

**LEGAL NOTICE
NOTICE of PUBLIC HEARING**

WHEREAS there has been presented to the Town Board of the Town of Southold, Suffolk County, New York, on the 24th day of May, 2011, a Local Law entitled **“A Local Law in relation to the Prevention and Control of Noise Pollution in the Town of Southold”**.

RESOLVED that the Town Board of the Town of Southold will hold a public hearing on the aforesaid Local Law at the Southold Town Hall, 53095 Main Road, Southold, New York, on the **5th day of July 2011 at 7:35 p.m.** at which time all interested persons will be given an opportunity to be heard.

The proposed Local Law entitled, **“A Local Law in relation to the Prevention and Control of Noise Pollution in the Town of Southold”** reads as follows:

LOCAL LAW NO. 2011

A Local Law entitled, **“A Local Law in relation to the Prevention and Control of Noise Pollution in the Town of Southold”**.

BE IT ENACTED by the Town Board of the Town of Southold as follows:

- I.** A new Chapter 200 of the Code of the Town of Southold is hereby adopted as follows:

§200-1. Title. This law shall be known as the “Prevention and Control of Noise Pollution Law of Southold Town.”

§200-2. Purpose. The gentle pace of life in the Town of Southold has traditionally provided a respite from the noise and turmoil which has become an integral part of life in the city and suburbs and which has even encroached into many resort areas on the East End. Crafting of regulations that are uniquely appropriate for the Town of Southold are aimed to protect this rural, almost nostalgic way of life while providing an atmosphere for businesses to flourish. The existence of unreasonably loud, unnecessary disturbing or unusual noise within the Town has become an increasingly, significant problem during recent years. Such noise pollution which is prolonged, unusual or unnatural in its time, place and use is harmful to the peace, welfare, comfort, safety, convenience, good order and prosperity of the inhabitants of the Town of Southold. It is the public policy and findings of the Town Board that every person is entitled to noise levels that are not detrimental to life, health and the enjoyment of his or her property. The provisions and prohibitions hereinafter enacted are in pursuance of this policy and these findings and for the purpose of protecting and promoting the public health, comfort, convenience, peace, safety, welfare and prosperity of the Town of Southold and its inhabitants.

§200-3. Statutory authorization. This chapter is enacted pursuant to § 10 of the

Municipal Home Rule Law to promote the public health, safety and general welfare of Town citizens through regulations intended to govern noise pollution within the entire Town.

§200-4. Definitions. As used in this Chapter, the following terms shall have their meanings indicated.

AIRBORNE SOUND - Sound that reached the point of interest by propagation through the air.

AMPLIFIED SOUND - Sound which has its volume increased by electronic means.

CHARITABLE EVENT - An event whose sole purpose is to raise money for a specific charity or non-profit organization.

COMMERCIAL SERVICE EQUIPMENT - All engine-powered or motor-powered equipment intended for infrequent service work in inhabited areas, typically requiring commercial or skilled operators. Examples of commercial service equipment are chain saws, log chippers, paving rollers, etc.

CONSTRUCTION DEVICE - Any powered device or equipment designed and intended for use in construction. Examples of construction devices are air compressors, bulldozers, backhoes, trucks, shovels, derricks and cranes.

dB(A) - The A-weighted sound level in decibels, as measured by a general-purpose sound-level meter complying with the provisions of the American National Standards Institute specifications for sound-level meters, properly calibrated and operated on the A-weighting network.

DECIBEL (“dB”) - The unit for measuring the volume of a sound based upon the pressure level of a sound. For the purpose of this chapter, the standard reference pressure stated herein will be used to assure a consistent and standard reference for measuring sound.

HOMEOWNER’S LIGHT RESIDENTIAL OUTDOOR EQUIPMENT - All engine-powered or motor-powered garden or maintenance tools intended for repetitive use in residential areas, typically capable of being used by a homeowner. Examples of homeowner’s light residential outdoor equipment are lawn mowers, garden tools, riding tractors, snowblowers, snowplows, etc.

NOISE POLLUTION - Airborne or amplified sound which:

- A. Causes temporary or permanent hearing loss in persons exposed; or
- B. Is otherwise injurious, or tends to be, on the basis of current information injurious to the public health or welfare; or
- C. Disturbs a reasonable person of normal sensitivities;
- D. Exceeds standards or restrictions established herein; or

E. Interferes with the comfortable enjoyment of life and property or the conduct of business. The following are deemed to interfere with the comfortable enjoyment of life and property or the conduct of business:

1. Yelling or shouting that disturbs the quiet, comfort or repose of person or persons residing or occupying an adjacent or neighboring property.
2. The using of, operating of or permitting to be played, used or operated, any radio, receiving set, musical instrument, phonograph, television set or other machine or device for the producing or reproducing of airborne

or amplified sound in such a manner as to disturb the peace, quiet and comfort of the person or persons residing or occupying an adjacent or neighboring property.

PERSON - An individual, association, firm, syndicate, company, trust, corporation, department, bureau or agency or any other entity recognized by law as the subject of rights and duties

SOUND-LEVEL METER - An instrument for the measurement of noise and sound levels including a microphone, amplifier, an output meter and frequency weighting networks which comply with standards established by the American National Standards Institute (ANSI) specifications for sound-level meters.

§ 200-5. General prohibition. No person or persons owning leasing or controlling the operation of any source of noise on any lot or structure within the Town shall permit the establishment of a condition of noise pollution. Except as provided in §200-6, the use of amplifiers, speaker or other machines or devices capable of reproducing amplified or airborne sound from the premises, dwelling or building within the Town shall be considered noise pollution and shall be prohibited at all times.

§ 200-6. Standards. No person shall create or cause to be emitted any noise pollution which when measured on a sound-level meter at or beyond the property line closest to where the noise is generated or from the property line of a complaining property owner exceeds the following standards:

- A. Sunday through Thursday: (i) from 7:00 a.m. to 7:00 p.m. airborne or amplified sound in excess of 65 dBA; and (ii) from 7:00 p.m. to 7:00 a.m. airborne or amplified sound in excess of 50 dBA.
- B. Friday and Saturday: (i) from 7:00 a.m. to 11:00 p.m. airborne or amplified sound in excess of 65 dBA; and (ii) from 11:00 p.m. to 7:00 a.m. airborne or amplified sound in excess of 50 dBA.

§ 200-7. Exceptions.

- A. The provisions of §200-5 and §200-6 shall not apply to the following:

1. The intermittent or occasional use between 7:00 a.m. through 9:00 p.m. of homeowner's light residential outdoor equipment with mufflers or commercial service equipment, provided that such activities and such equipment and their use comply with the other provisions hereof.
2. Construction activities between 7:00 a.m. through 7:00 p.m. and the associated use of construction devices or the noise produced thereby, provided that such activities and such equipment and their use comply with the other provisions hereof.
3. Noise from agricultural equipment.
4. Noise from church bells or chimes used.
5. Noise from snowblowers, snowthrowers and snowplows when operated with a muffler for the purpose of snow removal.
6. Non-amplified noise generated from lawful athletic or recreational activities, events, or facilities.
7. Non-amplified noise-organized activities sponsored by any school district, private school or fire district or department within the Town of Southold.
8. Noise from municipally sponsored celebrations or events.
9. Noise from lawful fireworks displays, parades, and other charitable and special events held in accordance with all pertinent provisions of the Southold Town Code.
10. Noncommercial public speaking or public assembly activities conducted on any public space or public right-of-way.
11. Emergency construction or repair work.
12. Noise from the activities of any fire department, ambulance squad or similar emergency or rescue organization in carrying out their official duties.
13. Noncommercial amplified sound that does not exceed the noise standard established in §200-6 of this chapter.
14. Emergency stationary and mobile signal devices.
15. Audible exterior burglar alarms in operation for 15 minutes or less.

§ 200 - 8. Enforcement. The provisions of this chapter shall be administered and enforced by the Southold Town Police Department and the Southold Town Office of Code Enforcement.

§ 200- 9. Penalties for offenses.

- A. Any person who shall violate any provisions of this chapter shall be guilty of a violation punishable by a fine not exceeding \$500; and upon conviction of a subsequent offense, punishable by a fine not exceeding \$2,500. If the violation is of a continuing nature, each one hour period of violation of any provision of this chapter shall constitute an additional, separate and distinct offense.
- B. In addition to any other remedy provided by law, the Town may bring an injunction proceeding to enforce this chapter.

II. SEVERABILITY

If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect the validity of this law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

III. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State as provided by law.

Dated: May 24, 2011

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF SOUTHOLD
Elizabeth Neville
Town Clerk

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PLEASE PUBLISH ON **June 23, 2011**, AND FORWARD ONE (1) AFFIDAVIT OF PUBLICATION TO ELIZABETH NEVILLE, TOWN CLERK, TOWN HALL, P.O. BOX 1179, SOUTHOLD, NY 11971.

Copies to the following:

The Suffolk Times
TC's Bulletin Board
Web site

Town Board Members
Accounting Dept.

Town Attorney
Building Dept