

STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
WWW.DOS.NY.GOV

ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE

January 28, 2021

RECEIVED

FEB - 4 2021

DRYDEN TOWN CLERK

Bambi L Avery
Town of Dryden Clerk
93 East Main Street
Dryden NY 13035

RE: Town of Dryden, Local Law 1 2021, filed on January 25 2021

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**

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231

(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.

Town of Dryden

Local Law No. 1 of the year 2021

A local law Amending Section 1307 of the Town of Dryden Zoning Law
(Insert Title)

Be it enacted by the Town Board of the Town of Dryden as follows:
(Name of Legislative Body)

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 unreasonable 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. Prohibition of Unreasonable Noise.

1. No person shall make, continue, cause or permit to be made any unreasonable noise.
2. 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.
3. 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.

(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. 1 of 2020 of the Town of Dryden was duly passed by the Town Board on January 21, 2021, 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
(Name of Legislative Body)
(approved)(not approved)(repassed after disapproval) by the _____ and was
(Elective Chief Executive Officer)*
deemed duly adopted 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
(Name of Legislative Body)
(approved)(not approved)(repassed after disapproval) by the _____
(Elective Chief Executive Officer)*
on _____ 20__. 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
(Name of Legislative Body)
(approved)(not approved)(repassed after disapproval) by the _____
(Elective Chief Executive Officer)*
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.)

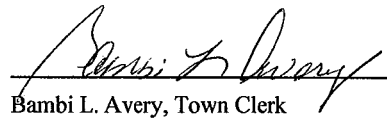
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 200__ 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.


Bambi L. Avery, Town Clerk

Date: January 22, 2021

(Seal)

(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 TOMPKINS

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

Town Attorney

Town of Dryden

Date: