

STATE OF NEW YORK  
**DEPARTMENT OF STATE**

ONE COMMERCE PLAZA  
99 WASHINGTON AVENUE  
ALBANY, NY 12231-0001  
HTTPS://DOS.NY.GOV

KATHY HOCHUL  
GOVERNOR

ROBERT J. RODRIGUEZ  
SECRETARY OF STATE

January 3, 2024

Megan Nolin  
City of Glens Falls  
42 Ridge Street  
Glens Falls, NY 12801



**RE: City of Glens Falls, Local Law 4 2023, filed on 12/28/2023**

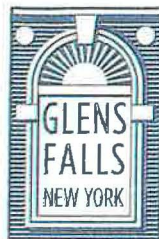
Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, [www.dos.ny.gov](http://www.dos.ny.gov).

Sincerely,  
State Records and Law Bureau  
(518) 473-2492



**Department  
of State**



December 20, 2023

NYS Department of State  
Division of Corporations, State Records, and Uniform Commercial Code  
One Commerce Plaza, 99 Washington Avenue  
Albany, New York 12231-0001

**RE: Local Law No. 4-2023**

To Whom It May Concern:

Enclosed please find (1) original copy of Local Law No. 4-2023, A Local Law to Amend Chapter 45 Noise Control of the City of Glens Falls to revise certain sections of Chapter 45 Noise Control.

Sincerely,

A handwritten signature in black ink that reads "Megan Nolin".

Megan Nolin  
City Clerk  
City of Glens Falls  
42 Ridge Street  
Glens Falls, NY 12801

Encl.

# 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.)*

of Glens Falls

Local Law No. 4 of the year 2023

A local law to ammend Chapter 45 Noise Control, of the City of Glens Falls.  
*(Insert Title)*

Be it enacted by the Common Council of the  
*(Name of Legislative Body)*

County  City  Town  Village  
*(Select one.)*

of Glens Falls as follows:

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

At a regular City of Glens Falls Common Council meeting held on Tuesday, November 28<sup>th</sup>, 2023, 7:30pm at City Hall, 42 Ridge Street, Glens Falls, New York 12801, the following resolution was passed:

**RESOLUTION NO. 433**

On the motion of Councilman-At-Large Clark, seconded by Councilman Landry, all voting affirmatively, it was

**RESOLVED THAT**, The Common Council hereby approves the **adoption** of **Local Law 4-2023**, a Local Law to amend City Code Chapter 45 Noise Control with the amendments to be added to the Code of the City of Glens Falls and authorizes the Clerk of the City of Glens Falls to take all actions necessary to publish notice of the Local Law.

**AYES:** Councilman-At-Large Clark, Councilman Donohue, Councilwoman Palmer, Councilman Lapham Councilman Landry, and Councilwoman Gooden.

**NAYS:** None.

**ABSTAIN:** None.

**ABSENT:** None.

Said resolution hereby declared as **ADOPTED**.

CITY OF GLENS FALLS

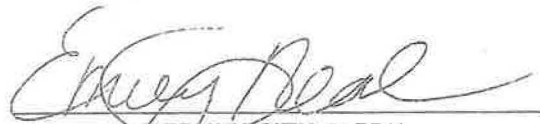
STATE OF NEW YORK            ss:

COUNTY OF WARREN

I, Emily Neal, **Deputy City Clerk** of the City of Glens Falls and Clerk to the **COMMON COUNCIL** of said City, do hereby certify that the Resolution and Order, of which the foregoing is a copy, was duly adopted by the **COMMON COUNCIL** of the City of Glens Falls, at a meeting of said **COMMON COUNCIL** held on the **28<sup>th</sup> day of November, 2023** and that I have compared the preceding resolution with the original resolution duly adopted by the said **COMMON COUNCIL** and contained in the minutes of said meeting of said **COMMON COUNCIL** now on file in my office, and that the same is a correct transcript therefrom and of the whole of said original.

IN WITNESS WHEREOF, I HAVE HEREUNTO  
subscribed my name and affixed the seal  
of said City,

this 29<sup>th</sup> day of November 2023

  
DEPUTY CITY CLERK

**LOCAL LAW NO. 4-2023**

**BE IT ENACTED BY THE COMMON COUNCIL OF THE CITY OF GLENS FALLS  
AS FOLLOWS:**

A LOCAL LAW TO AMEND CHAPTER 45 NOISE CONTROL, OF THE CITY OF  
GLENS FALLS.

Section 1. Purpose.

Because City Code Chapter 45 Noise Control 220, Zoning, is designed to control excessive, unnecessary, unreasonable or unusually loud noise generated by refuse compacting vehicles and/or vehicles and/or individuals and the purpose of this chapter is intended to preserve, protect and promote the public health, safety, welfare, peace and repose of the people of the City of Glens Falls. The Common Council recognizes that certain adjustments to its laws must be made from time to time.

The Common Council finds that it is in the best interest of the City of Glens Falls to make changes in the Chapter 45 Noise Control, based upon the recommendations of the Building and Codes Committee.

Section 2: Amendments to Chapter 45 Noise Control.

See attached.

Section 3: Effective Date

This Local Law shall take effect upon filing in the Office of the Secretary of State of the State of New York, as provided in the Municipal Home Rule Law.

# Chapter 45

## Noise Control

[HISTORY: Adopted by the Common Council of the City of Glens Falls 8-9-2001 by L.L. No. 1-2001. Amendments noted where applicable.]

### § 45-1 Title.

This chapter is entitled "City of Glens Falls Noise Control Law."

### § 45-2 Policy; intent; statutory authority.

- A. The City of Glens Falls is a geographically small community located in Warren County, New York, between the Town of Queensbury to the north and the Village of South Glens Falls to the south. The city contains a large business and commercial area, including residential uses.
- B. The Common Council of the City of Glens Falls recognizes the need to reasonably regulate noise generated within the City of Glens Falls, but to do so in a manner that balances the legitimate interests of various segments of the community, including private residential uses as well as a variety of business and commercial uses.
- C. It is hereby declared to be the policy of the City of Glens Falls to control excessive, unnecessary, unreasonable or unusually loud noise generated by refuse compacting vehicles and/or vehicles. This chapter is intended to preserve, protect and promote the public health, safety, welfare, peace and repose of the people of the City of Glens Falls. It is the policy of the City of Glens Falls that automobile traffic and solid waste collection within the city may not be conducted in a manner that detrimentally affects the reasonable use and enjoyment of the residents of the City of Glens Falls and that excessive, unnecessary, unreasonable or unusually loud noise resulting from such operation has a detrimental effect, especially between the hours of 10:00 p.m. and 7:00 a.m.

### § 45-3 Definitions.

For the purposes of this chapter, the terms used herein are defined as follows:

#### ACTIVITY

Any act or combination of acts which causes the production of sound.

#### AMBIENT SOUND LEVEL

All sound sources in the area.

#### ANSI

American National Standards Institute or its successor bodies.

#### AUDIO DEVICE

A machine capable of playing, reproducing and/or amplifying speech, including but not limited to a radio, tape player or compact disc player.

#### A-WEIGHTED SOUND LEVEL

The frequency-weighted sound pressure level (in decibels) measured on a sound-level meter with an A-weighted scale as specified in the American National Standards Institute (ANSI) specifications for solid-level meters (ANSI No. 4-1971).

#### dB(A)

The abbreviation for A-weighted sound level in decibels.

#### **DECIBEL**

A unit for measuring the volume of sound equal to 20 times the logarithm to the base of 10 of the ratio of the pressure of the sound measured to the reference pressure which is 20 micropascals (20 micronewtons per square meter).

#### **LEVEL**

The logarithm of the ratio of a quantity to a reference of the same kind. The base of the logarithm is 10.

#### **PERSON**

Any individual, partnership, company, public or private corporation, association, firm, organization, political subdivision, governmental agency, administration or department, municipality, trust, estate, group of individuals or any other legal entity.

#### **REAL PROPERTY BOUNDARY**

Any imaginary line exterior to any structure, along the ground surface, which separates the real property owned by one person from that owned by another person, and the vertical extension of such line.

#### **REFUSE-COMPACTING VEHICLE**

Any vehicle which is either designed to be used or is used to compact and/or transfer refuse, garbage or trash.

#### **SENSITIVE RECEPTOR**

Any occupied property or, if a condominium, apartment house, duplex or attached business, within any adjoining unit; or place of business which is affected adversely by noise.

#### **SOUND LEVEL**

The quantity in decibels measured by a sound-level meter satisfying the requirements of American National Specification for Sound-Level Meters S1.4 -- 1971. This publication is available from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018. Sound level is the frequency-weighted sound-pressure level obtained with the standardized dynamic characteristic fast or slow and weighting A, B and C; unless indicated otherwise, the A-weighting with a slow response is understood.

#### **SOUND-LEVEL METER**

An instrument, including a microphone, an amplifier, an output meter and frequent-weighting network for the measurement of sound levels. Sound-level meters shall conform to the requirements of ANSI specifications for sound-level meters S1.4-1971, Types 1, 2, S1 or S2a.

#### **SOUND-PRESSURE LEVEL**

Twenty times the logarithm to the base 10 of the ratio of the root mean squared pressure of a sound to a reference pressure of 20 micropascals. The unit applied to this measure shall be the decibel (dB).

#### **VEHICLE**

The term "vehicle" shall have that meaning ascribed to such term in § 159 of the Vehicle and Traffic Law, as the same may be modified and amended, or replaced, provided, however that "vehicle" shall not include any authorized emergency vehicle or any vehicle owned or controlled by the City of Glens Falls and operated for the benefit of the city; such vehicle owned by the City of Glens Falls includes, but is not limited to, any vehicle engaged in snow removal.

#### **§ 45-4 General application.**

Any act in violation of any of the provisions of this local law is deemed to be in violation of this chapter.



**§ 45-5 Effect on statutes and other laws.**

Nothing in this chapter shall restrict any right which any person may have under any statute, including but not limited to Environmental Conservation Law, Vehicle and Traffic Law, Labor Law and the Industrial Code, or common law, to seek enforcement of any noise-control requirement or to seek any other relief.

**§ 45-6 Severability.**

If any provisions of this chapter are held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provisions.

**§ 45-7 Evidence of violation.**

It shall be prima facie evidence that an activity is in violation of this chapter when a sound-level meter determines that the decibel level of a particular activity is in excess of the standards hereinafter set forth. All measurements will be made on the A-2 weighted sound level of a Type 0, 1 or 2 sound-level meter with a slow response.

**§ 45-8 Prohibited noise.**

The following noise shall be prohibited:

**A. Refuse compacting:**

i. **Commercial:** the operation of a refuse-compacting vehicle in the process of compacting or collecting refuse contained in a dumpster or similar receptacle between the hours of 10:00 p.m. and 6:00 a.m. ; or

ii. **Residential:** the operation of a refuse-compacting vehicle in the process of compacting or collecting refuse contained in individual garbage cans between the hours of 10:00 p.m. and 7:00 a.m.

B. **Between the hours of 10:00 p.m. to 7:00 a.m.:** Noise should **be** below 75 Db as measured from property boundary or public right of way, **excluding:** sirens, alarms and emergency repair work or other matters related to public safety or events otherwise permitted by the Common Council.

C. **Between the hours of 7:00 am to 10:00 p.m.:** Public disturbance noises such as loud, raucous, frequent, repetitive, or continuous clearly heard by someone at a distance of 75 feet or more or heard clearly inside an adjacent building in excess of 4 hours over any 24 hour period, **excluding noise associated with routine property maintenance or permitted construction.**

**§ 45-9 Vehicles.**

A. No person shall operate, play or permit the operation or playing of any radio, stereo, sound amplifier, audio device or similar device from any parked vehicle or vehicle which remains stationary for at least five minutes, at sound levels which may be heard at a distance of 150 feet away from the vehicle.

B. No person may operate, play or permit the operation or playing of any radio, stereo, sound amplifier, audio device or similar device from a stationary vehicle.

**§ 45-10 Motor vehicles.**

A. No person may operate an audio device from any parked motor vehicle or motor vehicle which remains stationary for at least five minutes at sound levels which may be heard at a distance of 150 feet away from the motor vehicle.

B. No person may operate, play or permit the operation or playing of any radio, stereo, sound amplifier audio device or similar device from a stationary vehicle or from a moving vehicle which produces,

reproduces or amplifies sound in a manner which rises the ambient sound level within the nearest sensitive receptor (measured at the nearest real property boundary line from the street in cases of a moving vehicle or stationary vehicle located on a street or measured at the nearest real property boundary line adjacent to the parcel of real property on which any parked vehicle is located) to a level which exceeds:

- (1) Fifty dB(A) between the hours of 10:00 p.m. and 8:00 a.m.
  - (2) Fifty-five dB(A) between the hours of 8:00 a.m. and 10:00 p.m.
- C. For purposes of Subsection B, the ambient sound level for a moving vehicle may be determined, but shall not be required to be determined, by causing the vehicle to remain stationary and without adjusting any radio, stereo, sound amplifier or similar device measuring the ambient sound level produced from the stationary vehicle.

#### §45-11 Exclusions.

This Chapter shall not apply to the operation or use of any organ, radio, bell, chime or other instrument, apparatus or device by any church, synagogue, school or government officer or employer in the course of official duty or to property functional emergency and safety alarms sounding off for the protection of public health, safety and welfare; nor for any events that have been explicitly approved by the Common Council.

#### § 45-12+ Penalties for offenses.

Any person found guilty of violating any of the provisions of this chapter shall be guilty of a violation and, upon conviction, shall be punishable by a fine of \$250 for the first violation and \$500 for each violation thereafter or by imprisonment for not more than one month, or both. Each occurrence in contravention of the provisions of this chapter constitutes a separate violation.

#### § 45-132 When effective.

This chapter shall take effect upon filing in the office of the Secretary of State of the State of New York, as provided in § 27 of the Municipal Home Rule Law.

#### §45-14 Enforcement.

A. It shall be the duty of the Glens Falls Police Department to enforce the provisions of this chapter.

B. If a violation of this chapter shall occur in the presence of a Glens Falls police officer, who shall issue an appearance ticket, as set forth in §150.10 to §150.75 of the New York State Criminal Procedure Law, based upon witnessing the incident or upon a written statement by the complainant.

**(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. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, 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. 4 of 20<sup>23</sup> of the ~~(County)(City)(Town)(Village)~~ of Glens Falls was duly passed by the Common Council on November 28 20<sup>23</sup>, and was (approved)(~~not approved~~) ~~(repassed after disapproval)~~ by the Mayor and was deemed duly adopted on November 28 20<sup>23</sup>, 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 Glens Falls was duly passed by the Common Council on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) ~~(repassed after disapproval)~~ by the Mayor 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.)**

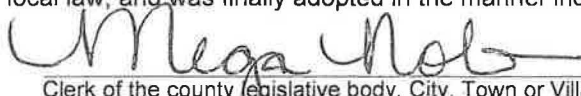
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority 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 2 above.



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

Date: December 20, 2023

(Seal)