

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 Lake Success

FILED
STATE RECORDS

FEB 01 2018

Local Law No. 1 of the year 2018

DEPARTMENT OF STATE

A local law to amend Lake Success
(Insert Title)
Code Section 75-2A entitled "Noise"

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

County City Town Village
(Select one.)

of Lake Success 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. 1 of 20 18 of the (County)(City)(Town)(Village) of Lane Success was duly passed by the Board of Trustees on 1/8 20 18, 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 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.~~

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 _____.~~

~~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.~~

* 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 1 above.

Patrick E. Farrell, CMC, RMC

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

Date: 1-8-18

(Seal)

Bill 1 of 2018

Lake Success Code Section 75-2A is amended by the addition of the following:

§ 75-2 Enumeration of prohibited acts.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this chapter, but said enumeration shall not be deemed to be exclusive:

A.

- (1) The using or operating, or permitting to be played, used or operated of any radio receiving set, television set, musical instrument, phonograph, sound amplifier, air conditioner or other machine or device in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing of the person or persons who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device in such a manner as to be audible at a distance of 50 feet from the source of the sound or beyond the boundaries of the premises on which it is located shall be prima facie evidence of a violation of this section.
- (2) Notwithstanding the foregoing, a Village resident may apply to the Board of Trustees for a permit to use or operate any of the above machines or devices in conjunction with an event at the resident's home. The Board, in its sole discretion, may determine whether to grant or condition the permit based upon the nature and duration of the event, the types of machines or devices to be used or operated, the anticipated noise levels generated by the devices and machines and their impact upon the surrounding community, and any other factors deemed relevant by the Board. The application shall be subject to a public hearing by the Board. At least ten (10) days prior to the hearing, the Village shall publish notice of the hearing in a local newspaper and the applicant shall send notice by certified mail, return receipt requested, to all property owners within a 300 foot radius of the premises.

B.

The using or operating, or permitting to be played, used or operated, of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, automobile horn or other machine or device for the producing or reproducing of sound which is cast upon the public

streets for the purpose of commercial advertising or otherwise attracting the attention of the public.

C.

Yelling, shouting, whistling or singing on the public streets, particularly between the hours of 6:00 p.m. and 8:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of any persons in the vicinity.

[Amended 3-13-2000 by L.L. No. 1-2000]

D.

The discharge into the open air of the exhaust of any internal combustion engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

E.

The use of any automobile, truck, motorcycle or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

F.

The operation between the hours of 6:00 p.m. and 8:00 a.m., or at any time on any Saturday, Sunday or legal holiday, of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.

[Amended 3-13-2000 by L.L. No. 1-2000]

G.

The erection, including excavation, demolition, alteration or repair, of any building or structure other than between the hours of 8:00 a.m. and 6:00 p.m. on weekdays or at any time on any Saturday, Sunday or legal holiday, which is attended by loud and disturbing noises, except in the case of urgent necessity in the interest of public health or safety.

[Amended 3-13-2000 by L.L. No. 1-2000]

H.

Power tools.

[Added 11-21-1983 by L.L. No. 5-1983]

(1)

The use of any power tool, lawn mower, leaf blower or similar machine which makes a sound audible beyond the property line of the premises where it is used is expressly forbidden in

residential districts on Saturdays and recognized legal holidays before the hour of 9:00 a.m., and on Sundays before the hour of 10:00 a.m., and 8:00 a.m. on weekdays.

(2)

The foregoing restrictions shall not apply to snow removal equipment.

Affidavit of Publication

County of Nassau
State of New York,

SS

LEGAL NOTICE
INCORPORATED VILLAGE
OF LAKE SUCCESS
318 LAKEVILLE ROAD
GREAT NECK, NY 11020
NOTICE IS HEREBY
GIVEN THAT the Board of
Trustees at a meeting held on
January 8th, 2018 did duly
adopt the following Local
Law.

LOCAL LAW No. 1 of 2018
Lake Success Code Section
75-2A is amended by the ad-
dition of the following:
§ 75-2 Enumeration of pro-
hibited acts.

The following acts, among
others, are declared to be
loud, disturbing and unneces-
sary noises in violation of this
chapter, but said enumeration
shall not be deemed to be ex-
clusive:

A. (1) The using or operating,
or permitting to be played,
used or operated of any
radio receiving set, televi-
sion set, musical instru-
ment, phonograph, sound
amplifier, air conditioner
or other machine or device
in such manner as to dis-
turb the peace, quiet and
comfort of the neighboring
inhabitants or at any time
with louder volume than is
necessary for convenient
hearing of the person or
persons who are voluntary
listeners thereto. The op-
eration of any such set, in-
strument, phonograph, ma-
chine or device in such a
manner as to be audible at
a distance of 50 feet from
the source of the sound or
beyond the boundaries of
the premises on which it is
located shall be prima facie

evidence of a violation of
this section.

(2) Notwithstanding the
foregoing, a Village resi-
dent may apply to the
Board of Trustees for a
permit to use or operate
any of the above machines
or devices in conjunction
with an event at the resi-
dent's home. The Board,
in its sole discretion, may
determine whether to grant
or condition the permit
based upon the nature and
duration of the event, the
types of machines or devi-
ces to be used or operated,
the anticipated noise levels
generated by the devices
and machines and their im-
pact upon the surrounding
community, and any other
factors deemed relevant by
the Board. The application
shall be subject to a pub-
lic hearing by the Board.
At least ten (10) days prior
to the hearing, the Village
shall publish notice of the
hearing in a local news-
paper and the applicant
shall send notice by cer-
tified mail, return receipt
requested, to all property
owners within a 300 foot
radius of the premises.

B. The using or operating, or
permitting to be played,
used or operated, of any ra-
dio receiving set, musical
instrument, phonograph,
loudspeaker, sound ampli-
fier, automobile horn or oth-
er machine or device for the
producing or reproducing of
sound which is cast upon the
public streets for the purpose
of commercial advertising or
otherwise attracting the atten-
tion of the public.

C. Yelling, shouting, whistling
or singing on the public
streets, particularly between
the hours of 6:00 p.m. and
8:00 a.m., or at any time or

place so as to annoy or disturb
the quiet, comfort or repose of
any persons in the vicinity.

[Amended 3-13-2000 by L.L.
No. 1-2000].

D. The discharge into the open
air of the exhaust of any inter-
nal combustion engine except
through a muffler or other
device which will effective-
ly prevent loud or explosive
noises therefrom.

E. The use of any automobile,
truck, motorcycle or vehicle
so out of repair, so loaded or
in such manner as to create
loud and unnecessary grat-
ing, grinding, rattling or other
noise.

F. The operation between the
hours of 6:00 p.m. and 8:00
a.m. or at any time on any
Saturday, Sunday or legal hol-
iday, of any pile driver, steam
shovel, pneumatic hammer,
derrick, steam or electric hoist
or other appliance, the use of
which is attended by loud or
unusual noise.

[Amended 3-13-2000 by L.L.
No. 1-2000].

G. The erection, including exca-
vation, demolition, alteration
or repair, of any building
or structure other than be-
tween the hours of 8:00 a.m.
and 6:00 p.m. on weekdays
or at any time on any Satur-
day, Sunday or legal holiday,
which is attended by loud and
disturbing noises, except in
the case of urgent necessity
in the interest of public health
or safety.

[Amended 3-13-2000 by L.L.
No. 1-2000].

H. Power tools
[Added 11-21-1983 by L.L.
No. 5-1983].

(1) The use of any pow-
er tool, lawn mower, leaf
blower or similar machine
which makes a sound au-
dible beyond the property
line of the premises where

it is used is expressly for-
bidden in residential dis-
tricts on Saturdays and
recognized legal holidays
before the hour of 9:00
a.m. and on Sundays be-
fore the hour of 10:00 a.m.
and 8:00 a.m. on week-
days.

(2) The foregoing restric-
tions shall not apply to
snow removal equipment.
1-24-2018 IT #180357-GN

I, L.L. Baccol, duly sworn, deposes and says that
I am the Notary Public of the Publisher of
RECORD
published at Mineola in the county of
New York, and that a notice, a printed
copy of which is hereto annexed, has been published in
this newspaper in each week for

January 24, 2018

L.L. Baccol

24 day of

Shari M. Egnasko
Notary Public

Shari M. Egnasko
Notary Public, State of New York
No. 01EG6119807
Qualified in Nassau County
Commission Expires Dec. 6, 2020

RECEIVED
VILLAGE OF LAKE SUCCESS
2018 JAN 26 P 1:50