

Ordinance #1 - Town of Ancram, for the year 1997

Concerning the regulation and prohibition of loud, unusual or unnecessary noise -

Legislative findings: It is hereby determined by the Town of Board of the Town of Ancram as follows:

(a) The making, creation, allowance, or maintenance of loud, unnecessary, or unusual noises which are prolonged and unnatural in their time, place and use affect and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the Town of Ancram; and

(b) The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted, is declared as 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, convenience, safety, welfare and prosperity and the peace and quiet of the Town of Ancram and its citizens.

Section 1 - Prohibited Acts

The following acts, among others, are declared to be loud, unusual and unnecessary noises in violation of this Ordinance, but said enumeration shall not be deemed to be exclusive, namely:

(a) The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any highway or public place in the Town, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or

harsh sound; and the sounding of any such device for an unnecessary and unreasonable length of time.

(b) The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building structure or vehicle in which it is located shall be prima facie evidence of a violation of this Ordinance.

(c) The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is audible beyond the boundaries of the property on which the device is located.

(d) Yelling, shouting, hooting, whistling or singing on the public streets or highways, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any

office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.

(e) Loud, unusual or explosive noises caused by the discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(f)(1) The allowing or permitting by any owner of a dog within the Town of Ancram of said dog to engage in habitual howling, whining, barking or other noise making as to annoy any person other than the owner or person harboring such dog, is also hereby declared to be loud, unusual and unnecessary, and a violation of this Ordinance.

For the purposes of this subsection, habitual shall mean for a majority of the time during any two fifteen minute periods on separate days in the same week or for a majority of the time during any three ten-minute periods on three separate days in the same week. In order for howling, whining, barking or other noise making to constitute annoyance of a person, it must be loud enough so that it is actually heard by such persons from any part of his or her property.

(2) The provisions of subsection (f) shall not be applicable until the Dog Control Officer shall first have issued a warning to the owner or person harboring a dog(s) or that such dog(s) is or may be engaging in habitual howling, whining, barking or other noise in violation of the section.

(3) The warning must be made in writing. The validity of the warning shall not be an issue in any subsequent enforcement of this section. Only one warning need be given to any such owner or person in any one year period, after which the provisions of this subsection shall apply without the necessity of any further warning, and regardless of whether or not the dog(s) involved is the same dog(s).

Section 2 - Procedure

(a) Upon receipt of any complaint by the Town Justice of any violation of any portion of this Ordinance, the Town Judge may issue an appearance ticket directing the alleged violator to appear in person before the Town Court. If the appearance ticket is disregarded, the Town Justice may direct the filing of an information and prosecution of said violation under the applicable portions of Section 3 as hereinafter set forth.

(b) All of the provisions of Section 135 of the Town Law are herewith incorporated by reference as if more fully set forth herein.

Section 3 - Penalties

Any person, firm or corporation who shall be adjudged to have violated this Ordinance shall be guilty of a violation as defined in Section 10 of the Penal Law, and shall be liable to pay a fine of an amount not to exceed \$250.00 for each such violation.

Section 4 - Severability

(a) If any clause, sentence, paragraph, section or part of

this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not invalidate the remainder of the Ordinance, but shall be confined in its operation to the part directly involved in the controversy in which judgment shall have been rendered.

Section 5 - Effective Date

(a) The Anti-Noise Ordinance adopted by the Town Board on May 18, 1970, is hereby repealed.

(b) This Ordinance shall take effect upon completion of the requirements set forth in Section 133 of the Town Law.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF ANCRAM.

Dated: May 20, 1997.

By: *Dennis Hamm*
ACTING Town Clerk