

INTRODUCTORY LOCAL LAW #2-2023

Resolution #115 Motion made by Councilperson Voelkl and seconded by Councilperson Yager to approve the Introductory Local Law #2-2023

WHEREAS, the Town Board of the Town of Hamlin did heretofore hold and conduct a Public Hearing to consider the enactment of Introductory Local Law # 2-2023; and

WHEREAS, such Public Hearing was duly held and conducted by the Town Board of the Town of Hamlin on the 13th day of March, 2023 at 6:00 p.m. at which hearing, all interested persons were heard concerning the subject matter thereof; and

WHEREAS, after due consideration, the Town Board believes it would be appropriate to enact such Local Law so as to amend Chapter 360 of the Code of the Town of Hamlin;

NOW, THEREFORE, be it resolved by the Town Board of the Town of Hamlin, Monroe County, New York, as follows:

Section 1. By the adoption of this Resolution, the Town Board does hereby enact Local Law # 2-2023 amending Chapter 360 of the Code of the Town of Hamlin to read and provide as follows:

Chapter 360. Noise

§ 360-1. Declaration of policy.

Problems concerning the disturbance of peace and quiet by noise from various activities are best solved by thoughtful discussion and cooperative agreements between affected parties. However, to resolve remaining problems of noise which is disturbing to others, it is the policy of the Town of Hamlin to establish some standards, enforcement procedures and penalties. It is hereby declared to be the policy of the Town to prevent certain noises that make it difficult for residents within the privacy of their homes to be free from intrusive unwanted sounds.

§ 360-2. Definitions.

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

EXCESSIVE NOISE

Sound which is annoying, causes alarm, disturbs a reasonable person of reasonable sensitivity, unreasonably causes public inconvenience, or unreasonably disturbs the quiet use and enjoyment of one's life and property. Such sound includes but is not limited to mechanically increased volume of sounds of the human voice, musical instruments, recorded music, or any other mechanically enhanced sound-producing or -reproducing device, apparatus or device.

"Excessive noise" also includes incessant or repeated sounds that have the effect of disturbing the welfare, comfort, peace and quiet of the community, or any sound in excess of 85 decibels.

MOTOR VEHICLE

A motor-driven machine commonly used to move a person from place to place and shall include every such machine capable of being legally driven upon a public highway other than by muscular power alone. The term "motor vehicle" shall also include snowmobiles, dirt bikes and all-terrain vehicles (ATVs) but shall exclude farm machinery and emergency vehicles such as fire trucks and ambulances.

NOISE

Any sound capable of being heard through the closed windows and doors of a bedroom, living room or den of a house located 50 feet or more from the source of the device emitting the sound.

NOISE CONTROL DEVICES

Any muffler, baffle, packing material or metal tubing placed in the exhaust system of a gasoline or diesel engine to reduce the sound emitted by the engine while in operation.

STATIONARY MACHINE

A machine that is being operated continuously or intermittently from one location even though the machine may be capable of being moved to a different location.

PERSON

Any individual, firm, association or corporation, whether such person is the owner, lessee or charter member, its servants, agents or employees and/or their guests.

SOUND DEVICE OR APPARATUS

Any radio device or apparatus or any device or apparatus (or the amplification of sounds from any radio, phonograph or other sound-making or sound-producing device or any device or apparatus for the reproduction or amplification of the human voice or other sounds.

TO USE OR OPERATE ANY SOUND DEVICE OR APPARATUS IN, ON, NEAR OR ADJACENT TO ANY PUBLIC STREET, PARK OR PLACE; To use or operate or cause to be used or operated any sound device or apparatus in front of or outside any building, place or premises or in or through any window, doorway or opening of such building, place or premises abutting on or adjacent to any public street, park or place where the sounds therefrom may be heard upon any public street, park or place or from any stand, platform or other structure or from any airplane or other device used for flying, flying over the Town or in any boat or on the waters within the jurisdiction of the Town or anywhere on or in the public streets, parks or places.

UNNECESSARY

That which is not required by usual circumstances.

UNREASONABLE NOISE

Is any disturbing, excessive or offensive sound that disturbs a reasonable person of normal sensitivities.

USUAL

The normal noise range for a particular type of vehicle or mechanism.

§ 360-3. Exemptions.

This chapter shall not apply to the operation or use of any organ, bell, chimes or other instrument, apparatus or device by any church, school or municipal facility, warning devices on machinery used to provide emergency services, OSHA required warning devices or to farm

machinery found to be sound practice by the New York State Commissioner of Agriculture. This chapter shall also not apply to any noise created during events sponsored by any church, school, local government entity, veterans' organization or organizations responsible for providing emergency services to the Town.

§ 360-4. Prohibited noises.

A. Excessive noise.

No person shall make, continue or cause to be made or continued any excessive noise.

B. Noise from vehicles. No person shall operate a motor vehicle:

(1) Which is equipped with noise control devices that have been altered or modified to emit more noise than the noise control devices originally supplied by the manufacturer of the vehicle;

(2) Which is equipped with noise control devices that have not been maintained to good working order; or

(3) Which is in violation of the New York State Vehicle and Traffic Law.

C. Noise from sound reproduction. No person shall operate a television, phonograph, tape recorder, CD player, electrified musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound that can be heard through the closed windows and doors of a living room, bedroom or den in a house located 50 feet from

D. Noise from stationary machines and stationary gasoline engines. No person shall operate a stationary machine or stationary gasoline or diesel engine which produces sound that can be heard through the closed windows and doors of a living room, bedroom or a den of a house located 50 feet from the source of the noise unless:

E. No person, with the intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, shall cause, suffer, allow or permit to be made unreasonable noise. unreasonable noise is any disturbing, excessive or offensive sound that disturbs a reasonable person of normal sensitivities.

F. The following acts, among others, by any person are declared to be prima facie evidence of a violation of this chapter. This enumeration shall not be deemed exclusive.

(1) Any unnecessary noise from any source which is of such character, intensity and duration as to be detrimental to the life or health of any individual or contrary to public welfare, especially between the hours of 9:00 p.m. and 7:00 a.m. the following day.

(2) Noise from a dog or other pet/animal that is continuously disturbing the comfort and repose of any person in the vicinity and exceeds 15 minutes.

(3) The use of any automobile, motorcycle or vehicle so out of repair or so loaded or operated in such a manner as to create loud and unnecessary noise; the making of improper noise or disturbance or operating an automobile or motorcycle in such a manner as to cause excessive squealing or other excessive noise of the tires.

(4) Noise from a burglar alarm or other alarm system of any building, motor

vehicle or boat which is continuous and exceeds 15 minutes.

(6) The erection, including excavation, demolition, alteration or repair, of any building other than between 7:00 a.m. and 8:00 p.m., except in cases of public safety or emergencies.

(7) The operation of power equipment in residential zones outdoors between the hours of 9:00 p.m. and 7:00 am. the following day and on weekends between 9:00 p.m. and 8:00 a.m. the following day.

(8) The sounding of any horn or signaling device of an automobile, motorcycle or other vehicle for any unnecessary or unreasonable period of time.

§ 360-5. Penalties for offenses; enforcement.

A. First-time violator will be issued a warning to cease the offending noise immediately. Noncompliance, after the warning, and all subsequent offenses are punishable by a fine of not less than \$100 nor more than \$250. Each day a violation continues it shall constitute a separate offense.

B. The Code Enforcement Officer for the Town of Hamlin or any police officer serving the Town of Hamlin may ticket a violator and commence an action to enjoin violation(s) of this chapter.

Section 2. That the Town Clerk's shall give due notice of the enactment of this Local Law by the filing of the same with the Secretary of State as required by statute.

VOTE OF THE BOARD

Polled votes: Councilperson Hurlbutt aye, Councilperson Voelkl aye, Councilperson Yager aye, Supervisor Baase aye. Motion carried.