

**VILLAGE OF CENTRE ISLAND
PROPOSED LOCAL LAW E-2020
AMENDMENT OF CHAPTER 75, “NOISE”**

A local law to amend Chapter 75, “*Noise*,” of the Code of the Village of Centre Island. The Code was adopted by Local Law 2-1994 by the Board of Trustees on November 24, 1994 and last amended by Local Law 2-2020 adopted by the Board on July 8, 2020.

BE IT ENACTED by the Board of Trustees of the Incorporated Village of Centre Island as follows:

SECTION I. Amend Chapter 75, “*Noise*,” to read as follows:

A. It is found and declared that the making, creating or maintaining of noises which are loud, intermittent, prolonged, unusual or unnatural in their time, place or use adversely affects and is detrimental to the public health, comfort, convenience, safety and welfare and constitutes a disturbance to the peace and repose of the residents of the Village.

B. The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted is declared a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, safety, welfare and peace and quiet of the Village and its inhabitants.

§ 75-2 Prohibited noise.

No person shall make or cause to be made or continued, nor shall any owner, lessee or occupant of any land in the Village permit to be made or continued on his premises, any loud, unnecessary, unusual or annoying, intermittent or prolonged noise or any noise which either annoys, destroys, injures or endangers the comfort, repose, health, peace or safety of others within the Village.

§ 75-3 Prohibited acts.

The following acts, without limiting any other applicable provisions, are expressly declared to be noises in violation of this chapter:

A. Horns, signaling devices, etc. The sounding of any horns or signaling devices on any automobile, motorcycle or other vehicle, except as a danger signal or warning signal; the creation by means of any such signaling device of any unreasonable or harsh sound; and the sounding of any such device for an unnecessary or intermittent or unreasonable length of time.

B. Loudspeakers, amplifiers for advertising or broadcasting. The using, operating or permitting to be played, used or operated of any radio or television set, musical instrument, phonograph, loud speaker, sound amplifier, or other machines or devices for the producing or reproducing of sound which is cast upon private property from the public streets or other public places for the purpose of advertising or broadcasting, unless a permit therefor shall have been issued by the Board of Trustees.

C. Unnecessary amplification. The using, operating or permitting to be used or operated of any radio, television set, phonograph, loudspeaker, sound amplifier or other machines or devices for the producing or reproducing of sound at a volume level sufficient to cause the sound produced or reproduced to be capable of being heard at a distance of 10 feet beyond the lot line of the property on which the sound is produced or reproduced.

D. Animals. The keeping of any animals which, by causing frequent or long continued noise, shall disturb the comfort or repose of any person or persons in the vicinity.

E. Exhausts. The discharge into the open air of the exhaust of any internal combustion engine, except through a muffler or other device which will effectively prevent loud or explosive noises emanating therefrom. Nothing herein shall be construed to prohibit the use of small power tools and machinery for the maintenance of a person's property, provided that said tools or machinery are in proper operating condition, effectively muffled and used only during those hours of the day which will not disturb adjacent property owners.

F. Noise-making devices.

(1) The using, operating, discharging or causing to be used, operated or discharged, including the installation, of any noise-making device of any design or manufacture which in its use or if used, will disturb or tend to disturb the peace, comfort, repose, health or safety of another or scare, frighten or disturb a domestic animal of another or wildlife.

(2) The using, operating, discharging or causing to be used, operated or discharged of any noise-making device of any design or manufacture with the intent to endanger or disturb the peace, comfort or repose, health or safety of another or to scare or frighten or disturb a domestic animal of another or wildlife.

G. Landscaping and Tree services.

(1) Landscaping, which includes all lawn and ground maintenance activities performed by a paid contractor ("Landscape") or property owner, shall only be performed in the Village on the following days and time, excluding Federal and New York State holidays:

Permitted hours of operation for landscaping:

Property Owner - 8:00 a.m. to 6:00 p.m., on Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday and 10 a.m. to 4 p.m. on Sunday for only lawn mowers that are properly muffled;

Landscaper - 8:00 a.m. to 6:00 p.m., Monday through Friday, Saturday 9:00 a.m. to 2:00 p.m.

(2) Tree services, which includes tree removal, pruning, trimming and stump grinding, shall only be performed in the Village by a licensed Tree Service Contractor or property owner on the following days and time, excluding Federal and New York State holidays:

Permitted hours of operation for tree services:

Property Owner - 8:00 a.m. to 6:00 p.m., on Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday.

Tree Service Contractor- 8:00 a.m. to 6:00 p.m., on Monday through Friday.

The Mayor or Deputy Mayor may grant an exception from the above day and time restrictions for Landscaping and Tree services .

H. Construction.

(1) Construction Equipment. A property owner or contractor shall only be allowed to use or operate, or permit or allow to be used or operated, any tractor, earthmoving equipment, crane, or other construction equipment for soil excavation, maintenance, construction or demolition in the Village on the following days and time, excluding Federal and New York State holidays:

Permitted hours of Operation of Construction Equipment:

Property Owner and Contractor- 8:00 a.m. to 6:00 p.m., on Monday through Friday;

Operation of any of construction equipment on Saturday, Sunday, Federal and New York State holidays is strictly prohibited, unless an exception is granted by the Mayor or Deputy Mayor.

(2) Building Construction. A property owner or contractor shall only be allowed to perform, or permit or allow to be performed any exterior alteration, repair or

maintenance to any building or structure in Village during the following days and time, excluding Federal and New York State holidays:

Property Owner - 8:00 a.m. to 6:00 p.m., on Monday through Friday, and 9:00 a.m. to 6:00 p.m on Saturday.;

Contractors - 8:00 a.m. to 6:00 p.m., on Monday through Friday.

The Mayor or Deputy Mayor may grant an exception from the above day and time restrictions for Operation of any construction equipment and Building Construction.

§ 75-4 Action on complaints.

Upon receipt of a complaint, the Police Department shall conduct an investigation to determine if any noise violates the provisions of this chapter. If the Police Department determines that there is a violation, it may, in lieu of issuing an appearance ticket, provide appropriate warnings to the violator to cease and desist from continuing such noise.

§ 75-5 Penalties for offenses.

- A. A violation of any provision of this chapter shall upon conviction thereof, be punishable by a fine of not more than ~~\$250~~ \$500 or by imprisonment for not more than 15 days, or both.
- B. Each day an offense continues shall be deemed a separate offense.

SECTION II. This local law shall take effect upon filing with the Department of State.

NOTE: New words are double underlined. Dotted . . . lines set off that portion of a Section or Subsection which is amended.