

Village of Southampton

23 MAIN STREET
SOUTHAMPTON, NY 11968-4899

Phone: 631.283.0247

Fax: 631.283.4990

Website: www.southamptonvillage.org

MEMORANDUM FOR: NYS Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231

SUBJECT: Local Law #25-2024

DATE: July 16, 2024

On behalf of the Incorporated Village of Southampton, please accept this request of Local Law #25-2024. All support documentation is provided. Please reach out to csweeney@southamptonvillage.org or contact 631.332.1050 should any questions or concerns arise.

Kind Regards,

Cathy M. Sweeney
Village Clerk
Incorporated Village of Southampton

Local Law Filing

Instructions

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
www.dos.ny.gov

PLEASE OBSERVE THESE INSTRUCTIONS FOR FILING LOCAL LAWS WITH THE SECRETARY OF STATE

1. Each local law shall be filed with the Secretary of State within 20 days after its final adoption or approval as required by section 27 of the Municipal Home Rule Law. The cited statute provides that a local law shall not become effective before it is filed in the office of the Secretary of State.
2. Each local law to be filed with the Secretary of State shall be an original certified copy.
3. Each local law shall be filed on a form provided by the Department of State. If additional pages are required, they must be the same size as the form. Typewritten copies of the text may be attached to the form. Only legible copies will be accepted.
4. File only the number, title and text of the local law.
5. In the case of a local law amending a previously enacted local law, the text must be that of the law as amended. Do not include any matter in brackets, with a line through it, italicized or underscored to indicate the changes made. The printed number of the bill and explanatory matter must be omitted.
6. For the purpose of filing a local law with the Department of State, number each local law consecutively, beginning with the number one for the first local law filed in each calendar year. The next number in sequence should be applied to each local law when it is submitted for filing, regardless of its date of introduction or adoption. The date of filing of a local law is the date on which the local law is placed on file by the Department.

It is suggested that municipalities use introductory identifying bill numbers for proposed local laws. After the local law is enacted (and approved by the voters, if required), the local law should then be numbered with the next consecutive local law number, as described above, and then submitted to the Department for filing.

7. Each copy of a local law filed with the Secretary of State shall have affixed to it a certification by the Clerk of the County legislative body or the City, Town or Village Clerk or other officer designated by the local legislative body. Certification forms are provided herewith.

8. A copy of each local law may be mailed or delivered to:
NYS Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231.

(DO NOT FILE THIS INSTRUCTION SHEET WITH THE LOCAL LAW.)

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 Southampton

Local Law No. 25 of the year 2024

A local law Amending Village Code Chapter 77, Noise

(Insert Title)

to restrict amplified sound after 11:00 p.m. and until 9:00 a.m. and provide a limited

exception to certain special events.

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

County City Town Village

(Select one.)

of Southampton

as follows:

Amending Village Code Chapter 77, Noise
to restrict amplified sound after 11:00 p.m. and until 9:00 a.m. and provide a limited exception to
certain special events.

(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. 25 of 2024 of the (County)(City)(Town)(Village) of Southampton was duly passed by the Board of Trustees on July 11 2024, 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. _____ 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.
(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 _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ 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.)

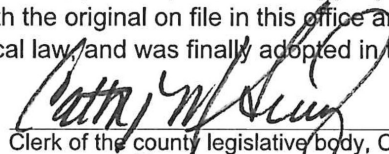
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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

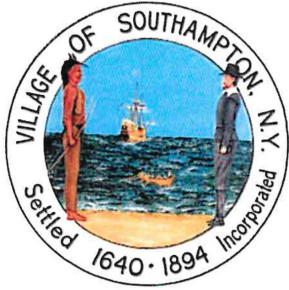
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.



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

Date: July 16, 2024

(Seal)



Village of Southampton

23 MAIN STREET
SOUTHAMPTON, NEW YORK 11968-4899

Phone: (631) 283-0247

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Website: www.southamptonvillage.org

Resolution

2024-374

6/25/2024

Information: WHEREAS, the Board of Trustees of the Village of Southampton has determined that this proposed local law is considered a “Type II Action” under 6 NYCRR Part 617.5(c)(22) of the New York State Environmental Quality Review Act (SEQRA) and that no further review under New York Environmental Conservation Law, Article 8, is necessary; now therefore BE IT FURTHER RESOLVED, that the Village Board hereby directs that a public hearing shall be held as a Hybrid In-Person/ZOOM Meeting on July 11, 2024 at 6:00 p.m. at the Village Meeting Room at the Southampton Village Hall, located at 23 Main Street Southampton, New York 11968, to hear any and all persons either for or against a proposed local law entitled “A Local Law amending Chapter 77 of the Village Code (Noise) to restrict amplified sound after 11:00 p.m. until 9:00 a.m., and provide a limited exception for certain special events”, which provides as follows:

LOCAL LAW NO. 25 OF 2024

A Local Law amending chapter 77 of the Village Code (Noise) to restrict amplified sound after 11:00 p.m. and provide a limited exception for certain special events”.

Department:

Village Hall

Sponsors:

Category:

Resolutions

Functions:

Financial Impact

Body

Voting

Motioned: William Manger

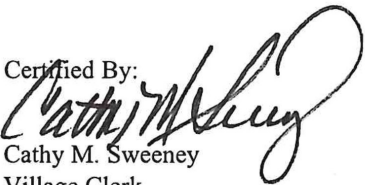
Seconded: Gina Arresta

Y: William Manger, Gina Arresta, Robin Brown, Roy Stevenson, Leonard Zinnanti

N: None

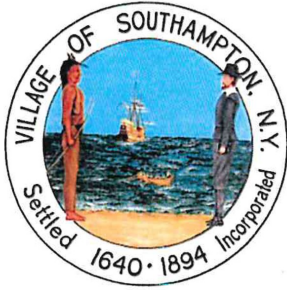
A: None

Certified By:


Cathy M. Sweeney

Village Clerk

Incorporated Village of Southampton



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Resolution

2024-444

7/11/2024

Information: WHEREAS, the Board of Trustees of the Village of Southampton is considering “a Local Law amending Chapter 77 of the Village Code (Noise) to restrict amplified sound after 11:00 p.m. and provide a limited exception for certain special events”; and

WHEREAS, a public hearing was held by the Village Board on July 11, 2024, at which time all persons either for or against said amendment were heard; and

WHEREAS, the Board of Trustees of the Village of Southampton has determined that this proposed local law is considered a “Type II Action” under 6 NYCRR Part 617.5 provisions of the New York State Environmental Quality Review Act (SEQRA) and that no further review under New York Environmental Conservation Law, Article 8, is necessary; now therefore be it

RESOLVED, that Local Law No. 25 of 2024 is hereby adopted.

Department:

Village Hall

Sponsors:

Category:

Resolutions

Functions:

Financial Impact

Body

Voting

Motioned: William Manger

Seconded: Leonard Zinnanti

Y: William Manger, Robin Brown, Roy Stevenson, Leonard Zinnanti, Edward Simioni

N: None

A: None

Certified By:

Cathy M. Sweehey

Village Clerk

Incorporated Village of Southampton

**NOTICE OF ADOPTION OF A LOCAL
LAW AMENDING CHAPTER 77 OF THE VILLAGE CODE (NOISE) TO RESTRICT
AMPLIFIED SOUND AFTER 11:00 P.M. AND PROVIDE A LIMITED EXCEPTION
FOR CERTAIN SPECIAL EVENTS**

WHEREAS, the Board of Trustees of the Village of Southampton is considering “a Local Law amending Chapter 77 of the Village Code (Noise) to restrict amplified sound after 11:00 p.m. and provide a limited exception for certain special events”; and

WHEREAS, a public hearing was held by the Village Board on July 11, 2024, at which time all persons either for or against said amendment were heard; and

WHEREAS, the Board of Trustees of the Village of Southampton has determined that this proposed local law is considered a “Type II Action” under 6 NYCRR Part 617.5 provisions of the New York State Environmental Quality Review Act (SEQRA) and that no further review under New York Environmental Conservation Law, Article 8, is necessary; now therefore be it

RESOLVED, that Local Law No. 25 of 2024 is hereby adopted as follows:

LOCAL LAW NO. 25 OF 2024

A Local Law amending chapter 77 of the Village Code (Noise) to restrict amplified sound after 11:00 p.m. and provide a limited exception for certain special events”

SECTION 1. AMENDMENT The Village Code of the Village of Southampton is hereby amended by adding the underlined words and deleting the strikethroughs as follows:

Chapter 77 **Noise**

§ 77-1 **Definitions.**

§ 77-2 **General prohibition.**

§ 77-3 **Noise standards.**

§ 77-4 **Exceptions.**

§ 77-5 **Presumption of guilt.**

§ 77-6 **Penalties for offenses.**

§ 77-1 **Definitions.**

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

AIRBORNE SOUND

Sound that reaches the point of interest by propagation through air.

COMMERCIAL DISTRICT

Includes all zoning districts classified as business districts and all zoning districts classified as industrial districts pursuant to Chapter 116 of this Code, except the Hospital Accessory District and the Medical District.

COMMERCIAL SERVICE EQUIPMENT

All engine- or motor-powered equipment intended for infrequent service work in inhabited areas, typically requiring commercial or skilled operators. Examples of commercial service equipment are chain saws, log chippers, paving rollers, etc.

CONSTRUCTION DEVICE

Any powered device or equipment designed and intended for use in construction. Examples of construction devices are air compressors, bulldozers, backhoes, trucks, shovels, derricks and cranes.

DB

The abbreviation for decibel.

DBA

The A-weighted sound level in decibels as measured by a general purpose sound-level meter complying with the provisions of the American National Standards Institute Specifications for Sound Level Meters (ANSI S1.4 1971), properly calibrated and operated on the A-weighting network.

DECIBEL

A unit for measuring the volume of a sound, equal to the logarithm of the ratio of the sound pressure of the sound to the sound pressure of a standard sound (0.0002 microbar) abbreviated "dB."

FREQUENCY

The number of oscillations per second expressed in hertz (abbreviated "Hz").

HOMEOWNER'S LIGHT RESIDENTIAL OUTDOOR EQUIPMENT

All engine- or motor-powered garden or maintenance tools intended for repetitive use in residential areas, typically capable of being used by a homeowner. Examples of homeowner's light residential outdoor equipment are lawn mowers, garden tools, riding tractors, snowblowers, snowplows, etc.

HZ

The abbreviation for hertz, equivalent to cycles per second.

NOISE POLLUTION

The presence of that amount of acoustic energy for that amount of time necessary to:

- A. Cause temporary or permanent hearing loss in a person exposed;
- B. Otherwise be injurious or tend to be, on the basis of current information, injurious to the public health or welfare;
- C. Cause a nuisance;
- D. Exceed standards or restrictions established herein; or
- E. Interfere with the comfortable enjoyment of life and property or the conduct of business. The following are deemed to interfere with the comfortable enjoyment of life and property or the conduct of business:

(1) Yelling, shouting, hooting, whistling or singing on the public streets or from private property at any time that annoys or disturbs the quiet comfort or repose of persons in the vicinity; and that such noise is plainly audible at a distance of 50 feet from the area, building, structure or vehicle from which such noise emanates.

(2) The using of, operating of or permitting to be played, used or operated any radio, receiving set, musical instrument, phonograph, television set or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants and in such a manner as to be plainly audible at a distance of 50 feet from the area, building, structure or vehicle in which it is located.

(3) Noise emanating from moving, stopped or parked vehicles.

OCTAVE BAND SOUND PRESSURE LEVEL

Sound pressure level measured in standard octave bands with a sound-level meter and octave-band analyzer that meet ANSI S1.4 and S1.11 or the latest revision thereof.

PERSON

An individual, association, firm, syndicate, company, trust, corporation, department, bureau or agency or any other entity recognized by law as the subject of rights and duties.

RESIDENTIAL DISTRICT

Includes all zoning districts classified as residence districts, the zoning district classified as the Hospital Accessory District and the zoning district classified as the Medical District pursuant to Chapter 116 of this Code.

§ 77-2 **General prohibition.**

A. No person or persons owning, leasing or controlling the operation of any source of noise shall permit the establishment of a condition of noise pollution.

B. The use of amplifiers, speakers or other machines or devices capable of reproducing amplified sound on the exterior of any premises, dwelling or building within the Village shall be considered noise pollution and shall be prohibited at all times, except noncommercial amplified sound between 9:00 a.m. and 11:00 p.m. that does not exceed the noise standard established in § 77-3 of this chapter.

C. No person shall operate, or permit to be operated, any pile driver at any time on Saturdays, Sundays and public holidays (as defined in the General Construction Law) during the period from Memorial Day through Labor Day. Operation of any pile driver at any time on Saturdays, Sundays and public holidays (as defined in the General Construction Law) during said period is hereby deemed to interfere with the comfortable enjoyment of life and property, shall be considered noise pollution, and is hereby prohibited. The foregoing prohibition shall not apply to emergency operation of a pile driver performed by or authorized by the State of New York, the County of Suffolk, the Town of Southampton, the Village of Southampton, Long Island Lighting Company, Verizon New York or any other recognized utility serving the area.

§ 77-3 **Noise standards.**

A. No person shall create or cause to be emitted any noise which, when measured at any or beyond any lot line of the property on which such noise is being generated in a residential district, exceeds the following standards:

- (1) From 7:00 a.m. to 7:00 p.m.:
 - (a) Airborne sound in excess of 65 dBA's; or
 - (b) Airborne sound which has an octave band sound-pressure level in decibels which exceeds the values listed in one or more octave bands:

Octave Band Center Frequency (Hz)	Octave Band Sound- Pressure Level (dB)
31.5	78
63	73
125	67
250	60
500	55
1,000	51
2,000	46
4,000	43

Octave Band Center Frequency (Hz)	Octave Band Sound- Pressure Level (dB)
8,000	40

(2) From 7:00 p.m. to 7:00 a.m.:

(a) Airborne sound which has a sound level in excess of 50 dBA's; or

(b) Airborne sound which has an octave band sound-pressure level

which exceeds the values listed below in one or more octave bands:

Octave Band Center Frequency (Hz)	Octave Band Sound- Pressure Level (dB)
31.5	75
63	70
125	64
250	57
500	52
1,000	49
2,000	43
4,000	40
8,000	37

B. No person shall create or cause to be emitted any noise which, when measured at or beyond any lot line of the property on which such noise is being generated in a commercial district, exceeds the following standards:

(1) From 7:00 a.m. to 7:00 p.m.:

(a) Airborne noise in excess of 70 dBA's; or

(b) Airborne sound which has an octave band sound-pressure level in decibels

which exceeds the value listed below in one or more bands:

Octave Band Center Frequency (Hz)	Octave Band Sound- Pressure Level (dB)
31.5	85
63	80
125	74
250	67
500	62
1,000	58
2,000	53
4,000	50
8,000	47

- (2) From 7:00 p.m. to 7:00 a.m.:
- (a) Airborne noise in excess of 55 dBA's; or
 - (b) Airborne sound which has an octave band sound-pressure level in decibels which exceeds the value listed below in one or more bands:

Octave Band Center Frequency (Hz)	Octave Band Sound- Pressure Level (dB)
31.5	78
63	73
125	67
250	60
500	55
1,000	51
2,000	46
4,000	43
8,000	40

§ 77-4 Exceptions.

A. The provisions of § 77-3 shall apply to the use or occupancy of any lot or structure thereon and to noise produced thereby, except the following:

(1) The intermittent or occasional use between 7:00 a.m. and 7:00 p.m. of homeowner's light residential outdoor equipment or commercial service equipment, provided that said equipment and its use comply with the other provisions hereof. Notwithstanding the foregoing exception from the provisions of § 77-3, the provisions of § 77-3 shall apply to the use of leaf blowers and to noise produced thereby during the period from Memorial Day through Labor Day in each year except for necessary cleanup after a major storm. As used herein, the term "leaf blower" shall mean and include all engine- or motor-powered equipment or tools used for the purpose of collecting or moving leaves, grass or the like by the emitting of a stream of high-speed air.

(2) Construction activities between 8:00 a.m. and 6:00 p.m. on Mondays, Tuesdays, Wednesdays, Thursdays and Fridays except on public holidays (as defined in the General Construction Law), and construction activities between 9:00 a.m. and 5:00 p.m. on Saturdays except on public holidays (as defined in the General Construction Law), and the associated use of construction devices and/or the noise produced thereby, provided that such activities and such equipment and their use comply with the other provisions hereof. Nothing contained herein shall be interpreted to alter the prohibitions on the use of Pile Drivers contained in §77-2(C).

(3) Agriculture.

- (4) Noise from church bells or chimes used in conjunction with religious services.
- (5) Public celebrations.
- (6) Noise of aircraft flight operations.
- (7) The lawful operation of properly equipped motor vehicles on any public way.
- (8) Noise from snowblowers, snowthrowers and snowplows when operated with a muffler for the purpose of snow removal.
- (9) Noise generated from lawful athletic or recreational events held on the property of the Village of Southampton so suited for such activities.
- (10) Organized activities sponsored by any school district, private school or fire district or department within the Village of Southampton.
- (11) Noise from municipally sponsored celebrations or events.
- (12) Noise from lawful fireworks displays, parades, carnivals and the like held in accordance with all pertinent provisions of the Southampton Village Code.
- (13) Noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way.
- (14) Emergency construction or repair work performed by or authorized by the State of New York, the County of Suffolk, the Town of Southampton, the Village of Southampton, Long Island Lighting Company, New York Telephone or any other recognized utility serving the area.
- (15) The activities of any fire department, ambulance squad or similar emergency or rescue organization.
- (16) Any Wedding or similar private event for which the Board of Trustees granted an exception to §77-3.

B. The exceptions to the standards provided for in § 77-3 of this chapter enumerated in Subsection A above shall not be construed to exempt any said source of noise from the provisions of this chapter under the definitions of "noise pollution" or "person" in § 77-1.

C. This chapter shall not apply to the following:

- (1) Emergency signal devices.
- (2) Audible exterior burglar alarms in operation for 15 minutes or less.

§ 77-5 Presumption of guilt.

Anyone present with several persons whose collective behavior shall constitute noise pollution shall be rebuttably presumed to have participated therein and shall be subject to all the provisions of this chapter.

§ 77-6 Penalties for offenses.

A. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be subject to the penalties provided in Article II of Chapter 1 of the Code of the Village of Southampton.

B. In addition to any other remedy provided by law, the Village may bring an injunction proceeding to enforce this chapter.

SECTION 2. AUTHORITY

The proposed Local Law is enacted pursuant to NYS Village Law 7-700, as well as Municipal Home Rule Law §10(1)(ii)(a)(11) and (12).

SECTION 3. SEVERABILITY


If any clause, sentence, paragraph or part of this Local Law, or the application thereof to any person, firm or corporation, or circumstance shall be judged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect or impair or invalidate the remainder thereof, 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 pursuant to Municipal Home Rule.

<u>Aye</u>	<u>Nay</u>		<u>Aye</u>	<u>Nay</u>	
<u>Y</u>	_____	Mayor Manger	<u>Y</u>	_____	Trustee Stevenson
<u>Y</u>	_____	Trustee Brown	<u>Y</u>	_____	Trustee Zinnanti
<u>Y</u>	_____	Trustee Simioni			

Dated: July 11, 2024



Cathy M. Sweeney – Village Clerk

BY ORDER OF THE BOARD OF TRUSTEES
VILLAGE OF SOUTHAMPTON
CATHY SWEENEY, VILLAGE CLERK