

LOCAL LAW # 2- 2010

OF THE VILLAGE OF RUSHVILLE COUNTIES OF YATES AND ONTARIO STATE OF NEW YORK

A LOCAL LAW TO REGULATE AND LIMIT THE MAKING AND CREATING OF DISTURBING, EXCESSIVE OR OFFENSIVE NOISES WITHIN THE JURISDICTIONAL LIMITS OF THE VILLAGE OF RUSHVILLE.

§100-0 Legislative Intent

- A. The making and creating of disturbing, excessive or offensive noises within the jurisdictional limits of the Village is a condition which has persisted, and the level and frequency of occurrences of such noises continue to increase. These noise levels are a detriment to public health, comfort, convenience, safety and welfare of the citizens. Every person is entitled to an environment in which disturbing, excessive or offensive noise is not detrimental to his or her life, health or enjoyment of property. This local law is to be construed liberally, but it is not intended to be construed so as to discourage the enjoyment by residents of normal, reasonable and usual activities.

§100-1 Prohibited Acts

- A. No person shall cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, shall cause, suffer, allow or permit to be made unreasonable noise. For the purpose of this local law “unreasonable noise” is any disturbing, excessive or offensive sound that disturbs a reasonable person of normal sensitivities.
- B. The following acts are declared to be prima facie evidence of a violation of this local law. This enumeration shall not be deemed exclusive.
1. Any unnecessary noise from any source between the hours of 11:00 p.m. and 7:00 a.m. the following day.
 2. Noise from a dog or other animal under care, custody, and control of the person to be charged, which is continuous and/or exceeds 15 minutes in duration.
 3. Noise from a burglar alarm or other alarm system of any building, motor vehicle or boat, under care, custody, and control of the person to be charged, that which is continuous and/or exceeds 15 minutes in duration.
 4. Noise from any sound reproduction system, operating or playing any radio, portable radio or tape player, compact disc player, television, tape deck or similar device that reproduces or amplifies sound, under care, custody, and control of the person to be charged, that in such a manner as to be heard 60 feet from its source.
 5. The erection, including excavation, demolition, alteration or repair of any building other than between 7:00 a.m. and 9:00 p.m., except in a case of public safety emergency.

6. The operation of power equipment and lawn mowers in residential zones outdoors between the hours of 10:00 p.m. and 8:00 a.m. the following day.
7. The sounding of any horn or signaling device of an automobile, motorcycle or other vehicle for any unnecessary or unreasonable period of time.
8. The making of improper noise or disturbance or operating an automobile, motorcycle or similar, in such a manner as to cause excessive squealing or other excessive noise of the tires or engine.
9. Operating in the streets or elsewhere in the Village of Rushville any motor driven vehicle, such as but not limited to a motor vehicle, motorcycle, minibike, snowmobile, etc. without causing the noise from the exhaust thereof to be properly muffled.
10. Offering for sale anything by shouting or outcrying upon the public streets and sidewalks.

§100-2 Exceptions

The provisions of this chapter shall not apply to the following acts:

- A. The emission of sound for the purpose of altering persons to the existence of an emergency.
- B. Noise from municipally sponsored celebrations or events
- C. Noise from individually sponsored events where a permit for public assembly or other relevant permission has been obtained from the Village Clerk-Treasurer
- D. The operation or use of any organ, radio, 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 10:00 p.m. and 8:00 a.m.
- E. Noise generated by the installation and maintenance of utilities.

§100-3 Enforcement

The Yates County Sheriff's Office, the Ontario County Sherriff's Office, and the New York State Police may enforce this local law. Any police or peace officer who observes a violation of this local law by any individual may issue a warning or an appearance ticket to that individual for appearance in the local Justice Court. Any officer who receives a sworn complaint of a violation of this law from a citizen, after investigating concludes that a violation has occurred, may issue a warning or seek a criminal summons from the court, whichever is appropriate.

§100-4 Penalties for Offenses

Any person in violation of this local law shall be guilty of an infraction and liable for a "warning" or a "fine" penalty of not less than Fifty Dollars (\$50.00) and not more than Two Hundred Fifty Dollars (\$250.00). If any violator is under the age of eighteen, his or her parents or legal guardians will be notified and fined if appropriate.

A. All convictions and subsequent convictions will be summonsed to the appropriate local Justice Court. Any persons so summonsed may waive all court action by payment of the following amounts within ten (10) days of the issuance to the Court:

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| 1. First Conviction | \$50.00 fine |
| 2. Second Conviction | \$150.00 fine |
| 3. Third Conviction and more | \$250.00 fine |

§100-5 Penalties Accrue to Village of Rushville

All fine penalties for infractions collected under this local law shall accrue to the Village of Rushville.

§100-6 Severability

Should any portion whatsoever of this local law be held invalid or unenforceable for any reason, by any court or competent jurisdiction, such portion shall be deemed severable, but only to the extent of such holding, and such holding shall not affect the remaining portions thereof.

§100-7 Effective Date

This local law shall take effect upon its proper filing with the Office of the Secretary of State.

ADOPTED: 07/12/10

FILED NYS DOS 07/28/2010