

## *Local Law Filing*

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**(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   ☐Village  
(select one:)

**of Copake**

**Introductory Local Law No. 5 of the year 2023**

**A LOCAL LAW TO AMEND CHAPTER 160 OF THE TOWN CODE OF THE TOWN OF COPAKE, ENTITLED “NOISE”, AND TO DESIGNATE AN ENFORCEMENT OFFICIAL**

**Be it enacted by the Town Board of the Town of Copake as follows:**

See attached.

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

## **TOWN OF COPAKE**

### **INTRODUCTORY LOCAL LAW NO. 5 OF THE YEAR 2023**

#### **A LOCAL LAW TO AMEND CHAPTER 160 OF THE TOWN CODE OF THE TOWN OF COPAKE, ENTITLED “NOISE”, AND TO DESIGNATE AN ENFORCEMENT OFFICIAL**

##### **SECTION 1**

This local law shall be referred to as “A Local Law to Amend Chapter 160 of the Town Code of the Town of Copake, Entitled “Noise”, and to Designate an Enforcement Official”.

##### **SECTION 2**

A. Chapter 6 of the Town Code of the Town of Copake, entitled “Appearance Tickets”, is hereby amended to add a new Paragraph E to Section 6-1 thereof, to read in its entirety as follows:

E. Violations of Chapter 160, Noise.

B. Chapter 160 of the Town Code of the Town of Copake, entitled “Noise”, is hereby amended to read in its entirety as follows:

#### **CHAPTER 160. Noise**

##### **§ 160-1. Title.**

This chapter shall be known as the Town of Copake Noise Regulation Law.

##### **§ 160-2. Declaration of policy.**

It is hereby declared to be the policy of the Town of Copake to prevent excessive, unnecessary or unusually loud noise. It is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuit of and for the purpose of

preserving, protecting and promoting the public health, comfort, convenience, safety and welfare and the peace and quiet of the Town of Copake and its inhabitants.

This chapter shall be liberally construed so as to effectuate the purposes described in this article.

### **§ 160-3. Definitions.**

As used in this chapter, the following words shall have the meanings indicated:

#### **DAY**

A calendar day, as defined in N.Y. General Construction Law § 19.

#### **DEVICE**

Any mechanism which is intended to or which actually produces sound when operated or handled.

#### **PERSON**

Any individual, partnership, company, corporation, association, firm, organization, or any other group of individuals, or any person or employee thereof.

#### **REAL PROPERTY BOUNDARY**

The line along the ground surface that separates real property owned by one person from that owned by another person, and the vertical extension of such line.

#### **UNNECESSARY NOISE**

Any excessive or unusually loud sound or any sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensibilities, or which causes injury to animal life or damage to property or business. Standards to be considered in determining whether unnecessary

noise exists in a given situation, include but are not limited to the following:

- (1) The intensity of the noise;
- (2) Whether the nature of the noise is usual or unusual;
- (3) Whether the origin of the noise is natural or unnatural;
- (4) The intensity of the background noise;
- (5) The proximity of the noise to sleeping facilities;
- (6) The nature and the zoning district of the area within which the noise emanates;
- (7) The time of the day or night the noise occurs;
- (8) The duration of the noise;
- (9) Whether the sound source is temporary;
- (10) Whether the noise is continuous or intermittent; and
- (11) Whether alternate methods are available to achieve the objectives of the sound producing activity.

**§ 160-4. General prohibition.**

No person shall make, continue or cause or permit to be made any unnecessary noise. Acts in violation of sections 160-5 through 160-8 are declared to be prima facie evidence of a violation

of this article and are prohibited, but said enumeration shall not be deemed to be exclusive.

**§ 160-5. Exhausts.**

No person shall operate or permit to be operated any device that discharges into the open air the exhaust of any device, including but not limited to any steam engine, diesel engine, internal combustion engine, turbine engine, motor boat or motor vehicle, that causes loud, unusual, or explosive noises, except through a muffler or other device which will effectively prevent such loud, unusual, or explosive noises.

**§ 160-6. Horns and Signaling Devices**

No person shall sound any horn or other signaling device on any automobile, motorcycle, or other vehicle, except as a danger warning, nor create by means of any such horn or signaling device any unreasonably loud or harsh sound, nor sound any such horn or other signaling device for an unnecessary and unreasonable period of time.

**§ 160-7. Sound Production, Reproduction or Amplification.**

No person shall operate, play or permit the operation or playing of any radio, television, phonograph, computer, speaker, personal music or video device, drum, musical instrument, sound amplifier or similar machine or device which produces, reproduces or amplifies sound, regardless of whether such machine or device is within a building, structure, vehicle, or otherwise:

- A. In such a manner as to create unnecessary noise that is audible across any real property boundary between the hours of 10:00 p.m. and 8:00 a.m.
- B. In such a manner as to create unnecessary noise that is plainly audible at a distance of fifty (50) feet from such machine or device or across the nearest real property boundary, whichever distance is greater, between the hours of 8:00 a.m. and 10:00 p.m.
- C. In such a manner as to create unnecessary noise that at any time enters any apartment or dwelling unit that is separate and distinct from the real property, the apartment, or the dwelling unit on or in which such person operates, plays or permits the operation or playing of such machine or device, regardless of whether any windows are open.

**§ 160-8. Shouting, Yelling, Etc.**

No person shall yell, shout, hoot, whistle, or sing on the public streets or in public places between the hours of 10:00 p.m. and 8:00 a.m., nor at any time or in any place in such a manner and for such a period of time as to be unreasonable under the circumstances.

**§ 160-9. Powers of the Code Enforcement Officer.**

The Code Enforcement Officer shall have the power to:

- A. Order any person to cease and desist from any activity which causes or is conducted so as to

cause a violation of any provision of this chapter.

- B. Issue and serve appearance tickets when reasonable cause exists to believe that a person has violated any provision of this chapter.

#### **§ 160-10. Penalties.**

Any person found violating the provisions of this chapter shall upon conviction thereof, be punished as follows:

- A. Any person committing a violation of any provision of this chapter shall be guilty of an offense punishable by a fine not to exceed five hundred dollars (\$500.00) in amount, or imprisonment not to exceed fifteen (15) days, or both such fine and imprisonment, for a first offense; by a fine not less than seven hundred fifty dollars (\$750.00) in amount, or imprisonment not to exceed fifteen (15) days, or both such fine and imprisonment, for a second offense committed within a period of one year; and by a fine not less than one thousand (\$1,000.00) in an amount, or imprisonment not to exceed fifteen (15) days, or both such fine and imprisonment, for a third or subsequent offense committed within a period of eighteen (18) months.
- B. Violations, regardless of the number, on any one day, shall be considered as one violation for that day, until a cease and desist order is issued for such violation(s). Following the issuance of such a cease and desist order on any day, each violation occurring thereafter on the same day shall be considered a separate additional violation. Any violations that span more than one day shall constitute a separate and additional violation for each such day,

regardless of whether a cease and desist order is issued.

**§ 160-11. Exemption for Governmental Activities.**

The provisions of this chapter shall not be applicable to activities of the departments, boards, committees, or officials of the Town of Copake while acting in the course of their governmental responsibilities.

**SECTION 3**

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 4**

This Local Law is enacted pursuant to the New York Municipal Home Rule Law.

**SECTION 5**

This Law shall become effective upon filing with the New York 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 2023 of the ~~(County)(City)(Town)(Village)~~ of Copake was duly passed by the Town Board of the Town of Copake on \_\_\_\_\_, 2023 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) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted 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) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.

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) (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 \_\_\_\_\_ 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 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.

\_\_\_\_\_  
Lynn Connolly, Town of Copake Town Clerk  
Clerk of the county legislative body, City, Town or Village  
Clerk or officer designated by local legislative body

(Seal)

Date: \_\_\_\_\_