

LOCAL LAW FILING

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

(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 of Richmond
Village

Local Law No. _____ of the year **2018**

A Local Law Amending Chapter 143 (Noise) of the Code of the Town of Richmond

(Insert Title)

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

County
City
Town of Richmond
Village

as follows:

Section 1. The Zoning Law of the Town of Richmond is hereby amended with the repeal of Chapter 143 (Noise) and the adoption of a new Chapter 143 to be inserted in its place to read as follows:

Chapter 143: Noise

§ 143-1. Title.

This chapter shall be known as the "Noise Law of the Town of Richmond."

§ 143-2. Purpose.

It is hereby declared to be the policy of the Town of Richmond to prevent unreasonably loud, disturbing and unnecessary noise. It is the intent to reduce noise to preserve, protect and promote the public health, safety and welfare and to foster convenience, peace and quiet within the town. It is the intent of this Chapter to create opportunities for quiet enjoyment within the Town. Problems concerning disturbance of peace and quiet by noise from various activities are best solved by thoughtful discussions and cooperative agreements between affected parties. However, to resolve remaining problems of noise, which is disturbing to others, it is the policy of enforcement procedures and penalties.

During the hours of repose, the public at large shall have a reasonable expectation to remain undisturbed by any unreasonably loud, disturbing and unnecessary noise.

§ 143-3. Definitions

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

HOURS OF REPOSE - That time period between the hours of 10:00 p.m. of any day and 8:00 a.m. of the immediately following day.

UNREASONABLY LOUD, DISTURBING OR UNNECESSARY NOISE – Any excessive or unusually loud sound or any sound which either annoys, disturbs, injures, endangers or interferes with sleep, comfort, repose, health, or safety of a reasonable person of normal sensitivities or which causes damage to property or business.

§ 143-4. Prohibited Actions.

A. No person shall cause, suffer, allow or permit to be made an unreasonably loud, disturbing or unnecessary noise during the hours of repose.

B. Between the hours of 9:00 p.m. of any day and 8:00 a.m. of the immediately following day, minibikes, motorcycles, ATV's, snowmobiles and similar motor-propelled vehicles shall not be operated on private property where such operation is occurring closer than 200 feet to a place of residence, except that of the owner or operator or a place of residence to which the owner or operator has been invited.

C. The following acts and noises are prohibited in the Town of Richmond:

(1) Radios, phonographs, etc. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph 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 or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, yard, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device during the hours of repose in such a manner as to be plainly audible at a distance of 50 feet from the building, yard, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

(2) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(3) The excessive squealing of vehicle tires or other noise of tires or the motor produced by the vehicle operator accelerating or decelerating the vehicle speed

unnecessarily so as to produce such noise, which such acceleration or deceleration is not required for proper vehicle operation under the conditions existing.

(4) Unnecessary yelling, hollering or screaming, which can be heard beyond the property line of the source during the hours of repose.

D. Parties.

(1) It shall be unlawful for any person in charge of a party that occurs on any private or public property to allow that event to produce any unreasonably loud, disturbing or unnecessary noise, or recklessly create the risk thereof, that can be heard at a distance of 25 feet or more from the source of such sound. It shall also be unlawful for any participant in that event to contribute to such noise.

(2) For the purposes of this section, a "person in charge of a party ":

(a) That occurs on any public property shall include the person or persons who obtained permission to utilize that property for that event; and

(b) That occurs on private property shall include the person who owns the premises involved and any adult person who lives in or on the premises involved in such party or social event; and

(c) Shall include the person who is listed on a permit granted by the person or entity with permitting authority with respect to such event; and

(d) Shall include the person to whom a keg is registered when the party that is producing the noise or noises that are the subject of any violation of this section has beer being served from a keg.

§ 143-5. Exemptions

The provisions of this law shall not apply to the following acts:

A. Customary residential activities. Customary residential activities on residential, agricultural and agricultural/residential properties, including social gatherings, deliveries of residential heating oil or gas and pickup of residential garbage, as well as permitted agricultural activities, shall not be regulated by this chapter.

B. Agricultural or farm activities as defined in Chapter 200 of the Richmond Town Code.

C. Sounds created by snowmobiles while using county or state snowmobile trails are exempted from the limitations of this chapter.

D. Sounds connected with sporting events of any public organization or private school.

- E. Sounds connected with an authorized carnival, fair, exhibition or parade.
- E. Lawfully permitted fireworks displays.
- F. Lawful discharge of firearms.
- G. The operation or use of any organ, radio, bell, chimes or other instrument, apparatus, or device by any church, synagogue or other place of worship in conjunction with normal church or religious activities.
- H. Funeral processions.
- I. Activities of the Honeoye Central School District or of any other school that is licensed or chartered by the State of New York when such activity is held on school grounds, including, but not limited to, athletic activities, music activities and parades.
- J. The emissions of sound for the purpose of alerting persons of an existing emergency.
- K. Sounds created by a municipality during any emergency repair and maintenance or any other repair or maintenance undertaken by the municipality.
- L. Official law enforcement activities.
- M. Noise generated by the installation and maintenance of utilities.

§ 143-6. Enforcement.

Upon receipt of a complaint by any person(s), it shall be the duty of the Ontario County Sheriff's Department, and any other law enforcement officer with the requisite jurisdiction to enforce this chapter.

§ 143-7. Penalties for offenses.

- A. Any person who violates this chapter shall be guilty of a violation, and upon conviction thereof, shall be subject to a fine of not less than \$100, and not more than \$250 or imprisonment for a term not to exceed 15 days, or both.
- B. The owner of any property and any person, firm, association or corporation in control of the real property where the violation(s) of this chapter occur(s) shall be guilty of a separate violation and, upon conviction thereof, shall be fined or imprisoned as herein provided above. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate and distinct offense.

Section 3. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause,

sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 4. This local law shall take effect 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 No. ____ of 2018 of the **Town of Richmond** was duly passed by the Richmond Town Board on _____, 2018, 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 Officer¹.)

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.

¹ 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 _____ 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.

Town Clerk

(Seal)

Date: _____