

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Smithtown, Suffolk County, State of New York met at the Victor T. Liss Board Room, Patrick R. Vecchio Town Hall, 99 West Main Street, Smithtown, New York on the 1st day of November, 2016 at 2:00 p.m., time then in effect and duly adopted proposed Local Law #2-2016 adopting amendments to Chapter 207 of the Code of the Town of Smithtown entitled "Noise. Section 207-1. Definitions", "Section 207-2. Prohibitions", and "Section 207-6. Penalties for offenses", for which a public hearing was held on September 6, 2016 and pursuant to SEQRA dated September 26, 2016 and the recommendation of the Town Attorney as follows:

Local Law #2-2016 Chapter 207. Noise

Additions indicated by underlines.

Deletions indicated by ~~strikeouts~~.

§207-1. Definitions.

A-WEIGHTED SOUND LEVEL

The sound pressure level ~~in decibels~~, as measured in decibels ~~as measured~~ on a sound level meter using the A-weighting network slow response (dBA).

dBA

The A-weighted sound level in decibels, as measured by a general purpose sound level meter complying with the provisions of the American National Standards Institute Specifications for Sound Level Meters (ANSI SI.4 1971), properly calibrated and operated on the A-weighting network.

NOISE DISTURBANCE

A. Any sound that:

~~A.~~(1) Endangers the safety or health of any person.

~~B.~~(2) Disturbs a reasonable person of normal sensitivities.

~~C.~~(3) Endangers personal or real property.

(4) Is audible outside the real property boundary from which it originates and is loud, disturbing, unreasonable and/or unnecessary under the circumstances, as well as plainly audible in any other persons' residence and source of sound is discernible regardless of whether doors and windows are closed.

B. A noise disturbance may be substantiated by either of the following:

(1) Sworn affidavits from 2 or more residents who are in general agreement as to the times and durations of the noise and who reside in separate residences.

- (2) A noise in excess of the maximum permissible A-weighted sound levels as determined by a qualified technician using a sound level device and reported on a form approved by the Smithtown Public Safety Department.

§207-2. Prohibitions.

B. No person shall cause, suffer, allow or permit the following acts:

- (1) Sound device or apparatus: operating, playing or permitting the operation or playing of any sound device or apparatus as defined in §207-1 in such a manner as to create a noise disturbance; or the operation of any such device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be audible at a distance of 50 feet from the building, structure, vehicle or area in which it is located.
- (7) Horns and signaling devices: the sounding of any horn, signaling device or alarm (except as in danger warning pursuant to §375 of the Vehicle and Traffic Code of the State of New York) which results in a harsh or loud sound or repetitive sounds for any unreasonable or unnecessary period of time, so as to create a noise disturbance.
- (8) Shouting and yelling: shouting, yelling, singing, calling, hooting or whistling, so as to create a noise disturbance.
- (9) Condition of vehicle or load: the use of any automobile, motorcycle, or vehicle so out of repair, or loaded in such a manner so as to create loud, grating, grinding, rattling or other sounds, so as to create a noise disturbance.
- (10) Loading and unloading: the loading or unloading of any vehicle, boat, barge or train or the opening and destruction of bales, boxes, crates and containers, or the loading and unloading of any materials, equipment or garbage cans so as to create a noise disturbance.
- (11) Construction or repairing of buildings and incidental areas: any construction, excavation, demolition, alteration or repair which creates a noise disturbance, except between the hours of 7:00 a.m. and 8:00 p.m. on weekdays and except in cases of emergency or in the interest of public safety.
- (12) Institutional buildings: the creation of any noise disturbance on any street adjacent to any school, place of worship, court, or hospital, while same is in use, which unreasonably interferes with the workings of such institution or which disturbs or unreasonably annoys occupants, visitors or employees of such institutions, provided that conspicuous signs are displayed in such streets indicating that the same is a school, hospital, court, or place of worship.
- (13) Hawkers, peddlers, and vendors: the shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood so as to create a noise disturbance.

- (14) Transportation of metal rails, pillars and columns: the transportation of metal rails, pillars or columns of iron, steel or other material over and along streets and other public places upon carts, drays, cars, trucks or in any other manner so as to create a noise disturbance.
- (15) Domestic equipment: the operation of or permitting to be operated any power saw, drill, sander, router, lawn or garden device, leaf or snow blower, insect control device or domestic equipment so as to create a noise disturbance, except between the hours of 7:00 a.m. and 8:00 p.m. on weekdays, 8:00 a.m. and 8:00 p.m. on Saturdays and between the hours of 10:00 a.m. and 5:00 p.m. on Sundays, and except in cases of emergency or in the interest of public safety.
- (16) Sound device or apparatus: operating, playing or permitting the operation or playing of any sound device or apparatus, including but not limited to, loudspeakers, speaker systems, outdoor public address systems, or any device for the production or reproduction of sound, in such a manner so as to create a noise disturbance.
- (17) Explosives, firearms, fireworks and similar devices: the use or firing of explosives, firearms, fireworks or similar devices so as to create a noise disturbance, except as permitted by any other federal, state, county or local law.
- (18) Generators: the use of a generator when there is no power outage caused by a storm or other emergency, except for routine testing.
- (19) Trash collection: the collection of trash between the hours of 11:00 p.m. and 6:00 a.m.

§207-6. Penalties for offenses.

Any person who shall violate any of the provisions of this chapter shall be guilty of an offense, and such violation shall be punishable by a fine of ~~not less than \$100~~ up to \$250 for the first offense, not less than ~~\$200~~ \$500 for the second offense and not less than ~~\$500~~ \$1000 for the third and subsequent offenses or imprisonment of not more than 15 days, or both.

Dated: November 1, 2016

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF SMITHTOWN
VINCENT PULEO
TOWN CLERK