

Local Law Filing

(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 Town Village
(Select one.)

FILED
STATE RECORDS

of Adams

JUL 22 2022

DEPARTMENT OF STATE

Local Law No. 6 of the year 2022

A local law Amended for Amplified Sound which has its volume increased by electronic or other means
(Insert Title)

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Adams

as follows:

SEE ATTACHED

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

(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. 6 of 2022 of the (County)(City)(Town)(Village) of Village of Adams was duly passed by the Board of Trustees on July 18 2022, 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____.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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.

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.


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

Date: 7/19/22

(Seal)

Village of Adams
Local Law No. 6 of the year 2022

A Local Law to Amend Chapter 180 of the Code of the Village of Adams

Be it enacted by the Village Board of the Village of Adams that Chapter 180 of the Code shall read as follows:

Article 1. - Statement of Authority. The Board of Trustees of the Village of Adams, pursuant to the authority granted Article 4 of the Village Law and Sections 10 and 20 of the Municipal Home Rule Law hereby enact as follows:

Article 2 - Statement of Findings and Purpose. It is hereby declared to be the policy of the Adams Village Board of Trustees to prevent unreasonably loud and disturbing noise and to reduce noise levels within the Village so as to preserve, protect and promote the public health, safety and welfare and to foster convenience, peace and quiet within the village by the inhabitants and transients thereof. The Village Board of Trustees finds that every person is entitled to have maintained noise levels which are not detrimental to the life, health, and the enjoyment of property and the excessive and unreasonable noise within the Village of Adams affects and is detrimental to public health, safety, welfare, and the comfort of the people of the village.

Article 3 — Enactment. The Board of Trustees of the Village of Adams hereby enacts as follows:

Section 1. - Definitions

- A. **AMPLIFIED SOUND** - Sound which has its volume increased by electronic or other means.
- B. **COMMERCIAL SERVICE EQUIPMENT** - All engine-powered 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 rollers, commercial lawn mowers, leaf blowers, etc.
- C. **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.
- D. **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, properly calibrated and operated on the A-weighting network.
- E. **DECIBEL ("db")** - A logarithmic unit of measurement used in determining the intensity of sound.
- F. **EQUIVALENT A-WEIGHTED SOUND LEVEL ("LEQ")** - The constant sound level that, in a given situation and time period, conveys the same sound energy as the actual time-varying A-weighted sound.
- G. **HOMEOWNERS LIGHT RESIDENTIAL OUTDOOR EQUIPMENT** - All engine-powered or motor-powered garden or maintenance tools intended for the repetitive use in residential areas, typically capable of being used by a homeowner. Examples of homeowner's light residential equipment are lawn mowers, garden tools, riding tractors, snowblowers, snowplows, leaf blowers, etc.

- H. **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.
- I. **PROPERTY LINE** - A legal boundary 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 intra-building property divisions.
- J. **SOUND LEVEL METER** - An instrument for the measurement of sound pressure levels including microphone, amplifier, an output meter, and in most cases frequency weighting networks which comply with standards established by the American National Standards Institute (ANSI) specifications for sound-level meters. An instrument meeting the requirements of this code shall conform to the requirements of "Type 1" or "Type 2" as defined by appropriate ANSI standards.
- K. **UNREASONABLE NOISE** - Sound which:
1. Causes temporary or permanent hearing loss in persons exposed; or
 2. Is injurious, or tends to be, on the basis of current information injurious to the public health or welfare; or
 3. Disturbs a reasonable person of typical human sensitivities; or
 4. Exceeds the standards or restrictions established herein; or
 5. Interferes 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:
 - (a) Yelling or shouting that disturbs the quiet, comfort or repose of person(s) residing or occupying an adjacent or neighboring property.
 - (b) 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 a manner as to disturb the peace, quiet and comfort of the person(s) residing or occupying an adjacent or neighboring property, regardless of the location of the source of noise.
 - (c) The keeping of any animal or bird which, by causing frequent or long-continued noise, shall disturb the comfort and repose of any person in the vicinity.
 - (d) The use of any automobile, motorcycle, trailbike, minibike, snowmobile, bus or vehicle so loaded or in such a manner as to create loud and unreasonable grating, grinding, rattling, or other noise.
 - (e) The discharge into the air of the exhaust of any steam engine, stationary internal-combustion engine, or motor vehicle engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
 - (f) The erection, including the excavation, demolition, alteration, or repair, of any building OTHER THAN between the hours of 7:00 a.m. and 9:00 p.m., except in the case of urgent necessity in the interest of public safety as determined by the Code Enforcement Officer or other applicable laws in the Code of the Village of Adams.
 - (g) The creation of any excessive noise on any street adjacent to the Town of Adams Court (while same is in session) provided that conspicuous signs are displayed in such street indicating that such is a court street.

- (h) The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle, or the opening and destruction of bales, boxes, crates, and containers in such a manner as to create unreasonable noise of an unreasonable extent and duration.
- (i) The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.
- (j) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any sale or display of merchandise by the creation of noise.
- (k) The sounding of any horn or signal device in any vehicle, motorcycle, bus or other device except as a warning signal, pursuant to the provisions of 1 of SS. 375 of the Vehicle and Traffic Law of the State of New York.

Section 2. - Prohibited Acts

- A. No person owning, leasing, or controlling the operation of any source of noise on any lot, structure, or any other location within the Village of Adams shall permit the establishment of a condition of unreasonable noise. Except as provided in Section 4 of this Local Law, the use of amplifiers, speakers or other machines or devices capable of reproducing sound from the premises dwelling, building or location within the village shall be considered unreasonable noise and shall be prohibited at all times.
- B. Sound devices. It shall be unlawful for any person to use or operate, or cause to be used or operated, any sound device or apparatus in, on, near, or adjacent to any public street, park or place, for commercial or business advertising purposes or for any person to operate or drive any automobile, truck, or other vehicle for commercial or business advertising by means of any sound device or apparatus. The use of any trade, business, or corporate name or the name of any person, proprietor or vendor in such commercial or business advertising shall be presumptive evidence that such advertising was conducted by that person, business or corporation.

Section 3. – Standards

- A. No person shall create or cause to be emitted any unreasonable noise, which when measured on a sound level meter from the property line of the source property owner exceeds the following equivalent A-weight sound level (Leq) standards.
 1. From 07:00 a.m. to 09:00 p.m., sound in excess of 75dBA; and
 2. From 09:00 p.m. to 7:00 a.m., (Sunday through Thursday) sound in excess of 65dBA.
 3. From 11:00 p.m. to 7:00 a.m., (Friday and Saturday) sounds in excess of 65dBA.
- B. Impulse noise or noise startling in nature may not exceed the above applicable dBA noise limits by more than 10 dBA for more than four occurrences in a 30-minute period.
- C. Measurements shall be taken at a point on the property line of the source property owner. The microphone shall be placed no closer than five feet from any wall and shall be mounted on a tripod at a height of five feet above the ground. The sound level meter shall be calibrated before and after each set of measurements and set to "slow" response during measurements. When measurements are taken outdoors, a wind screen shall be placed over the microphone of the sound level meter in accordance with the meter manufacturer's instructions.

Section 4. - Exclusions

- A. The intermittent or occasional use between 07:00 a.m. through 09:00 p.m. of homeowners' light residential outdoor equipment with mufflers or commercial service equipment, provided that such activities and such equipment and their use comply with the other provisions hereof.

- B. Construction activities between 07:00 a.m. through 09:00 p.m. and the associated use of construction devices or the noise produced thereby, provided that such activities and such equipment and their use comply with the provisions hereof.
- C. Noise from church bells or chimes used for religious purposes.
- D. Noise from snowblowers, snow throwers and snowplows when operated with a muffler for the purpose of snow removal.
- E. Nonamplified noise generated from lawful athletic or recreational activities, events or facilities.
- F. Nonamplified noise from organized activities sponsored by the Village of Adams, the Village of Adams fire department, or any activity authorized by the Village of Adams Board of Trustees.
- G. Noise from municipally sponsored celebrations or events.
- H. Where a waiver is granted by the Village of Adams Board of Trustees pursuant to Section 5 of this Local Law.
- I. Noncommercial public speaking or public assembly activities conducted on any public space or public right-of-way.
- J. Emergency construction or repair work.
- K. Noise from the activities of any fire department, ambulance squad or similar emergency or rescue organization in carrying out their official duties.
- L. Noncommercial amplified sound that does not exceed the noise standard established in Section 5 below of this local law or is not an unreasonable noise as defined in Section 1-K of this local law.
- M. Emergency stationary and mobile signal devices.
- N. Audible exterior burglar alarms for 15 minutes or less.
- O. Between the hours of 07:00 a.m. and 09:00 p.m., sounds created in the exercise of any trade, industry, business or employment, provided that it is not conducted in such a manner as to create any unreasonable noise of an unreasonable extent or duration.

Section 5. – Waiver of Requirements by the Village of Adams Board of Trustees

- A. **Authorization for Permit** - Where the enforcement of this Local Law would create an unnecessary hardship, the Village of Adams Board of Trustees, in their discretion, may grant a waiver from the requirements of this Local Law. Such waivers shall be granted by the Board of Trustees only in those circumstances where the proposed waiver is the minimal intrusion needed and where on balance the need for the benefits of the waiver outweigh the needs and rights of the surrounding neighbors to a peaceable and quiet environment.
- B. **Waiver Procedure Fee**
 - 1. An application for such a waiver shall be filed with the Village of Adams Board of Trustees no less than 45 days before the anticipated need and shall provide the following information:
 - (a) The name of the applicant.
 - (b) The adult person responsible for compliance with the waiver, if different from the applicant, which adult person shall also sign the application and agree to be responsible. for the compliance with the waiver terms and any conditions attached to the waiver.
 - (c) The reason for the usage.

- (d) Plans and specifications of the use.
 - (e) Noise abatement and control methods to be used.
 - (f) Time schedule.
 - (g) A reasonable and accurate estimate of the type and levels of noise to be associated with the activity, use or event for which the waiver is needed.
 - (h) Demonstration why the applicant cannot conform to this Local Law.
 - (i) Such other information as the Board of Trustees may reasonably require to adequately consider the waiver request.
 - (j) For a waiver to be granted to the provisions of this Local Law, proof must be provided to the Board of Trustees that notification for the waiver has been given to each person reasonably expected to be affected by the noise. **The notification shall state that any person objecting to the granting of such waiver may contact the Village Mayor or the Village Clerk to express his/her opposition to the granting of the waiver.
2. The Village Board of Trustees may in their sole discretion waive the application filing requirement of 45 days upon good cause shown or for other unique, special or extenuating circumstances.
 3. At the time of the filing of the waiver application or applications, the applicant shall pay the Village of Adams a nonrefundable fee as set forth from time to time by Village Board of Trustees resolution.
 4. The issuance of waivers shall be discretionary. The Village Board of Trustees may impose any conditions deemed necessary to minimize the intrusion of sound that might occur by the exercise of the privileges granted by the waiver. Any waiver issued shall state that the waiver only applies to this Local Law, and that ss. 240.20, subdivision 2 of the Penal Law of the State of New York (Disorderly Conduct) provides that "A person is guilty of disorderly conduct when, with the intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he makes unreasonable noise." If a waiver is issued, a copy of the waiver stipulating any and all conditions imposed by the Village Board of Trustees shall be furnished to the Jefferson County Sheriff's Office and the Village of Adams Police Department simultaneously upon the issuance of the waiver to the applicant.

Section 6. - Enforcement – The provisions of this Local Law shall be administered and enforced by the Village of Adams Police Department, the Jefferson County Sheriff's Office, the New York State Police, the Village of Adams Code Enforcement Officer, and/or the Village of Adams Legal Counsel.

Section 7. – Penalties for Offenses

- A. Any person who violates any provision of this Local Law shall be guilty of a violation punishable by a fine not exceeding \$500.00; and upon a subsequent offense, punishable by a fine not exceeding \$2,500.00. If the violation is of a continuing nature, each one-hour period violation of any provision of this Local Law shall constitute an additional, separate, and distinct offense.
- B. In addition to any other remedy provided by law, the Village of Adams may bring an injunction proceeding to enforce the chapter.

Section 8. Miscellaneous Provisions

Article 4 - Severability. If any clause, sentence, paragraph, section or article of this law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the controversy in which such judgment shall have been rendered.

Article 5 — Effective Date. This Local Law shall take effect upon filing with the Department of State as required by the provisions of the Municipal Home Rule Law.