

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 Montgomery

FILED
STATE RECORDS
JUL 12 2023

DEPARTMENT OF STATE

Local Law No. 5 of the year 2023

**A LOCAL LAW OF THE TOWN OF MONTGOMERY, COUNTY OF ORANGE,
AMENDING CHAPTER 162 OF THE TOWN CODE ENTITLED-"NOISE"**

Be it enacted by the Town Board of the Town of Montgomery as follows:

See attached.

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

LOCAL LAW NO. 5 OF 2023

A LOCAL LAW OF THE TOWN OF MONTGOMERY, COUNTY OF ORANGE,
AMENDING CHAPTER 162 OF THE TOWN CODE ENTITLED-“NOISE”

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF MONTGOMERY
AS FOLLOWS:

Section 1. **Purpose**

The Town Board of the Town of Montgomery recently enacted Town Code Chapter 162 entitled “Noise” to establish regulations concerning the emission of noise within the Town to permit all residents of the Town to peacefully enjoy their properties without being disturbed by excessive noise emanating from other properties or sources. Following enactment of the aforesaid, Chapter, the Town Board wishes to make certain amendments to the definitions of certain zones within the law as set forth herein.

Section 2.

The Town Code Chapter 162 entitled: “NOISE” is hereby amended as follows:

§ 162-3. Definitions.

Modify the language in the definitions section as set forth herein: As used in this chapter, the following terms and phrases shall have the following meanings:

BUSINESS ZONE

~~Business and industrial zones B-1 District (neighborhood business), B-4 District (highway commercial), OB District (office business), OP District (office park) and IB District (interchange business)~~ as set forth in § 235-5.1(B) of the Code of the Town of Montgomery and all uses associated therewith either permitted as a right or as a special use.

INDUSTRIAL ZONE

~~Business and industrial zones ID District (interchange commercial and industry), I-1 District (industrial park), I-2 District (industrial park major access), I-3 District (general industry) and I-4 District (general industry A)~~ as set forth in §235-5.1(B) of the Code of the Town of Montgomery and all uses associated therewith, either permitted as a right or as a special use.

RESIDENTIAL ZONE

~~Residential districts as Those residential districts set forth in §235-5.1(A) of the Code of the Town of Montgomery, as RA-CE District (residential agricultural conservation easement), RA-.5 District (residential agriculture one family residences), RA-1 District (residential~~

~~agriculture—one and two family residences), RA 2 District (residential agriculture—one and two family residences), RA 3 District (residential agriculture—one and two family residences), RM 1 District (multi family), R MHC District (mobile home court), MHP AR District (Mobile home park—age restricted floating district), RA 2/PAC District (planned adult community) and RA 3/PAC District and all uses associated therewith either permitted as a right or as a special use.~~

RESIDENTIAL ZONING DISTRICT

Any zoning district in which one-family detached dwellings or one-family and multifamily dwellings are permitted principal uses, including those set forth in §235-5.1(A) of the Code of the Town of Montgomery. ~~zoning districts RA CE, RA .5, RA 1, RA 2, RA 3, RM 1, R MHC, MHP AR, RA 2/PAC and RA 3/PAC.~~

Section 3. Separability

If any provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances, and the Town Board of the Town of Montgomery hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 4. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 5. Effective Date

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

(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. 5 of 2023 of the (County)(City)(Town)(Village) of Montgomery was duly passed by the Town Board of the Town of Montgomery on June 29, 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 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 _____ 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 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.



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

(Seal)

Date: 7/5/23

