar Devices.  
Operating, playing, or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device which produces, reproduces, or amplifies sound in such a manner that is plainly audible across a real property boundary, or plainly audible at a distance of 50 feet from the Source on a public right-of-way or on public property, that creates a Noise Disturbance, except for activities open to the public and for which a permit has been issued by appropriate authority.
- (2) Motor Vehicle Sound Systems.  
Operating or causing to be operated a vehicle sound system on a public right of-way or on public or private property in such a manner as to be plainly audible at 50 feet from such a device, in such a manner as to create a Noise Disturbance.
- (3) Explosives, Firearms, Impulsive Sources and Similar Devices.  
The firing of explosives, firearms, or any other impulsive source so as to create a Noise Disturbance across a real property boundary, or on public property, or in a public right-of-way.
  - (a) Licensed construction activities are exempt from this provision.
- (4) Domestic/Commercial Power Tools.  
Operating or cause to be operated, any mechanically powered saw, drill, sander, grinder, lawn or garden tool, snow blower, leaf blower, or similar device used outdoors in residential zones so as to cause a Noise Disturbance across a real property boundary or between the hours of 8:00 p.m. and 8:00 am. on weekdays or between the hours of 7:00 p m. and 9:00 am. on weekends.

(a) Activities associated with storm clean-up are exempt from this provision.

(5) Motor Vehicles.

- a. Operating or causing to be operated any motor vehicle that creates a Noise Disturbance across a real property boundary, or on a public right-of-way or on public property.

#### **IV. PERSONS LIABLE FOR VIOLATIONS.**

The person committing the offense, as well as the owner, tenant, or person in charge of the premises or device which is the source of a violation under the provisions of this chapter shall be deemed to have committed such violation.

#### **V. EXCEPTIONS.**

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

- (1) The emissions of sound for the purpose of alerting persons of an existing emergency.
- (2) Noise from municipally sponsored celebrations or events.
- (3) Noise from individually sponsored events where a permit for public assembly or other relevant permission has been obtained from the Town Clerk.
- (4) 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.**
- (5) Noise generated by the installation and maintenance of utilities or by any generator during a power outage.
- (6) Noise generated by a municipality during any emergency repair and maintenance, or any other repair or maintenance undertaken by the municipality.

#### **VI. ENFORCEMENT.**

The provisions of this chapter shall be enforced by the following:

- (1) A local policing agency (Putnam County Sheriff, or New York State Police), or code enforcement personnel of the Town of Putnam Valley or other officials designated by the Town Board of the Town of Putnam Valley.
- (2) The above referenced public officials shall have the authority to issue appearance tickets and to prosecute violations of this law.

**VII. 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.

In addition, the Town Board, the Code Enforcement Officer, and any private person with standing, may seek injunctive relief to prevent the continued violation of this chapter.