

(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 New Paltz

~~Village~~

Local Law No. _____ of the year 2018

A local law TO Amend Chapter 100, "Noise" of the Code of the Town of New Paltz.

Section 1. PROHIBITED NOISES.

Subdivision A of §100-3, "Prohibited Noises" of Chapter 100, "Noise" of the Code of the Town of New Paltz.is hereby amended to read as follows:

§ 100-3 Prohibited noises.

A. General prohibition. Except as otherwise hereinafter provided, it shall be unlawful within the limits of the Town of New Paltz for any person to make, continue, aid, countenance, cause to be made or assist in making any unreasonably loud and/or disturbing and/or unnecessary noise on Sunday commencing at 8:00 p.m. and continuing through and including Monday at 7:00 a.m. and during the same hours upon each successive evening and morning of each successive day of the week thereafter through and including Saturday at 7:00 a.m. and on Saturday commencing at 8:00 p.m. and continuing through and including Sunday at 9:00 a.m.; provided, however, that the foregoing hours shall be extended until the hour of 9:00 a.m. on any day upon which there is celebrated a legal holiday. Any noise which unreasonably interferes with the sleep, comfort, repose, health or safety of others is prohibited during the hours above mentioned.

(1) "Unreasonably loud." Any noise which a reasonably prudent person would consider or find substantially incompatible with the time and location where created to the extent that such noise creates an actual or imminent interference with the peace, dignity or good order in the immediate area where created.

(2) "Disturbing." Noise that is perceived by a person of ordinary sensibilities as interrupting the normal peace and calm of the area.

(3) "Unnecessary." Any excessive or unusually loud sound or any sound which is of such character, intensity and duration as to disturb the peace and quiet of any neighborhood or which disturbs, injures or endangers the comfort, repose, health, peace or safety of any person and being a type of sound which could be lessened or otherwise controlled by the maker without

unduly restricting his conduct.

In determining whether a noise is unreasonably loud, disturbing or unnecessary, the following factors incident to the noise shall be considered:

Time of day; proximity to residential structures; whether the noise is recurrent, intermittent or constant; the volume and intensity; whether the noise has been enhanced in volume or range by any type of mechanical means; the nature and zoning of the area; whether the noise is specifically excepted from the provisions of this chapter or of any other provision of the Code of the Town of New Paltz; and whether the noise is subject to being controlled without unreasonable effort or expense to the creator thereof.

Section 2. SEVERABILITY

If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court or competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other person or circumstances and the Town Board hereby declares that it would not have enacted this local law or the remainder thereof had the invalidity of such provision or application thereof been apparent.

Section 3. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.