

RESOLUTION INTRODUCING LOCAL LAW AND  
PROVIDING FOR PUBLIC NOTICE AND HEARING

BE IT RESOLVED, that Local Law No. \_\_\_\_ of the year 2019 entitled, "A Local Law Governing Noise Control in the Town of Saugerties", be and it hereby is introduced before the Town Board of the Town of Saugerties, in the County of Ulster and State of New York; and

BE IT FURTHER RESOLVED, that copies of the aforementioned proposed Local Law be laid upon the desk of each member of the Town Board; and

BE IT FURTHER RESOLVED, that the Town board hold a Public Hearing on said proposed Local Law at the Frank D. Greco Senior Citizens Center, Robinson Street, in the Village of Saugerties, New York at \_\_\_\_ o'clock p.m., on \_\_\_\_, 2019; and

BE IT FURTHER RESOLVED, that the Town Clerk publish or cause to be published a public notice in the official newspaper of the Town of said Public Hearing at least five (5) days prior thereto.

Upon a roll call vote, the vote is as follows:

Supervisor Costello	Voting
Councilman Andreassen	Voting
Councilman MacIssac	Voting
Councilwoman Thornton	Voting
Councilman Schoonmaker	Voting

NOTICE OF PUBLIC HEARING  
ON PROPOSED LOCAL LAW

PLEASE TAKE NOTICE, that there has been introduced before the Town Board of the Town of Saugerties in the County of Ulster and State of New York on \_\_\_\_\_, 2019, Local Law No. \_\_\_\_\_ of the year 2019, entitled, "A Local Law Governing Noise Control in the Town of Saugerties".

Said proposed Local Law, among other things, prohibits any person or legal entity from making, continuing, causing or permitting any unnecessary noise. Said Local Law defines unnecessary noise as any excessive or unusually loud sound or any sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensibilities, or which causes injury to animal life or damage to property or business. Said Local Law also contains a list of acts which are declared *prima facie* evidence of a violation of the Local Law.

PLEASE TAKE FURTHER NOTICE, that pursuant to Section 20 of the Municipal Home Rule Law, a Public Hearing will be held on the aforesaid Local Law before the Town Board of the Town of Saugerties at the Frank D. Greco Senior Citizens Center, Robinson Street, in the Village of Saugerties, New York, at \_\_\_\_\_ o'clock p.m., on \_\_\_\_\_, 2019.

The proposed local law has been duly filed in the office of the Clerk of the Town of Saugerties, Town Hall, High Street, Saugerties, New York, which proposed Local Law can be examined for specific descriptions and detailed information during regular office hours.

Any and all interested persons will be heard at said Public Hearing.

DATED: \_\_\_\_\_, 2019

By order of the Town Board of the  
Town of Saugerties

Lisa Stanley  
Town Clerk, Town of Saugerties



LOCAL LAW NO. \_\_\_\_ OF THE YEAR 2019  
A Local Law Governing Noise Control in the Town of Saugerties

BE IT ENACTED by the Town Board of the Town of Saugerties,  
as follows:

Declaration of Policy

Section 1: Legislative Intent.

The making and creating of disturbing, excessive or offensive noises in the Town 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. It is hereby declared to be the policy of the Town of Saugerties to prevent excessive, unnecessary or unusually loud noise. It is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of preserving, protecting and promoting the public health, comfort, convenience, safety and welfare of the Town of Saugerties and its inhabitants. The chapter 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. Nothing herein shall be construed to abridge the powers and responsibilities of the Town of Saugerties Police Department to engage in any proper or necessary activities.

Section 2: Definitions.

- a. *Authorized emergency vehicle* means every ambulance, police vehicle, fire vehicle and civil defense vehicle when on emergency calls
- b. *Best practical noise control measures* means any device or method which reduces the generation or transmission of noise and is determined by the Chief of Police or his designee to be feasible, taking into consideration the age of the equipment and facilities involved, the cost of such measures, the processes employed and the non-noise control environmental impact.
- c. *Burglar alarm* means any sound signal device designed and intended to produce an audible sound signal upon unauthorized entrance into a building or motor vehicle.
- d. *Commercial operation* means any business or commercial activity that involves the purchase or utilization of goods or services.



e. *Construction* means any activity necessary or incidental to the erection, demolition, assembling, altering, installing or equipping of buildings, highways, roads, utility lines or other property.

f. *Construction material* means any material, regardless of its composition, designed and customarily used in construction.

g. *Container* means any receptacle, regardless of contents, which is manufactured from wood, metal, plastic, paper or any other material including but not limited to any barrel, basket, box, crate, tub, can, bottle or refuse container.

h. *Device* means any mechanism which is intended to or which actually produces sound when operated or handled.

i. *Emergency* means a public calamity or an exposure of any person or property to imminent danger.

j. *Emergency warning device* means any sound signal device that is designed to be used and is actually used to warn of an emergency.

k. *Industrial operation* means the production, fabrication and storage of durable and nondurable manmade goods.

l. *Local Law* means the Town of Saugerties Noise Control Law.

m. *Person* means any individual, partnership, company, corporation, association, firm, organization, governmental agency, administration or department, or any other group of individuals, or any person or employee thereof.

n. *Real property boundary* shall mean an imaginary line exterior to any structure, along the ground surface, which separates the real property owned by one person from that owned by another person, and the vertical extension of such line.

o. *Refuse collection vehicle* shall mean any motor vehicle designed to compact and transport refuse.

p. *Sound reproduction device* means a device intended primarily for the production or reproduction of sound including, but not limited to, any musical instrument, radio receiver, tape recorder, phonograph or sound amplification system.

q. *Sound signal device* means any device that is designed to produce a sound or transmit nonverbal information.

r. *Sound source site* means any land under the ownership or control of a person in or upon which one or more sound sources



are located. The sound source site includes all individual sound sources that are located on such site, whether stationary, moveable or mobile.

s. *Unnecessary noise* means any excessive or unusually loud sound or any sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensibilities, or which causes injury to animal life or damage to property or business. Standards to be considered in determining whether unnecessary noise exists in a given situation include, but are not limited to, the following:

1. The intensity of the noise;
2. Whether the nature of the noise is usual or unusual;
3. Whether the origin of the noise is natural or unnatural;
4. The intensity of the background noise;
5. The proximity of the noise to sleeping facilities;
6. The nature and the zoning district of the area within which the noise emanates;
7. The time of the day or night the noise occurs;
8. The duration of the noise;
9. Whether the sound source is temporary;
10. Whether the noise is continuous or intermittent;
11. Whether alternate methods are available to achieve the objectives of the sound producing activity.

### Section 3: Prohibited Acts.

A. No person shall make, continue or cause or permit to be made, any unnecessary noise.

B. The following acts are declared to be *prima facie* evidence of a violation of this local law and are prohibited, but said enumeration shall not be deemed to be exclusive:

i. Burglar alarms - No person shall operate or cause to be operated an audible burglar alarm unless such alarm is capable of and shall automatically terminate operation within fifteen (15) minutes after such alarm is first activated. Notwithstanding this provision, any member of the Town of Saugerties Police Department shall have the authority to take such steps as may be necessary to disconnect said alarm at any time when in operation.

ii. Construction. (a) Except as otherwise provided herein, no person shall conduct or permit to be conducted, construction, alone or in combination with other construction conducted or permitted by such person in a manner as to cause unnecessary noise between 9:00 p.m. and 7:00 a.m. Monday to Saturday, inclusive, or at any time on Sundays or holidays.



(b) The provisions of this section shall not apply to the following: Emergency work, and safety and protective devices; domestic power tools subject to section 3(x) herein.

iii. Commercial purposes. No person shall operate a place of public entertainment, including but not limited to, a restaurant, bar, café, discotheque or dance hall, in which the sound is of sufficient volume as to be distinctly heard for a distance of fifty (50') feet outside the building, premises or structure where produced, or sufficiently audible upon any public street or place to attract or congregate a crowd thereon.

iv. Defect in vehicle or load. No person shall operate or permit the operation of any motor vehicle in such manner or so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling or other noise.

v. Emergency warning devices. No person shall operate or cause to be operated, any emergency warning device, except:

- (a) To give notice as a warning or any emergency;
- (b) On an authorized emergency vehicle when such vehicle is engaged in emergency operations provided that such device is not operated to create unnecessary noise or for a period of time longer than is necessary to respond to such emergency;
- (c) When such device is under test.

vi. Exhausts. Except as otherwise provided in this ordinance, no person shall cause or permit the discharge into the open air of the exhaust of any device, including, but not limited to, any steam engine, diesel engine, internal combustion engine or turbine engine, so as to create unnecessary noise.

vii. Institutions. No person shall cause or permit the creation of any unnecessary noise through the use of any device on any street, sidewalk or public place adjacent to any school, court or church while such structure is in use, provided that signs are displayed so as to identify such school, court or church.

viii. Loudspeakers and public address systems.

- (a) No person shall use, operate or permit the use or operation of any loudspeaker, public address system or similar device for any non-commercial purpose, such that the sound therefrom creates unnecessary noise across a residential real property boundary;



(b) No person shall use, operate or permit the use or operation of any loudspeaker, public address system or similar device for any commercial purpose:

1. Such that the sound therefrom creates unnecessary noise across a real property boundary; or

2. Between the hours of 9:00 p.m. and 9:00 a.m. of the following day on a public highway.

ix. Modification of noise control devices. No person shall operate or permit to be operated, any device that has been modified so as to cause the sound emitted from such device to be greater than that emitted by such device as originally manufactured.

x. Power equipment and tools. No person shall operate or permit to be operated any domestic power tool, including, but not limited to, mechanically powered saws, sanders, grinders and lawn and garden tools used outdoors in residential areas between the hours of 9:00 p.m. and 7:00 a.m. of the following day so as to create unnecessary noise across a residential real property boundary.

xi. Sound reproduction. No person shall operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound:

(a) In such manner as to create unnecessary noise across a real property boundary, except for activities open to the public and for which a permit has been issued by the Town of Saugerties.

(b) In such a manner as to create unnecessary noise at fifty (50') feet from such device, when operated in or on a motor vehicle on a public highway;

(c) In such a manner as to create unnecessary noise to any person other than the operator of the device, when operated by any passenger on a common carrier;

(d) In such a manner as to create unnecessary noise that enters an apartment or dwelling unit that is separate and distinct from the apartment or dwelling unit from which the unnecessary noise originated.

xii. Squealing tires. No person shall operate a motor vehicle in such a manner as to cause unnecessary noise by spinning or squealing the tires of such motor vehicle.

xiii. Street sales. No person shall offer for sale or sell anything by shouting or outcry within any residential or commercial area except by permit issued by the Town of Saugerties.

#### Section 5. Enforcement.

Powers of the Police Department. The Town of Saugerties Police Department shall have the power to:

- (a) Order the owner of any device which causes or is maintained or operated so as to cause a violation of this local law to install any noise control measure which can reasonably be expected to correct the violation or to repair, properly maintain, replace or alter such device in a manner which can reasonably be expected to correct the violation;
- (b) Seal any device which causes or is maintained or operated so as to cause violation of any provision of this local law; or
- (c) Order any person to cease and desist from any activity which causes or is conducted so as to cause any violation of any provision of this local law.

#### Section 6. Penalties.

Any person found violating the provision of this local law shall upon conviction thereof, be punished as follows:

- (a) Any person committing an offense against this local law shall be guilty of an offense punishable by a fine not to exceed Five Hundred and 00/100 (\$500.00) Dollars in amount, or imprisonment, not to exceed fifteen (15) days or both such fine and imprisonment, or to a penalty not exceeding Five Hundred and 00/100 (\$500.00) Dollars to be recovered by the Town of Saugerties in a civil action;
- (b) Violations, regardless of the number, on any one day, shall be considered as one (1) violation for that day. Abatement proceedings shall be in addition to any penalties prescribed in this section;



- 9.
- (c) The Town of Saugerties may also seek injunctive relief to prevent the continued violation of this local law.

Section 7. Miscellaneous Provisions.

A. Severability. If any clause, sentence, paragraph, subdivision or part of this local law or the application thereof to any person, firm or corporation or circumstances, shall be adjudicated by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, 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.

B. Effective Date. This local law shall be effective as provided by law, upon filing and acceptance by the Secretary of State.

Passed, adopted and approved this \_\_\_\_ day of \_\_\_\_, 2019.

SAUGERTIES TOWN BOARD

\_\_\_\_\_  
Fred Costello, Jr., Supervisor  
Town of Saugerties

\_\_\_\_\_  
Lisa Stanley, Town Clerk  
Town of Saugerties