

**TOWN OF COPAKE**

**LOCAL LAW NO. 6 OF THE YEAR 2023**

**A LOCAL LAW TO AMEND CHAPTER 160 OF THE TOWN CODE OF THE TOWN OF COPAKE, ENTITLED “NOISE”, AND TO DESIGNATE AN ENFORCEMENT OFFICIAL**

**SECTION 1**

This local law shall be referred to as “A Local Law to Amend Chapter 160 of the Town Code of the Town of Copake, Entitled “Noise”, and to Designate an Enforcement Official”.

**SECTION 2**

A. Chapter 6 of the Town Code of the Town of Copake, entitled “Appearance Tickets”, is hereby amended to add a new Paragraph E to Section 6-1 thereof, to read in its entirety as follows:

E. Violations of Chapter 160, Noise.

B. Chapter 160 of the Town Code of the Town of Copake, entitled “Noise”, is hereby amended to read in its entirety as follows:

**CHAPTER 160. Noise**

**§ 160-1. Title.**

This chapter shall be known as the Town of Copake Noise Regulation Law.

**§ 160-2. Declaration of policy.**

It is hereby declared to be the policy of the Town of Copake to prevent excessive, unnecessary or unusually loud noise. It is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuit of and for the purpose of

preserving, protecting and promoting the public health, comfort, convenience, safety and welfare and the peace and quiet of the Town of Copake and its inhabitants.

This chapter shall be liberally construed so as to effectuate the purposes described in this article.

**§ 160-3. Definitions.**

As used in this chapter, the following words shall have the meanings indicated:

**DAY**

A calendar day, as defined in N.Y. General Construction Law § 19.

**DEVICE**

Any mechanism which is intended to or which actually produces sound when operated or handled.

**PERSON**

Any individual, partnership, company, corporation, association, firm, organization, or any other group of individuals, or any person or employee thereof.

**REAL PROPERTY BOUNDARY**

The line along the ground surface that separates real property owned by one person from that owned by another person, and the vertical extension of such line.

**UNNECESSARY NOISE**

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. Standards to be considered in determining whether unnecessary noise exists in a

given situation, include but are not limited to 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; and
- (11) Whether alternate methods are available to achieve the objectives of the sound producing activity.

**§ 160-4. General prohibition.**

No person shall make, continue or cause or permit to be made any unnecessary noise. Acts in violation of sections 160-5 through 160-8 are declared to be prima facie evidence of a violation of this article and

are prohibited, but said enumeration shall not be deemed to be exclusive.

**§ 160-5. Exhausts.**

No person shall operate or permit to be operated any device that discharges into the open air the exhaust of any device, including but not limited to any steam engine, diesel engine, internal combustion engine, turbine engine, motor boat or motor vehicle, that causes loud, unusual, or explosive noises, except through a muffler or other device which will effectively prevent such loud, unusual, or explosive noises.

**§ 160-6. Horns and Signaling Devices**

No person shall sound any horn or other signaling device on any automobile, motorcycle, or other vehicle, except as a danger warning, nor create by means of any such horn or signaling device any unreasonably loud or harsh sound, nor sound any such horn or other signaling device for an unnecessary and unreasonable period of time.

**§ 160-7. Sound Production, Reproduction or Amplification.**

No person shall operate, play or permit the operation or playing of any radio, television, phonograph, computer, speaker, personal music or video device, drum, musical instrument, sound amplifier or similar machine or device which produces, reproduces or amplifies sound, regardless of whether such machine or device is within a building, structure, vehicle, or otherwise:

- A. In such a manner as to create unnecessary noise that is audible across any real property boundary between the hours of 10:00 p.m. and 8:00 a.m.
- B. In such a manner as to create unnecessary noise that is plainly audible at a distance of fifty (50) feet from such machine or device or across the nearest real property boundary, whichever distance is greater, between the hours of 8:00 a.m. and 10:00 p.m.
- C. In such a manner as to create unnecessary noise that at any time enters any apartment or dwelling unit that is separate and distinct from the real property, the apartment, or the dwelling unit on or in which such person operates, plays or permits the operation or playing of such machine or device, regardless of whether any windows are open.

**§ 160-8. Shouting, Yelling, Etc.**

No person shall yell, shout, hoot, whistle, or sing on the public streets or in public places between the hours of 10:00 p.m. and 8:00 a.m., nor at any time or in any place in such a manner and for such a period of time as to be unreasonable under the circumstances.

**§ 160-9. Powers of the Code Enforcement Officer.**

In addition to the enforcement of this chapter by police officers authorized under the Criminal Procedure Law, the Code Enforcement Officer shall have the power to:

- A. Order any person to cease and desist from any activity which causes or is conducted so as to cause a violation of any provision of this chapter.
- B. Issue and serve appearance tickets when reasonable cause exists to believe that a person has violated any provision of this chapter.

**§ 160-10. Penalties.**

Any person found violating the provisions of this chapter shall upon conviction thereof, be punished as follows:

- A. Any person committing a violation of any provision of this chapter shall be guilty of an offense punishable by a fine not to exceed five hundred dollars (\$500.00) in amount, or imprisonment not to exceed fifteen (15) days, or both such fine and imprisonment, for a first offense; by a fine not less than seven hundred fifty dollars (\$750.00) in amount, or imprisonment not to exceed fifteen (15) days, or both such fine and imprisonment, for a second offense committed within a period of one year; and by a fine not less than one thousand (\$1,000.00) in an amount, or imprisonment not to exceed fifteen (15) days, or both such fine and imprisonment, for a third or subsequent offense committed within a period of eighteen (18) months.
- B. Violations, regardless of the number, on any one day, shall be considered as one violation for that day, until a cease and desist order is issued for such violation(s). Following the issuance of such a cease and desist order on any day, each violation occurring thereafter on the same day shall be considered a separate additional violation. Any violations that span more than

one day shall constitute a separate and additional violation for each such day, regardless of whether a cease and desist order is issued.

**§ 160-11. Exemption for Governmental Activities.**

The provisions of this chapter shall not be applicable to activities of the departments, boards, committees, or officials of the Town of Copake while acting in the course of their governmental responsibilities.

**SECTION 3**

If any word, phrase, sentence, part, section, subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this Law, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

**SECTION 4**

This Local Law is enacted pursuant to the New York Municipal Home Rule Law.

**SECTION 5**

This Law shall become effective upon filing with the New York Secretary of State.