

**TOWN OF RENSSELAERVILLE
87 BARGER ROAD
MEDUSA, NEW YORK 12120**

Proposed Local Law No. ____ of the year 2015

A Local Law regulating noise.

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

Section 1. This Local Law shall be known and may be cited as the "NOISE CONTROL LAW" of the Town of Rensselaerville.

Section 2. **DECLARATION OF POLICY:**

It is hereby declared to be the policy of the Town of Rensselaerville to prevent unreasonable loud, disturbing and unnecessary noise and to reduce the noise level within the Town so as to preserve, protect, and promote the public health, safety, and welfare and to foster convenience, peace and quiet within the Town for the inhabitants thereof.

The Town Board finds that every person is entitled to have maintained noise levels which are not detrimental to life, health, and enjoyment of property, and that excessive and unreasonable noise within the Town of Rensselaerville affects and is a menace to public health, safety, welfare, and the comfort of the people of the town, and negatively affects the value of their property.

Section 3. **DEFINITIONS:**

- a. Unreasonable Noise: A noise which is of such character, intensity and duration, or of a type of volume that a reasonable person of normal sensitivity would not tolerate under the circumstances.
- b. Unnecessary: That which is not required by the usual circumstances.

Section 4. **PROHIBITED ACTS:**

The following acts and/or the causing thereof, are declared to be prima facie evidence of a violation of this law. This enumeration shall not be deemed exclusive.

1. Motor Vehicles: Noise emanating from the operation of motor vehicles, including from sound producing devices, is regulated by the New York State Vehicle and Traffic Law. The maximum levels and regulation for the operation and use of motor vehicles on public highways as they may be amended from time to time, are hereby designated to be the maximum permissive noise level for the operation of motor vehicles, and of any sound producing device on any motor vehicle, on all other property as well as public highways within the Town of Rensselaerville.

2. Private Residence and Meeting Halls: No unreasonable noise from parties, entertainment, music or social gatherings of any kind, whether public or private, shall be such that noise caused by and /or emanating from said use can be heard between the hours of 1 A. M. and 6:00 A. M. the following day.
3. Construction: Unreasonable noise coming from the erection, including excavation, demolition, alteration or repair of any building other than between 5:00 A. M. and 10:00 P. M., except in cases of a public safety or emergency, is prohibited.

Section 5. **EXEMPTIONS:**

This law shall not apply to the operation or use of any organ, radio, bell, chimes or other instrument, apparatus or devise, by any church, synagogue, or school licensed or chartered by the State of New York, to sounds emitted for the purpose of alerting persons to the existence of an emergency, or to noise from municipally sponsored celebrations or events, or to noise emanating from state, county, or town highway maintenance work. This law shall not apply to farm operations conducted in accordance with the Town of Rensselaerville's Right to Farm Law.

Section 6. **ENFORCEMENT:**

The Code Enforcement Officer, where applicable, and the Albany County Sheriff's Department and the New York State Police shall enforce this law.

1st Offense – Warning

2nd Offence – Issued a summons to appear before the Town Judge

Section 7. **PENALTIES:**

- a. Any person who violates any provision of this law shall be guilty of a violation and shall be subject to a fine designated by the Judge.
- b. The Town of Rensselaerville may also seek injunctive relief to prevent the continued violation of this law.

Section 8. **SEVERABILITY:**

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

Section 9. **EFFECTIVE DATE:**

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