



STATE OF NEW YORK
DEPARTMENT OF STATE

ANDREW M. CUOMO
GOVERNOR

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SECRETARY OF STATE

July 26, 2011

RECEIVED
AUG 01 REC'D
VILLAGE OF NUNDA

Lori J Gray
Clerk Treasurer
PO Box 537
Nunda NY 14517

RE: Village of Nunda, Local Law 1, 2, 3 & 4 2011, filed on July 26, 2011

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.state.ny.us.

Sincerely,
State Records and Law Bureau
(518) 474-2755

| SENDER: COMPLETE THIS SECTION | COMPLETE THIS SECTION ON DELIVERY |
|--|---|
| <ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. | <p>A. Signature: X <i>JUL 25 2011</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name): _____ C. Date of Delivery: _____</p> |
| <p>1. Article Addressed to:</p> <p><i>NYS Dept of State Division of Corporations, State Records and Utilities, Commercial Code One Commerce Plaza 99 Washington Avenue Albany, New York 12231</i></p> | <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below: _____</p> <p>3. Service Type: <input type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> |
| <p>2. Article Number (Transfer from service label):</p> | <p>7005 0390 0003 6620 2838</p> |

1 • (518) 474-0050
Y.US

Local Law Filing

(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 Nunda _____

Local Law No. 2 of the year 2011

A local law prohibiting unreasonably loud and disturbing noise and sounds detrimental to the peace,
(Insert Title)
welfare and good order of the people of the Village of Nunda.

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Nunda _____

as follows:

See Next Page

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

(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. 2 of 2011 of the ~~(County)(City)(Town)~~(Village) of Nunda was duly passed by the Village Board of Trustees on July 11 2011, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* 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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

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) *(Name of Legislative Body)* (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.)

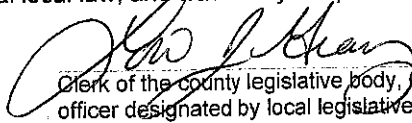
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 November _____ 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 cities of said county as a unit and 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.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body


(Seal)

Date: July 11, 2011

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Livingston

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


Signature

County
City of Nunda
Town
Village

Date: 7/18/11

Section 1. Statutory Authority.

This chapter is adopted pursuant to the provisions of Article 2, §10 of the Municipal Home Rule Law of the State of New York.

Section 2. Declaration of Policy.

The Board of Trustees of the Village of Nunda hereby declares its intent to prevent unreasonably loud and disturbing noise and sounds that are determined by the Board to be of a character, intensity or duration as to be detrimental to the peace, welfare or good order of the people of the Village of Nunda. The Board of Trustees has interest in improving and promoting the quality of life in our community and, in the exercise of its lawful enforcement in this regard, the Village Board does hereby enact the following chapter.

Section 3. Title.

This chapter shall be known as the "Unreasonably Loud and Disturbing Noise and Sound Regulation of the Village of Nunda".

Section 4. Unnecessary Noise Prohibited.

A. No person, acting with intent to cause public inconvenience, annoyance or alarm, or acting with reckless disregard of the effects on others, shall cause, allow or permit the creation of unnecessary noise. For purposes of this chapter, unnecessary noise is any disturbing, excessive or offensive sound that annoys a reasonable person of normal sensibilities.

B. It shall be unlawful for any person to make, continue or cause to be made or continued any of the following acts producing audible sound which are hereby declared to be prima facie evidence of loud, disturbing and unnecessary noise in violation of this chapter.

1. Horns, signaling devices, etc. The sounding of any horn or other signaling device, including, but not limited to, sirens on any automobile, motorcycle or other vehicle, other than an emergency vehicle, on any street or public place, except as a danger or burglar warning.
2. Car alarms. The sounding, or allowing to be sounded, of any vehicle alarm for any reason other than an emergency on any vehicle within the Village of Nunda for a length of time which exceeds five (5) minutes.
 - a. For the purpose of this chapter, the registered owner of the vehicle shall be deemed the person responsible for any violation involving an unoccupied vehicle.

- b. More than two (2) instances of an alarm sounding on the same vehicle for any cause other than an emergency within an eight (8) hour period shall authorize the towing of the offending vehicle, at the owner's expense, from any public area or area accessible to the public.
 3. Burglar, intruder, security alarms, etc. The sounding, or allowing to be sounded, of any burglar, intruder or security or fire alarm at a residence or a commercial establishment for a length of time that exceeds five (5) minutes for any reason other than an emergency for which the system was designed and installed.
 - a. For the purpose of this chapter, the owner of the property or the lessee, if said lessee is responsible for the maintenance of the alarm system, shall be deemed the person responsible for any violation involving a nonemergency sounding of the alarm.
 - b. More than two (2) instances of an alarm sounding at the same location for any cause other than an emergency within an eight (8) hour period shall be cause for the imposition of a fine or such penalty as provided by this chapter or the Board of Trustees of the Village of Nunda.
 4. Radios, televisions, electronic sound reproduction devices, etc. The using, operating or permitting to be played, used or operated of any radio, musical instrument or instruments, phonograph or other machine or device for the producing or reproducing of sound, in such a manner as to disturb the peace, quiet and comfort of neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are voluntarily listeners thereto.
 - a. "Neighboring inhabitants" shall be interpreted to include those persons in close proximity to the operator of an above-listed device in a park or playground.
 - b. The operation of any such radio, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 8:00 a.m. in such a manner as to be plainly audible on adjacent properties shall be prima facie evidence of a violation of this section.
 5. Loudspeakers (Amplifiers for Advertising). The using, operating or permitting to be played, used or operated of any radio, musical instrument or instruments, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting attention of the public to a building or a structure.

6. Yelling, shouting, etc. Yelling, shouting, hooting, whistling or singing on public streets or sidewalks or any place at any time or place so as to purposely annoy or disturb the quiet, comfort or repose of persons in the vicinity shall be enforceable provisions of the New York State Penal Law in accordance §240.20.
7. Animals. The keeping or harboring or any animal which barks, whines or makes any other noise continuously for a period of five (5) minutes or more at a volume which can be heard anywhere beyond the owner's premises.
 - a. For purposes of this subsection, "continuously" shall mean constant without any period of silence that exceeds thirty (30) seconds.
8. Blowers and fans. The operation of any blower, power fan or any internal combustion engine, the operation of which causes noise due to the detonation of operating gases or fluids or the expulsion of air, unless the noise from such blower or fan is muffled and such engine is equipped with a properly functioning muffler or baffling device or effective noise-absorbent material sufficient to deaden such noise.
 - a. The decibel level generated by any such equipment covered by this subsection shall not exceed sixty-five (65) db when measured from an adjacent or nearby property where said noise is alleged to be disturbing the peace, quiet and enjoyment of said property.
9. Outdoor power tools. The operation of any engine-driven power tool or motorized equipment before 7:00 a.m. and after 9:00 p.m., Monday through Friday, and before 8:00 a.m. and after 9:00 p.m. on Saturdays, Sundays and legal holidays is prohibited.
 - a. Any engine-driven power tool or motorized equipment regulated by this subsection shall be properly equipped with a muffler, or other properly installed manufacturer-approved noise-reduction device, so designed and in such condition as to prevent unnecessary noise and to prevent a public nuisance in its operation.
 - b. Exceptions to this subsection:
 - i. Golf course operations.
 - ii. Municipal or school employees while in the performance of regular duties for their employer.
 - iii. Employees of any utility company, municipal or school employees or property owners and/or their subcontractors while performing emergency repairs.

10. Restaurants. The playing, causing to be played or permitting to be played of music of any kind or description, including instrumental music, radio, player piano, jukebox, recorded, electronically produced or vocal music, which interferes with the repose, health, comfort, safety or welfare of any persons, and is plainly audible from adjacent properties between the hours of 9:00 p.m. and 8:00 a.m., Sunday through Thursday and 12:00 midnight and 8:00 a.m. Friday, Saturday and Sunday in any restaurant, bar, tavern and/or other public place licensed to sell liquors, wines or beer to be consumed on the premises.

11. Motor vehicle radios. The use or operation of any radio, tape player, disc player or other electronic sound reproduction device located within a motor vehicle being operated or parked within the Village limits, in such a manner as to disturb the peace and repose of persons in their homes, businesses or on the streets, or at any time, with louder volume than is necessary for convenient hearing of the person or persons who are voluntarily listeners within the vehicle.
 - a. The operation of any such radio or electronic sound reproduction device within a vehicle in such a manner as to be audible to those outside the vehicle at a distance of twenty-five (25) feet or more from the source, as best that point can be estimated without the use of any distance measuring device, regardless of the time of day, shall be prima facie evidence of a violation of this section. Said twenty-five (25) feet may be measured horizontally or vertically.

12. Construction. Causing or committing to be caused unnecessary noise during the erection, excavation, demolition, alteration or repair of any building or structure.
 - a. Homeowners, if performing their own work of erection, excavation, demolition, alteration or repair of any building or structure on their own premises, may do so between 7:00 a.m. and 9:00 p.m., Monday through Friday, and 8:00 a.m. and 7:00 p.m., Saturdays, Sundays and legal holidays, except as needed to secure a residence in case of a bona fide emergency.
 - b. Work involving the use of machinery, including but not limited to rock breaking, pile driving, riveting, power sandblasting and chain sawing that emits continuous sounds, audible from a distance of three hundred (300) feet or more from the work site must cease for thirty (30) minutes within every three (3) hours of operation to provide respite to the surrounding community.

13. Noise generated by any establishment that impacts its neighbors. Creating noise that disturbs the peace, quiet and comfort of the neighboring residential

inhabitants by any establishment, including businesses, commercial establishments, houses of worship or educational institutions in an industrial zone or in a residential or business zone, between the hours of 9:00 p.m. and 8:00 a.m., Sunday through Thursday and 12:00 midnight and 8:00 a.m. Friday, Saturday and Sunday.

- a. Noise that is plainly audible at a distance of twenty-five (25) feet or more from the source, as best as that point can be estimated without the use of any distance-measuring device, during the hours specified, shall be prima facie evidence of a violation of this section.
- b. Establishments in violation of this subsection may be required by the Board of Trustees to make modifications, alterations or other changes to their structure in order to come into compliance with this subsection.

14. Motor Vehicles.

- a. Noise emanating from the operation of motor vehicles on public highways is regulated by the New York State Vehicle and Traffic Law. The maximum permissible noise levels set forth in the Vehicle and Traffic Law for the operation of vehicles on public highways, as they may be amended from time to time, are hereby designated to be the maximum permissible noise levels for the operation of motor vehicles on all property, including public highways, within the Village of Nunda.
- b. Allowing the engine of a truck or bus, including school buses, to idle while the vehicle is standing for a period exceeding five (5) minutes, with the exception of vehicles with refrigeration systems where the engine must be running in order to power the refrigeration unit; said vehicles must be left idle in the Village municipal parking lot or at the loading dock of a commercial or industrial building. During a "state of emergency" these rules are automatically waived for the health, safety and welfare of Village residents.

15. Exhausts and mufflers generally. Causing or permitting the operation of any device, fan, vehicle, construction equipment, lawn maintenance equipment, including but not limited to any diesel engine, internal combustion engine or turbine engine, that has been modified or becomes defective, so as to cause the level of sound emitted to be greater than that emitted when originally manufactured shall be prohibited. No person shall operate said devices, equipment, etc., with the muffler or noise reduction equipment removed.

16. Recreational vehicles (including snowmobiles). No person shall operate or permit to be operated any motor-powered recreational vehicle on public

streets within the Village of Nunda if said vehicle is not licensed for operation on public streets pursuant to the Vehicle and Traffic Law.

- a. No person shall operate or permit to be operated any motor-powered recreational vehicle on any public or private property within the Village of Nunda limits in such a manner as to create unnecessary noise so as to unreasonably disturb or interfere with persons in the peaceful and quiet enjoyment of their property.

C. Exceptions.

1. Noise emanating from parades, authorized public celebrations, authorized carnivals or similar events.
2. The emission of sound for the purpose of alerting persons to the existence of an emergency, including but not limited to the sirens and whistles of fire or police emergency vehicles.
3. Noise from individually sponsored events where a permit for the event has been obtained from the Village Clerk.
 - a. When authorized by the Board of Trustees, the Village Clerk is permitted to issue a permit for a wedding reception or similar event to be held outdoors or in a tent, with music provided by a band, orchestra or sound reproduction equipment, provided that the sound levels are not annoying to a reasonable person when heard at a distance between the hours of 9:00 p.m. and 8:00 a.m., Sunday through Thursday and 12:00 midnight and 8:00 a.m. Friday, Saturday and Sunday.
 - b. The intended hours of the event shall be furnished to the Village Clerk at the time of application for a permit and shall be listed on the permit.
 - c. Other reasonable conditions which conform to the intent and purposes of this chapter may be imposed by the Board of Trustees upon the issuance of such permits.
 - d. The Board of Trustees reserves the right to limit the number and frequency of permits granted in any geographic area of the Village.
 - e. A copy of the permit along with the conditions limiting such permit, shall be provided to the Village Police Department.
4. Noise emanating from individuals utilizing the public parks located within the Village of Nunda during the posted hours of operation for said parks.

D. Abatement.

The Village of Nunda Police are directed to take any reasonably necessary action to abate the noise created by an unattended device, such as an engine, alarm of the like, when a person responsible for the device or a person who can silence the device is not present and cannot be contacted in a reasonably short time.

E. Penalties for offenses.

1. Any person who violates any portion of this chapter, or harbors any device which creates a violation of this chapter, shall be guilty of a conviction, and shall be punished by a fine of \$100.00 for the first offense, \$350.00 for the second offense and \$500.00 or by imprisonment for up to fifteen (15) days, or both, for the third offense.

2. The owner of any property and any person, firm, association or corporation in control of the real property where the violation(s) of this chapter occur(s) shall be guilty of a separate violation and, upon conviction thereof, shall be fined or imprisoned as herein provided above in subsection 1.

F. Repeals

All other ordinances or laws of the Village of Nunda that are in conflict with this law are hereby repealed to the extent of such conflict.

G. Severability

If any part of this chapter shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this chapter.

H. Applicability

This chapter shall be in full force and effect upon the expiration of twenty (20) days after its passage and publication.