

A LOCAL LAW to amend Chapter 216 of the Code of the Town of Yorktown entitled "PEACE AND GOOD ORDER"

Be it enacted by the Town Board of the Town of Yorktown as follows:

Section I. Statement of Authority.

This local law is authorized by the New York State Constitution, the provisions of the New York Municipal Home Rule Law, the relevant provisions of the Town Law of the State of New York, the laws of the Town of Yorktown and the general police power vested with the Town of Yorktown to promote the health, safety and welfare of all residents and property owners in the Town.

Section II. Section 216-2 of the Code of the Town of Yorktown is hereby replaced in its entirety with the following language:

A. No person or persons shall cause, make, create or be the means of causing, making creating or allowing, any noise disturbance (as defined herein) within the corporate limits of the Town of Yorktown.

B. The provisions of this section shall not apply to the following:

(1) The emission of sound for the purpose of alerting persons to the existence of an emergency.

(2) Noise from municipally sponsored or approved celebrations or events.

(3) The operation or use of any organ, bell, chimes or other instrument, apparatus or device by any church, synagogue or school licensed or chartered by the State of New York, provided that such operation or use does not occur between the hours of 11:00 p.m. and 7:00 a.m. prevailing time.

(4) Noise generated by construction equipment or lawn maintenance equipment, provided that such operation or use does not occur between the following hours: 5:00 p.m. and 7:00 a.m., from Sunday evening through and including Monday morning; 8:00 p.m. and 7:00 a.m., from Monday evening through and including Friday morning; 8:00 p.m. and 9:00 a.m., from Friday evening through and including Saturday morning; 6:00 p.m. and 10:00 a.m., from Saturday evening through and including Sunday morning; Legal holidays shall follow Sunday hours, i.e., 10:00 a.m. and 5:00 p.m.

(5) Snow removal equipment used or operated during periods of inclement weather, regardless of time.

(6) Noise generated by agriculturally or farm-related equipment used in the production of agricultural crops.

C. Definitions

NOISE DISTURBANCE:

- (1) A sound-level reading taken at a dwelling within a multi-dwelling-unit building, arising from any location within a multi-dwelling-unit building, above ~~65~~0 dBA during the time period commencing at 7:00 a.m. and ending at 10:00 p.m.
- (2) A sound-level reading taken at a dwelling within a multi-dwelling-unit building, arising from any location within a multi-dwelling-unit building, above ~~45-50~~ dBA during the time period commencing at 10:00 p.m. and ending at 7:00 a.m. the next day.
- (3) A sound-level reading taken at a residential property, arising from another residential property, above 55 dBA during the time period commencing at 7:00 a.m. and ending at 10:00 p.m., on Sundays through Thursdays, and the time period commencing at 7:00 a.m. and ending at 11:00 p.m., on Fridays and Saturdays.
- (4) A sound-level reading taken at a residential property, arising from another residential property, above 50 dBA during the time period commencing at 10:00 p.m. and ending at 7:00 a.m. the next day, on Sundays through Thursdays, and the time period commencing at 11:00 p.m. and ending at 7:00 a.m., on Fridays and Saturdays.
- (5) A sound-level reading taken at a residential property, arising from a commercial property, an industrial property, a public space or a public right-of-way, above 70 dBA during the time period commencing at 7:00 am. and ending at ~~11~~0:00 p.m.
- (6) A sound-level reading taken at a residential property, arising from a commercial property, an industrial property, a public space or a public right-of-way, above 50 dBA during the time period commencing at ~~11~~0:00 p.m. and ending at 7:00 a.m. the next day.
- (7) A sound-level reading taken at a commercial property at any time, arising from any property source, above 70 dBA.
- (8) A sound-level reading taken at an industrial property at any time, arising from any property source, above 70 dBA.

MULTI-DWELLING-UNIT BUILDING: Any building wherein there are two or more dwelling units.

PUBLIC RIGHT-OF-WAY: Any street, avenue, boulevard, road, highway, sidewalk, alley or parking lot used by members of the general public.

PUBLIC SPACE: Any real property or structures thereon that are either owned, leased or controlled by a governmental entity or used by members of the general public. "Public space" includes but is not limited to parks, sports fields, lots, etc.

SOUND LEVEL: The sound pressure level measured in decibels with a sound-level meter set for A-weighting; "sound level" is expressed in "dBA."

Section III. Severability.

If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this local law would have been adopted had any such provisions been excluded.

Section IV. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section V. Effective Date.

This local law shall become effective upon filing in the office of the Secretary of State in accordance with the provisions of the Municipal Home Rule Law.