

**TOWN OF DRYDEN, NEW YORK LOCAL LAW No. \_\_\_ of 2020.**

A Local Law Enacting Unreasonable Noise Control Regulations in the Town of Dryden, New York.

BE IT NOW ENACTED by the Town Board of the Town of Dryden (hereafter "Town Board") as follows:

Section 1. Subdivision A. Policy Statement of Section 1307 of the Town of Dryden Zoning Law is hereby amended to read as follows:

The Town of Dryden has a compelling interest in ensuring for its residents an environment free from excessive noise which may jeopardize their health or welfare or degrade the quality of life. The prohibitions of this section are intended to protect, preserve and promote the health, safety, welfare and quality of life for residents of the town through the reduction, control and prevention of such loud and reasonable noise.

Section 2. Subsection C. Definitions, of Section 1307 of the Town of Dryden Zoning Law is hereby amended to add thereto two new definitions to read as follows:

Unreasonable noise - any excessive or unusually loud sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensitivities, or which causes injury to animal life or damage to property or business.

Person in charge of a party or other event or gathering – the person or persons who obtained permission to utilize public property for that party, event or gathering, or the person or persons who own or rent private property for any party or event (regardless of whether the renter has a long-term or short-term lease), and any adult person who lives in or on the premises involved in such party, event or gathering.

Section 3. Section 1307 of the Town of Dryden Zoning Law is hereby amended to add thereto a new Subsection I, entitled "Prohibition of Unreasonable Noise", to read as follows:

I. General Prohibition on Unreasonable Noise.

1. It shall be unlawful for any person in charge of a party, event or gathering that occurs on any private or public property to allow that party, event or gathering to produce unreasonable noise within any building, or outside of a building at a distance of 25 feet or more from the source of such sound. It shall also be unlawful for any participant in that party, event or gathering to contribute to such unreasonable noise.

2. Factors to be considered in determining whether noise is unreasonable in a given situation include, but are not limited to, any or all of the following:

- a. The intensity of the noise.
- b. The duration of the noise.
- c. The intensity of the background noise, if any.
- d. The zoning district within which the noise emanates and all zoning districts that lie within 500 feet of the source of the noise.

- e. The time of day or night that the noise occurs.
- f. The proximity of the noise to sleeping facilities.
- g. Whether the noise is continuous or impulsive.
- h. The existence of complaints concerning the noise from one or more persons who are affected by the noise.
- i. Whether the nature of the noise is usual or unusual.
- j. Whether the noise is due to a natural or human-made activity.

Section 4. Severability. Should any section or provisions of this Local Law be declared by any court of competent jurisdiction to be unconstitutional or invalid, such declaration shall not affect the validity of this Local Law as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 5. Effective Date. This Local Law shall take effect on the first Monday of the month following upon its filing with the Secretary of State.

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Section 1. Subdivision A. Policy Statement of Section 1307 of the Town of Dryden Zoning Law is hereby amended to read as follows:

The Town of Dryden has a compelling interest in ensuring for its residents an environment free from excessive noise which may jeopardize their health or welfare or degrade the quality of life. The prohibitions of this section are intended to protect, preserve and promote the health, safety, welfare and quality of life for residents of the town through the reduction, control and prevention of such loud and reasonable noise.

Title. This law shall be known and may be cited as the "Town of Dryden Zoning Ordinance" whether legally adopted as an ordinance or local law.

Section 2. Legislative Intent and Purpose. The purpose of this law is to preserve the public health, peace, comfort, repose, welfare, safety and good order in the Town by suppressing the making, creation or maintenance of excessive, unnecessary, unnatural or unusually loud noises which are prolonged, unusual or unnatural in their time, place, and use or which are detrimental to the quality of life of Town residents and the environment.

Section 2. Subsection C. Definitions, of Section 1307 of the Town of Dryden Zoning Law is hereby amended to add thereto two new definitions to read as follows:

Unreasonable noise - , any excessive or unusually loud sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensitivities, or which causes injury to animal life or damage to property or business.

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Person in charge of a party or other event or gathering – the person or persons who obtained permission to utilize public property for that party, event or gathering, or the person or persons who own or rent private property for any party or event (regardless of whether the renter has a long-term or short-term lease), and any adult person who lives in or on the premises involved in such party, event or gathering.

Section 3. Section 1307 of the Town of Dryden Zoning Law is hereby amended to add thereto a new Subsection I, entitled "Prohibition of Unreasonable Noise", to read as follows:

I. G.

Section 3- General Prohibition on Unreasonable Noise.

A. Definition of "unreasonable noise": Unreasonable noise is any excessive or unusually loud sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensitivities, or which causes injury to animal life or damage to property or business.

1. ~~No person shall make, continue, cause or permit to be made any unreasonable noise. It shall be unlawful for any person in charge of a party, event or gathering that occurs on any private or public property to allow that party, event or gathering to produce unreasonable noise within any building, or outside of a building at a distance of 25 feet or more from the source of such sound. It shall also be unlawful for any participant in that party, event or gathering to contribute to such unreasonable noise.~~

~~B.~~

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~~2.~~ Factors to be considered in determining whether noise is unreasonable in a given situation include, but are not limited to, any or all of the following:

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~~1. a.~~ The intensity of the noise.

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~~2. b.~~ The duration of the noise.

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~~3. c.~~ The intensity of the background noise, if any.

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~~4. d.~~ The zoning district within which the noise emanates and all zoning districts that lie within 500 feet of the source of the noise.

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~~5. e.~~ The time of day or night that the noise occurs.

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~~6. f.~~ The proximity of the noise to sleeping facilities.

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~~7. g.~~ Whether the noise is continuous or impulsive.

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~~8. h.~~ The existence of complaints concerning the noise from one or more persons who are affected by the noise.

~~9. i.~~ Whether the nature of the noise is usual or unusual.

~~10. j.~~ Whether the noise is due to a natural or human-made activity.

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3. Section 4. Parties, Events or Gatherings.

~~A. It shall be unlawful for any person in charge of a party, event or gathering that occurs on any private or public property to allow that party, event or gathering to produce unreasonable noise within any building, or outside of a building at a distance of 25 feet or more from the source of such sound. It shall also be unlawful for any participant in that party, event or gathering to contribute to such unreasonable noise.~~

~~B. For the purposes of this section, a "person in charge of a party or other event or gathering":~~

- ~~1. That occurs on any public property shall include the person or persons who obtained permission to utilize that property for that party, event or gathering.~~
- ~~2. That occurs on private property shall include the person who owns or rents the premises involved (whether the renter has a long term lease or a short term lease) and any adult person who lives in or on the premises involved in such party, event or gathering.~~

~~Section 45. Severability.~~ Should any section or provisions of this Local Law be declared by any court of competent jurisdiction to be unconstitutional or invalid, such declaration shall not affect the validity of this Local Law as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

~~Section 56. Effective Date.~~ This Local Law shall take effect on the first Monday of the month following~~immediately~~ upon its filing with the Secretary of State.