

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET ALBANY, NY 12231

(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

Town of Corinth

Local Law No _____ of the year 2024

A local law Establishing Chapter 93 (Noise)

Be it enacted by the Town Board of the

County

City

Town

Town of Corinth as follows:

Section I. Substantive Law.

Chapter 93 (Noise) of the Town Code of the Town of Corinth is adopted and reads in full:

§ 93-1. Declaration of policy.

It is hereby declared to be the public policy of the Town to monitor the ambient noise level in the Town so as to preserve, protect and promote the public health, safety and welfare, and the peace and quiet of the residents. The provisions and prohibitions hereinafter contained and enacted are for the above-mentioned purpose.

§ 93-2. Measurement.

- A. The measurement of sound made by a sound-level meter meeting the standards prescribed by the American National Standards Institute, as the same may from time-to-time be amended, shall be admissible in a court of competent jurisdiction, provided the enforcement officer making such measurement is present in Court and available for cross-examination. Testimony regarding, or other proof of measurement of sound, made by any other sound-level meter (e.g., a sound-meter application on a smartphone) shall be admissible into evidence by a court of competent jurisdiction, and shall be given such weight as the Court deems appropriate, provided the individual offering such evidence is present in Court and available for cross-examination.
- B. Unless otherwise specified, sound means sound as measured at the boundary of the parcel of private property on which the sound is generated. Compliance with noise limits is required at all points on parcel's boundary.
- C. Unless otherwise specified, sound means sound as measured thirty (30) feet from the source of the sound when generated on public property (e.g., Town parkland).
- D. Where feasible, measurement of sound levels shall be taken four feet from ground level.
- E. For any source of sound that emits a pure tone (a steady, unchanging tone) or impulsive sound (a sound of short duration, where each peak of sound lasts 2 seconds or less), the maximum sound-level limits set forth in § 93-3 shall be reduced by five (5) decibels.

§ 93-3. Maximum permissible sound levels.

No person shall operate or cause to be operated on private property any source of sound in such a manner as to create a sound level, when measured at or within the property boundary of the receiving land use, which exceeds 60 decibels during the daytime and 40 decibels during the nighttime. For the purpose of this law, "daytime" begins at 7 a.m. Monday through Friday and 8 a.m. Saturday and Sunday; and "nighttime" begins at 9 p.m. Sunday through Thursday and 10 p.m. Friday and Saturday. (Daytime hours:

Monday-Thursday 7 a.m. to 9 p.m.; Friday 7 a.m. to 10 p.m.; Saturday 8 a.m. to 10 p.m.; Sunday 8 a.m. to 9 p.m.)

§ 93-4. Exemptions.

The provisions of § 93-3 shall not apply to:

- A. The use of bells, chimes or sound amplifiers by churches or other houses of worship engaged in church activities.
- B. Activities of the Town or volunteer fire companies in the performance of their duties, drills or public demonstrations, including sounding of a fire whistle, siren or other alarm.
- C. Activities in public parks, playgrounds or public buildings under permission or authority of the Town during the “daytime” hours set forth in § 93-3. During “nighttime” hours, such activities must conform to the standards set forth in § 93-3. The Town Board can extend these hours for special events when deemed appropriate.
- D. Refuse-collecting vehicles as regulated pursuant § 93-5D.
- E. Snow blowers and other powered or motorized snow removal equipment.
- F. Electrical distribution transformers.
- G. Emergency generators during times of power outages.
- H. Driveway or road maintenance activities.
- I. Yard equipment during the hours set forth in § 93-5H.
- J. Construction activities:
 - (1) Performed by any department or agency of the federal or New York State government; County and/or Town Public Works or Sewer Departments; and/or any contractors working directly for these agencies, when working on public property or within a public way, right-of-way or easements;

(2) Performed by a resident or contractor on a residence or other resident-owned structure, provided that such construction activity take place between 7 a.m. to 8 p.m. Monday through Friday and 8 a.m. to 7 p.m. Saturday and Sunday. Construction activities at other hours must conform to the “nighttime” standards set forth in § 93-3. The Town’s Code Enforcement Officer may permit the temporary overnight use of generators, pumps, or other machinery needed to ensure that the construction environment is appropriately maintained to protect health and safety.

K. The Town Board may grant additional exemptions.

§ 93-5. Specific prohibitions.

Without limiting the general applicability of § 93-3, the following acts are further regulated as herein provided:

A. Noise-sensitive zones: schools, courts, churches, hospitals, nursing homes, etc. The emission of excessive noise on a street adjacent to a school, institution of learning, church or court, while they are in use, or adjacent to a hospital or nursing home that unreasonably interferes with the working of the institution or disturbs or unduly annoys patients in the hospital or nursing home is prohibited, provided that conspicuous signs are displayed in such a street indicating that it is a school, hospital, church or court street.

B. Motor vehicles and motorcycles.

(1) No person shall operate any motor vehicle in such a manner as to cause noise unrelated to the safe operation of that motor vehicle, including but not limited to spinning or squealing of the tires, sounding of the horn for non-safety-related purposes, or revving of the engine of such motor vehicle.

(2) Horns and signaling devices. No person may sound any horn or other signal device on any motor vehicle more than three times in any five-minute period, while such motor vehicle is stationary, except as a warning of danger, and except for intrusion or theft alarms.

- C. Refuse collection vehicles. No person shall collect refuse with a refuse collection vehicle between the hours of 9 p.m. and 6 a.m. or permit the operation of the compacting mechanism at a sound level in excess of 80 decibels when measured at 25 feet from any point on the vehicle.
- D. Noise from discharge of exhaust. No person shall discharge or permit to be discharged into the open air the exhaust of any stationary internal-combustion engine (including but not limited to generators, compressors, pumps), except through a muffler or other device that will effectively prevent loud or explosive noises therefrom.
- E. Yard equipment. The use of leaf blowers, chain saws, wood chippers, lawn mowers, and other motorized yard equipment is permitted only between the hours of 7 a.m. and 9 p.m. Monday through Friday and 8 a.m. to 8 p.m. Saturday and Sunday.
- F. Electronically Amplified Music or Sound. No music or other sound generated by an electronically amplified device (e.g., radio) which produces 60 decibels during the daytime and 40 decibels during the nighttime.
- G. Tampering. The moving or rendering inaccurate or inoperative of any sound-monitoring instrument or device positioned by the Town or its designated employee or agent is prohibited, provided that such device or the immediate area is clearly labeled to warn of the potential illegality of such tampering.

§ 93-6. Enforcement by Peace Officers.

- A. The provisions of this chapter shall be enforced by the Saratoga County Sheriff's Department, the New York State Police, or any other peace officer.
- B. At the discretion of the Saratoga County Sheriff's Department, the New York State Police, or any other peace officer, a warning notice may be issued first, which may indicate a length of time, determined on a case-by-case basis, for the recipient to correct the violation before a ticket is issued.
- C. The standards that may be considered in determining whether a violation exists may include but are not limited to the following:

- (1) The level or volume of the noise.
- (2) The time of day or night the noise occurs.
- (3) Whether the noise is continuous, cyclical, or constant, and the duration of the noise.
- (4) Whether the making of the noise is reasonably necessary for the protection or preservation of property or of the health, safety and welfare of a person or persons.
- (5) Whether the noise is reasonably necessary for temporary building or construction operations.
- (6) Whether reasonable methods are available for deadening or muffling the noise.
- (7) The proximity of the noise to residential property or property customarily used by persons for sleeping.
- (8) Whether the sound is plainly audible.

§ 93-7. Enforcement by Individuals.

An individual may seek redress for violation(s) of this local law either in the Town Court of the Town of Corinth by commencement of a small claims proceeding, or in New York State Supreme Court by commencement of a civil action.

§ 93-8. Penalties for offenses.

Any person found to have violated any provisions of this chapter shall be subject to the following penalty:

- A. In a proceeding brought by law enforcement:
 1. Upon a first conviction, a fine of \$250;
 2. Upon a second conviction for an offense committed within a period of one year from the first such conviction, a fine of \$500 for each day of such violation;
 3. For a third and any subsequent conviction for an offense committed within a period of one year from the second such conviction, a fine of \$1,000 for each day of such violation.

4. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate and distinct violation.

B. In a small claims proceedings or civil action:

1. Upon a first violation, a civil penalty of \$250;
2. Upon a second violation within a period of one year from the first such violation, a civil penalty of \$500 for each day of such violation;
3. For a third and any subsequent violation within a period of one year from the second such violation, a civil penalty of \$1,000 for each day of such violation.
4. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate and distinct violation.

Section II. Supersession:

This local law is hereby adopted pursuant to the provision of §10 of the New York State Municipal Home Rule Law and §10 of the New York State Statute of Local Governments, it being the intent of the Town Board to supersede any and all contrary or inconsistent State Laws.

Section III. Inconsistency:

All other local laws and ordinances of the Town of Corinth, if any, that are inconsistent with the provisions of this local law are hereby repealed: provided, however, that such repeal shall only be to the extent of such inconsistency and in all other respects this local law shall be in addition to such other local laws or ordinances, if any, regulating and governing the subject matter covered by this local law.

Section IV. Savings Clause:

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment, order and/or decision shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation of the clause, sentence, paragraph, worked section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section V. Effective Date:

This local law shall take place immediately upon its filing with the New York State 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 2024 of the (County)(City)(Town)(Town) of Corinth was duly passed by the Corinth Town Board on the 11th day of April, 2024 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 Officer*.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Town) of _____ was duly passed by the _____ on _____ 20____ and was (approved)(not approved) (repassed after (Name of Legislative Body) disapproval) by the _____ and was deemed duly adopted on _____ 20____. _____ (Elective Chief Executive Officer*) 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 No. _____ of 20____ of the (County)(City)(Town)(Town) of _____ was duly passed by the _____ on _____ 20____ and was (approved)(not approved)(repassed after (Name of Legislative Body) disapproval) by the _____ on _____ 20____. Such local law was submitted _____ (Elective Chief Executive Officer*) 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 local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Town) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after (Name of Legislative Body) disapproval) by the _____ on _____ 20____. Such local law was subject to _____ (Elective Chief Executive Officer*) permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.~~

* 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 Town, 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 affirm majority of the qualified electors of such city voting thereon at the (special)(general) election held _____ 20____ became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law, designated as local law No _____ of 20____ of the County of _____ State of New York, having submitted to the electors at the General Election of November _____ 20____, pursuant to subdivision 5 an section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities 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 _____ I, _____ above.

Clerk of the County legislative body, City--Town of Corinth
Clerk or officer designated by local legislative body

Date: April , 2024

(Seal)

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

STATE OF NEW YORK)
)SS:
COUNTY OF SARATOGA)

I, the undersigned, 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.

Signature – Thomas W. Peterson

Attorney for the Town of Corinth

Title
County
City
Town
Town of Corinth

Date: April 12, 2024