

Village of Cohocton, New York

Local Law Number 5 of the year 1998

A LOCAL LAW REGULATING NOISE

Be It enacted by the Board of Trustees of the Village of Cohocton, New York, as follows:

SECTION 1. LEGISLATIVE INTENT.

The making and creating of disturbing, excessive, or offensive noises within the jurisdictional limits of the Village of Cohocton (hereinafter "Village") is a condition which has persisted, and the level and frequency of occurrences of such noises continues to increase. These noise levels are a detriment to the public health, comfort, convenience, safety, and welfare of the citizens. Every person is entitled to an environment in which disturbing, excessive, or offensive noise is not detrimental to his or her life, health, or enjoyment of property. The law is to be construed liberally, but it is not intended to be construed so as to discourage the enjoyment by residents of normal, reasonable and usual activities.

SECTION 2. PROHIBITED ACTS.

- a) 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.

For purposes of this law, unreasonable noise is any disturbing, excessive, or offensive sound that disturbs a reasonable person of normal sensitivities.

- b) The following acts are declared to be prima facie evidence of a violation of this law. This enumeration shall not be deemed exclusive.
- 1) Any unnecessary noise from any source between the hours of 11:00 p.m. and 7:00 a.m. the following day.
 - 2) Noise from a dog or other pet animal that is continuous and exceeds fifteen (15) minutes.
 - 3) Noise from a burglar alarm or other alarm system of any building, motor vehicle, or boat which is continuous and exceeds fifteen (15) minutes.
 - 4) Noise from any sound reproduction system, operating or playing any radio, portable radio or tape player, television, tape deck or similar device that reproduces or amplifies sound in such a manner as to be heard sixty (60) feet from its source or over any property line.
 - 5) The erection, including excavation, demolition, alteration or repair of any building other than between 7:00 a.m. and 9:00 p.m., except in case of a public safety and emergency.

- 6) The operation of power equipment in residential zones outdoors between the hours of 10:00 p.m. and 7:00 a.m. the following day, and on weekends between 10:00 p.m. and 8:00 a.m. the following day.
- 7) The sounding of any horn or signaling device of an automobile, motorcycle or other vehicle for any unnecessary or unreasonable period of time.
- 8) 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.
- 9) Offering for sale anything by shouting or outcrying upon the public streets and sidewalks.

SECTION 3. EXCEPTIONS.

The provisions of this law shall not apply to the following acts: a) the emission of sound for the purpose of alerting persons to the existence of an emergency; b) noise from municipally sponsored celebrations or events; c) noise from individually sponsored events where a permit for public assembly or other relevant permission has been obtained from the Village Clerk; d) the operation or use of any organ, radio, bell, chimes or other instrument, apparatus, or device by any church, synagogue, or school licensed or chartered by the State of New York, provided such operation or use does not occur between the hours of 10:00 p.m. and 8:00 a.m.; e) noise generated by the installation and maintenance of utilities.

SECTION 4. PENALTIES.

Any person who violates any provision of this chapter shall be guilty of a violation and shall be subject to a fine not to exceed Two Hundred Fifty Dollars (\$250.00) for each offense. The Village may also seek injunctive relief to prevent the continued violation of this law.

SECTION 5. SEVERABILITY.

If any word, phrase, or part of this local law shall be declared unconstitutional, the same shall be severed and separated from the remainder of this local law, and said remainder shall continue in full force and effect.

SECTION 6. EFFECTIVE DATE.

This law shall become effective immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this Local Law and strike out that which is not applicable.)

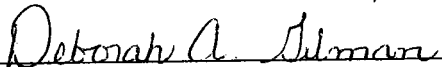
1. (Final adoption by local legislative body only.)

I hereby certify that the Local Law annexed hereto, designated as Local Law Number 5 of 1998 of the Village of Cohocton was duly passed by the Board of Trustees on November 19, 1998 in accordance with the applicable provisions of law.

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.

Dated: November 23, 1998.

(Seal)




Village Clerk

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK)
COUNTY OF STEUBEN) SS...

I hereby certify that the foregoing Local Law contains the correct text and that all proper proceedings have been had or taken for the enactment of the Local Law annexed hereto.

Dated: November 24, 1998.



John F. Leyden
Village Attorney
Village of Cohocton