

Local Law Filing

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(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)

of Floral Park

Local Law No. 3 of the year 2023

A Local Law adding Section 55-2.1 to the Code of the Incorporated Village of Floral Park entitled "Enumeration of Prohibited Noises."

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

County City Town Village
(Select One:)

of Floral Park as follows:

Section 1. Legislative Intent

This Local Law adds Section 55-2.1 to the Code of the Incorporated Village of Floral Park entitled: "Enumeration of Prohibited Noises." This Section lists eight (8) new categories of activities that are not allowed within the Village which generate unreasonable sounds or noises.

Section 2. Section 55-2.1 as Adopted

It shall be unlawful for any person to:

A. Operate or use any audio device or other musical instrument in such 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, except that:

- (1) A permit may be obtained to play music outdoors in the Business Districts. The permit shall allow music to be played outdoors from 10:00 a.m. until 11:00 p.m. on Thursday, Friday and Saturday, and on Sunday, music shall be permitted but shall be limited to acoustic, not amplified or reproduced music from 10:00 a.m. until 6:00 p.m. A permit application to play outdoor music shall be made to the Board of Trustees. In addition to the time limitations, the Board of Trustees may establish additional permit conditions and requirements. In the event that the conditions and requirements of the permit or of this section or the Village code are

violated, the permit shall be immediately revoked. In the event of the revocation of the permit, any application to reinstate the permit or to issue a new permit shall be made to the Board of Trustees.

- (2) Businesses are permitted to play amplified or live music indoors from 10:00 a.m. until 11:00 p.m. on Thursday, Friday and Saturday, and 10:00 a.m. to 9:00 p.m. Sunday, Monday, Tuesday and Wednesday, unless otherwise approved by the Board of Trustees.
 - (3) Residents in any Residential Zoning District may play music outdoors, for noncommercial purposes, on Friday and Saturday from 10:00 a.m. until 11:00 p.m., and on Sunday from 10:00 a.m. until 8:00 p.m.
 - (4) The Board of Trustees, by resolution, shall have power to require additional conditions upon its review of a revoked permit and the Board of Trustees shall have the power to modify the requirements of this section following a written request for same and good cause shown.
 - (5) Music played in accordance with this section shall not exceed the maximum sound levels as indicated in section §55-4.
- B. Keep any animal or bird which by causing frequent or long-continued noise shall disturb the comfort and repose of any person in the vicinity.
 - C. Operate or use any automobile, motorcycle or other vehicle so out of repair, so equipped or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
 - D. Cause to be discharged into the open air the exhaust of any steam engine, stationary internal-combustion engine, motorcycle or motor vehicle engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
 - E. Create any excessive noise on any street adjacent to any school when the same is in session, or adjacent to any hospital or nursing homes, which unreasonably disturbs or annoys the pupils, teachers, administrative personnel, patients or occupants thereof, provided conspicuous signs are displayed in the streets upon which such school, hospital or nursing home is located, indicating the presence of such school, hospital or nursing home.
 - F. Load or unload any vehicle in such manner as to create loud and excessive noise.
 - G. Use any drum, loudspeakers or other instrument or device for the purpose of attracting attention to any sale or display of merchandise or advertising any commercial product by the creation of noise.
 - H. Use or operate or cause to be used or operated any sound device on or near or adjacent to any public street or place, or in front of or outside of any building, place or premises, or in or through any window, doorway or opening of any building or premises abutting on or adjacent to any public street or place, or to or upon any vehicle operated, standing or being in or upon any public street, park or place, where the sound therefrom may be heard upon any public street or place and which sound is used for commercial, business or advertising purposes.

Section 3. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 4. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

(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. 3 of 2023 of the (County)(City)(Town)(Village) of Floral Park, was duly passed by the Board of Trustees on November 21, 2023, in accordance with the applicable provisions of law.

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 2023 of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____ 2023, and was (approved)(not approved)

(Name of Legislative Body) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) and was deemed duly adopted on _____ 2023, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. ___ of 2023 of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____ 2023, and was (approved) (not approved)

(Name of Legislative Body) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 2023.

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 _____ 2023, 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 2023 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 2023, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 2023.

Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 2023, in accordance with the applicable provisions of law.

* 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.)

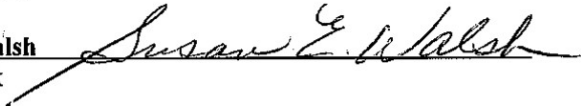
I hereby certify that the local law annexed hereto, designated as local law No. ___ of 2023 of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 2023, 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 2023 of the County of _____ State of New York, having been submitted to the electors as the General Election of November ___ 2023, 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.

Susan E. Walsh 
Village Clerk

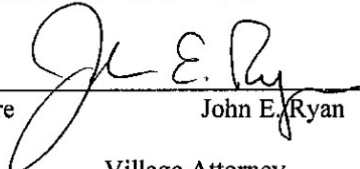
Date: November 21, 2023

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF NASSAU

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


Signature John E. Ryan
Village Attorney

Title _____

County _____
City _____
Town of Floral Park
Village _____

Date: November 21, 2023