

# Local Law Filing

(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 of \_\_\_\_\_
- Town
- Village

Local Law No. 4 of the year 20 16

A local law to Prevent Excessive, Disturbing, Unnecessary, or Unreasonable Noise and to Promote  
*(Insert Title)*  
 Peace and Quiet within the Village of Wellsville (Noise Ordinance)

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

- County
- City of Wellsville as follows:
- Town
- Village

A LOCAL LAW TO PREVENT EXCESSIVE, DISTURBING, UNNECESSARY OR UNREASONABLE NOISE AND TO PROMOTE PEACE AND QUIET WITHIN THE VILLAGE OF WELLSVILLE (NOISE ORDINANCE)

Local Law #4 of 2016.

Be it enacted by the Board of Trustees of the Village of Wellsville, in the County of Allegany, as follows:

SECTION 1. PURPOSE AND INTENT:

The purpose of this local law is to prevent excessive, disturbing, unnecessary or unreasonable noise within the Village. The provisions and prohibitions hereinafter stated are in pursuance of and for the purpose of preserving, protecting and promoting peace and quiet within the Village of Wellsville and the public health, comfort, safety and welfare of its residents.

SECTION 2. GENERAL PROHIBITION:

Except in connection with the conduct of a business or calling, or the protection or preservation of safety, life or property, as determined by the village board, it shall be unlawful for any person to make, continue, aid, cause or permit to be made any unreasonable, unnecessary or unusual noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensitivities.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

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SECTION 3. STANDARDS:

Standards to be considered in determining whether any sound constitutes excessive, disturbing, unnecessary or unreasonable noise, which is prohibited hereby, include:

- A. The volume of the noise,
- B. The intensity of the noise,
- C. Whether the noise is usual or unusual,
- D. Whether the origin or the noise is natural or unnatural,
- E. The volume and intensity of background noise, if any,
- F. The proximity of the noise to residential sleeping facilities, hospitals, nursing homes or schools,
- G. The time duration of the noise,
- H. Whether the sound source is temporary and,
- I. Whether the noise is continuous, impulsive or intermittent.

SECTION 4. UNNECESSARY AND UNREASONABLE NOISES:

The following is a non-exclusive list of noises which are deemed to be excessive, disturbing, unnecessary, unreasonable and in violation of this Local Law:

- A. Horns, signaling devices, etc. As per NYS Vehicle & Traffic Law.
- B. Bands, musical instruments, radios, etc. The playing of music by any band, radio, stereo system, musical instrument or other device for the production or reproduction of sound in such a manner as to disturb the peace, quiet and comfort of neighboring residents or at any time with louder volume than necessary for convenient hearing for the person(s) who are voluntary

listeners thereto except on special occasions for which permission of the Village has first been obtained, which permission shall specify the date, time and place that the activity is authorized (The playing or operating of any such band, instrument or device between the hours of 10:00 pm and 7:00 am without such permission and in a manner to be plainly audible on adjacent properties shall be prima facie evidence of a violation of this Local Law).

- C. Loudspeakers and amplifiers for commercial advertising.
- D. Yelling, shouting, hooting, whistling or singing by peddlers, vendors or others on the public streets between the hours of 10:00 pm and 7:00 am.
- E. Firecrackers. Setting off firecrackers within the limits of the Village, except on special occasions for which permission from the Village Board is first obtained, which permission specifies the date, time and place such activity is authorized.
- F. Animals. The keeping or harboring of any animal which cause frequent, loud or continued noise which shall disturb the comfort or peace of any person(s) in the vicinity.
- G. The Discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, air compressor or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom, and except for such sounds produced by normal business operations.
- H. Excessive noises in a school or hospital zone, as defined by conspicuous signage.

#### SECTION 5. PERMITTED NOISES:

- A. Sounds created by person(s) engaged in construction work during the hours of 6:30 am to 8:00 pm including but not limited to building, repairing, grading, leveling and excavating.
- B. Sound created by any government agent or agency by the use of signaling or public warning devices.
- C. Sound created by mowers or power tools in use between the hours of 8:00 am and 9:00 pm.
- D. Sound created by public utilities in carrying out the operation of their franchise.
- E. Sounds connected with sporting or other authorized public or private school events.
- F. Sounds necessarily connected with special events for which permission of the Village Board has been obtained which shall specify the date, time and place that the activity is authorized.

#### SECTION 6. ENFORCEMENT:

The police department shall investigate all complaints about alleged violations of this law.

#### SECTION 7. SEVERABILITY:

If any clause, sentence, paragraph, or part of this Local Law shall be adjudged by any Court of competent jurisdiction to be invalid, such determination shall not affect, impair or invalidate the remainder of this Local Law.

#### SECTION 8. PENALTIES FOR OFFENSES:

Any person violating any of the provisions of this Local Law shall, upon conviction, be subject to a fine not to exceed the sum of Two Hundred and Fifty dollars (\$250.00) or imprisonment not exceeding 15 days, or both such fine and imprisonment. The continuation of a violation of this Local Law shall constitute a separate and distinct offense hereunder for each twenty-four (24) hour period that the

violation is continued. These fines and timeframes may from time to time be amended by resolution of the Village Board of Trustees.

**SECTION 9. EFFECTIVE DATE:**

This local law shall be 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 No. 4 of 20 16 of the (County)(City)(Town)(Village) of Wellsville was duly passed by the Board of Trustees on July 11 20 16, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**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)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* 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) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_ *(Elective Chief Executive Officer\*)*

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) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_. Such local *(Elective Chief Executive Officer\*)* 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.

\* 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 \_\_\_\_\_ 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.

Katelyn Kinder  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 7-14-2016

(Seal)

**(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 ALLEGANY

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.

Jamil Syta  
Signature VILLAGE ATTORNEY  
Title

County  
~~City~~ of WELLSVILLE  
~~Town~~  
Village

Date: 7-14-16