

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 Boonville _____

Local Law No. 2 _____ of the year 2024

A local law to Amend Chapter 246 of the Code
(Insert Title)

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

County City Town Village
(Select one.)

of Boonville _____ as follows:

See attached.

(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 2024 of the (County)(City)(Town)(Village) of Boonville was duly passed by the Board of Trustees on July 9, 2024, 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.

Chapter 246

NOISE

§ 246-1.	Declaration of policy.	§ 246-5.	Definitions.
§ 246-2.	Prohibited noises.	§ 246-6.	Commercial and business prohibitions.
§ 246-3.	Exceptions.		
§ 246-4.	Legislative declaration.	§ 246-7.	Penalties for offenses.

§ 246-1. Declaration of policy.

It is hereby declared to be the policy of the Village Board to prevent any unreasonably loud, disturbing and unnecessary noise. Noise of such character, intensity and duration as to be detrimental to the life or health of any individual, or contrary to the public welfare, is prohibited.

§ 246-2. Prohibited noises.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this chapter, provided they create a noise exceeding 70 decibels at the adjoining property line; but any enumeration herein shall not be deemed to be exclusive:

- A. The operation of any radio, phonograph or the use of any musical instrument in such a manner or with such volume, particularly between 10:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence.
- B. The keeping of any animal or bird which by causing frequent or long-continued noise shall disturb the comfort and repose of any person in the vicinity.¹
- C. The use of any automobile, motorcycle, snowmobile, lawn mower or vehicle so out of repair, so loaded, or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- D. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work, or as a warning of danger.
- E. The discharge into the open air of the exhaust of any steam engine, stationary internal-combustion engine or motor vehicle engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

- F. Permitting or taking part in an unreasonably noisy or tumultuous party or gathering, or discharging fireworks or other explosive device, which disturbs the peace and quiet of the neighborhood, particularly between the hours of 10:00 p.m. and 7:00 a.m., current time.
- G. Operating any motor vehicle, motorcycle, lawn mower, snowmobile engine or other equipment without an adequate muffler properly installed and maintained so as to prevent excessive or unusual noise.
- H. Building, erecting, demolishing, altering or repairing any building between the hours of 10:00 p.m. and 7:00 a.m., current time, in such manner as to disturb the peace and quiet of the neighborhood by reason of the use of power equipment, hammering, sawing or other activity which produces severe and continuous noise.
- I. The creation of any excessive noise on any street adjacent to any school, institution of learning or court while the same is in session, or adjacent to any hospital, which unreasonably interferes with the workings of such institutions, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.
- J. The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
- K. The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any sale or display of merchandise by the creation of noise.
- L. The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar or other vehicle, except as a warning signal pursuant to the provisions of § 375 of the Vehicle and Traffic Law of the State of New York.
- M. The use of any radio apparatus, talking machine, loudspeaker or amplifier attached thereto in such a manner that the loudspeaker shall cause the sound from such radio apparatus or talking machine to be projected directly therefrom outside of any building or out-of-doors, or the use of any radio apparatus, talking machine, loudspeaker or amplifier which is in any way fastened to or connected with any outside wall or window in any building or structure so that the sound therefrom is projected outside of such outside wall or window between the hours of 10:00 p.m. and 7:00 a.m. Nothing herein contained shall be construed to prevent the operation of a radio apparatus or talking machine used in a reasonable manner by any person within any building or structure, provided that the said radio apparatus or talking machine or loudspeaker is not so arranged that such loudspeaker shall project the sound therefrom directly outside of any building or out of doors.
- N. The operation of any machinery, equipment, pump, fan, exhaust fan, attic fan, air-conditioning apparatus or similar mechanical device in such a manner as to create any noise exceeding 70 decibels at the adjoining property line.
- O. The use and operation of sound devices and apparatus for commercial or business advertising purposes is prohibited. It shall be unlawful for any person to use or operate, or cause to be used or operated, any sound device or apparatus in, on, near or adjacent to any public street, park or place for commercial or business advertising purposes.

§ 246-3. Exceptions.

- A. The operation of any motorized vehicle without a muffler during or in connection with an authorized

race or contest of said vehicle.

B. The operation or use of any equipment during an authorized parade or celebration.

§ 246-4. Legislative declaration.

It is hereby declared that the use or operation of any radio, device or apparatus, or any device or apparatus for the amplification of sound from any radio, phonograph or other sound-making or sound-producing device, or any device or apparatus for the reproduction or amplification of the human voice, or other sounds in front of or outside of any building, place or premises abutting on or adjacent to any public street, park or place, or in or upon any vehicle operated, standing or being in or upon any public street, park or place where the sounds therefrom may be heard upon any public street, park or place, or from any stand, platform or other structure, or from any airplane or other device used for flying, flying over the Village, or in any boat or on the waters within the jurisdiction of the Village, or anywhere on or in the public streets, parks or places for commercial or business advertising purposes, is detrimental to the health, welfare and safety of the inhabitants of the Village in that such use or operation diverts the attention of pedestrians and vehicle operators in the public streets, parks or places, thus increasing traffic hazards and causing injury to life and limb. It is hereby further declared that such use or operation disturbs the public peace and comfort and the peaceful enjoyment by the people of their right to use the public streets, parks and places for street, park and other public purposes, and disturbs the peace, quiet and comfort of the neighboring inhabitants. Therefore, it is hereby declared that the prohibition of such use or operation for commercial or business advertising purposes is essential to protect and to secure the health, welfare, safety, comfort, convenience and peaceful enjoyment by the inhabitants of the Village of their right to use the public streets, parks and places for street, park and other public purposes and to secure the peace, quiet enjoyment and comfort of the Village inhabitants.

§ 246-5. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

DECIBEL — The decibel is 1/10 of a bell and is a unit of sound level when the base of a logarithm is the 10th root of 10, and the quantities concerned are proportional to power.

PERSON — Includes any individual, firm, association or corporation, whether such person be the owner, lessee or charterer, its servants, agents or employees.

SOUND DEVICE or APPARATUS — Any radio device or apparatus or any device or apparatus for the amplification of sound from any radio, phonograph or other sound-making or sound-producing device, or any device or apparatus for the reproduction or amplification of the human voice or other sounds.

TO USE OR OPERATE ANY SOUND DEVICE OR APPARATUS IN, ON, NEAR OR ADJACENT TO ANY PUBLIC STREET, PARK OR PLACE — To use or operate or cause to be used or operated any sound device or apparatus in front of or outside of any building, place or premises, or in or through any window, doorway or opening of such building, place or premises abutting on or adjacent to any public street, park or place, or in or upon any vehicle operated, standing or being in or upon any public street, park or place, where the sounds therefrom may be heard upon any public street, park or place, or from any stand, platform or other structure, or from any airplane or other device used for flying, flying over the Village; or in any boat or on the waters within the jurisdiction of the Village or anywhere on or in the public streets, parks or places.

UNNECESSARY — That which is not required by the usual circumstances.

§ 246-5

§ 246-7

USUAL — The normal noise range for a particular type of vehicle or mechanism.

§ 246-6. Commercial and business prohibitions.

- A. It shall be unlawful for any person to use or operate, or cause to be used or operated, any sound device or apparatus in, on, near or adjacent to any public street, park or place for commercial or business advertising purposes.
- B. It shall be unlawful for any person to operate or drive, or to employ, procure or induce another to operate, drive, lend, lease or donate any automobile, truck or other type of vehicle or airplane or other type of flying device; to operate or aviate, or procure or induce another to operate, aviate, lend, lease or donate, any airplane or other type of flying device for commercial or business advertising by means of any sound device or apparatus in violation of this chapter.
- C. The use of the name of any person or of any proprietor, vendor or exhibitor, or the use of any trade business or corporate name in connection with such commercial or business advertising, shall be presumptive evidence that such advertising was conducted by reason of employment, procurement or induction on the part of said person, proprietor, vendor or exhibitor, or the person or persons represented by said trade, business or corporate name.

§ 246-7. Penalties for offenses.

Any person violating any of the provisions of this chapter shall be punished, upon conviction, by a fine not exceeding \$250 or imprisonment for not more than 15 days, or both, for each violation. In addition, each violation of this chapter shall constitute disorderly conduct, and each person violating the same shall be a disorderly person. Each day that a violation or failure to comply with any provision of this chapter or any regulation promulgated hereunder by the Board of Trustees occurs shall constitute a separate and distinct violation.

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 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.

Wendy A. Lee

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

Date: July 18, 2024

(Seal)

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VILLAGE OF BOONVILLE

13149 State Route 12, Boonville, NY 13309

P: (315)338-2880 x4 * F: (315)338-2889 * E: wlee@villageofboonvillenyny.com

July 18, 2024

NYS Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231

To Whom It May Concern:

Please find enclosed the Local Law No. 2-2024 for the Village of Boonville titled: *Local Law to Amend Chapter 246 of the Code.*

If you should have any questions regarding this law, you may contact the Village of Boonville's legal counsel: Ms. Jessica Young, Esq. at (315)942-4361.

Thank you.

Sincerely,

Wendy Lee
Village Clerk

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STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
[HTTPS://DOS.NY.GOV](https://dos.ny.gov)

KATHY HOCHUL
GOVERNOR
WALTER T. MOSLEY
SECRETARY OF STATE

July 29, 2024

Village of Boonville
13149 State Route 12
Boonville, New York 13309

RE: Village of Boonville, Local Law 2 2024, filed on 7/22/2024

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.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492



**Department
of State**

