

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 CORNWALL
- Town
- Village

Local Law No. _____ of the year 20 10

A local law to create Chapter 101 of the Code of the Town of Cornwall entitled
(Insert Title)
 "Regulation of Noise"

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

- County
- City of CORNWALL _____ as follows:
- Town
- Village

SECTION 1. REGULATION OF NOISE

Chapter 101 of the Town Code of the Town of Cornwall, entitled "REGULATION OF NOISE" is hereby enacted and shall provide as follows:

§ 101-1. Unreasonable Public Noise Prohibited.

No person shall, with the intent to cause annoyance, alarm or undue inconvenience to others, or with reckless disregard thereof, make unreasonably loud noise. Under this section, noise shall be deemed unreasonably loud if it is audible upon property owned or occupied by others and is of such volume and duration as a reasonable person of normal sensitivities would not tolerate.

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

§ 101-2. Building Construction or Demolition.

It is prohibited to conduct any building construction or demolition producing noise subject to this Chapter between the hours of 10:00 p.m. and 7:00 a.m. Monday through Friday and between 11:00 p.m. and 7:00 a.m. on Saturday and Sunday, including operation or use any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other apparatus the use of which is attended by loud noise.

§ 101-3. Commercial Activity.

Any sounds generated by a use that is subject to the provisions of Town Code §158-17(B) and which complies with the terms and provisions thereof shall not constitute a violation of this Chapter.

§ 101-4. Exceptions.

(A) The following items are specifically exempted from the provisions of this Chapter:

- (1) Sounds created by operation of lawn mowers, snow blowers, leaf blowers or similar devices, provided that such sounds are not generated with the intent to cause annoyance, alarm or undue inconvenience to owners or occupants of adjoining property.
- (2) Sounds created by construction activities during the period 7:00 a.m. to 10:00 p.m. Monday through Friday and between 7:00 a.m. and 11:00 p.m. on Saturday and Sunday.
- (3) Sounds created by emergency construction or repair work performed between the hours of 10:00 p.m. and 7:00 a.m. Monday through Friday or between 11:00 p.m. and 7:00 a.m. on Saturday and Sunday, which is necessary to preserve safety or prevent property damage.
- (4) Music or other sounds produced in connection with any military or civic parade, celebratory procession, holiday festival or decoration, funeral procession or religious service.

- (5) Sound produced by any organ, bell, chimes or any other similar instrument or device by any church, synagogue or school on or within its own premises in connection with religious rites or ceremonies of such church or synagogue or in connection with a school education program.
- (6) Sounds produced by agricultural activities.
- (7) Sounds created by any governmental agency by the use of public warning devices, including such devices used by police officers, fire personnel, and similar emergency responders while executing their duties as may be appropriate.
- (8) Sounds created by public utilities in carrying out the operations of their franchise.
- (9) Sounds arising from sporting events, recreational activities or child's play between the hours of 7:00 a.m. and 11:00 p.m., provided that such sounds are not generated with the intent to cause annoyance, alarm or undue inconvenience to owners or occupants of adjoining property.

§ 101-5. Penalty for Offenses.

Any person who violates any provision of this Chapter shall be deemed guilty of an offense and, for conviction thereof, shall be punished by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both.

SECTION 2. SEVERABILITY

If any word, phrase, sentence, part, section, subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed Application thereof, shall be severable, and the remaining provisions of this Law, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

SECTION 3. EFFECTIVE DATE

 This Law shall become effective upon 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 20 10 of the (County)(City)(Town)(Village) of CORNWALL was duly passed by the Town Board on 20 10, 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)(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 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.

Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body
ELAINE TILFORD SCHNEER, TOWN CLERK

Date: _____

(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 ORANGE

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 STEPHEN J. GABA
 ATTORNEY FOR TOWN

Title

County _____
City of CORNWALL
Town _____
Village _____

Date: November , 2009