



**Local Law Filing**

NEW YORK STATE DEPARTMENT OF STATE  
162 WASHINGTON AVENUE, 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.

~~County~~  
~~City~~ of Jay.....  
Town  
~~Village~~

Local Law No. 2..... of the year 19 21..

A local law Known as "Town of Jay Excessive Noise Control Law"  
(Insert Title)

Be it enacted by the Town Board.....of the  
(Name of Legislative Body)

~~County~~  
~~City~~ of Jay..... as follows:  
Town  
~~Village~~ See copy of attached Local Law

TOWN OF JAY

LOCAL LAW NO. 2 OF THE YEAR 1991.

A Local Law regulating and controlling noise within the Town of Jay, Essex County, New York.

Be it enacted by the Town Board of the Town of Jay as follows:

SECTION 1 - PURPOSE

To provide for the control and regulation of excessive noise within the Town of Jay incident to the promotion of public peace, health and welfare.

SECTION 2 -TITLE

This Local Law shall be known as the "Town of Jay Excessive Noise Control Law".

SECTION 3 - DEFINITIONS

Residence - a structure constructed, utilized, maintained or capable of being so utilized as a dwelling house, residence, living quarters or place of abode by human beings together with any real property upon which the same is situate.

Commercial Building or Property - a structure or building utilized, suitable for utilization or adopted for any commercial or business purpose whether occupied or not.

OWNER: The person who has record title to the property

LESSEE: The person who has the right to occupy property owned by another for a period of at least 30 consecutive days in consideration for the payment of rent, whether or not such right of occupancy is granted by written lease or instrument.

#### SECTION 4 - PROVISIONS

Excessive Noise - It shall be unlawful for any person to willfully make or continue, or cause to be made or continued, or permit to be made or continued on any premises he owns or leases, any unnecessary and/or excessive noise which causes annoyance to any reasonable person of normal sensitivity residing in the area.

#### SECTION 5 - SPECIFIC PROHIBITIONS

The following acts are hereby declared to constitute excessive noise, are hereby prohibited and are declared to be in violation of this Local Law.

1. Operating, playing or permitting the operation or playing of any radio, television, phonograph, tape recorder, sound amplifier, musical instrument or similar device which produces, reproduces, or amplifies sound:

a. At a residence or residential property in such a manner that the sound is plainly audible at the boundary on which the sound is produced.

b. At a commercial property in such a manner that the sound is plainly audible at a distance of 50 feet from the boundary of the property on which the sound is produced.

c. At any time within a commercial building when the exterior doors, windows and entrance ways of such commercial building are left open.

d. In a motor vehicle on a public right of way or public space in such a manner that sound is plainly audible at a distance of fifty feet from the source of sound.

2. Yelling, shouting, hooting, whistling or singing within residential areas of the Town of Jay, so as to annoy or disturb the peace, quiet, comfort or repose of a reasonable person of normal sensitivity who resides in the vicinity of the noise.

3. The operation of a motor vehicle on public streets which is not equipped with a muffler or other device which effectively prevents the discharge of loud or explosive noises.

4. The operation of a motor vehicle on public streets in such a manner that the tires of the vehicle emit unnecessary noise.

#### SECTION 6 - EXEMPTIONS

This local law shall not apply to noise or sounds caused by church bells, horns or sirens, police vehicles, authorized emergency vehicles, and Fire Fighting Apparatus, and parades, concerts or other public gatherings conducted by authorized organizations or like entities. This local law shall also not apply to any non-commercial public speaking, public assembly activities, public athletic activities or like events conducted on any public space, property, building, highway or right of way.

## SECTION 7 - PERSONS RESPONSIBLE

The following persons will be in violation of this ordinance for causing or permitting impermissible noise:

1. The person causing the noise or operating the noise producing device or equipment.
2. The owner or lessee of premises which is the source of the noise, provided the owner, lessee, or an employee or agent of an owner or lessee is present on that part of the premises where the noise is produced when the noise violation occurs.
3. The owner or lessee of premises which is the source of the noise, regardless of whether the owner or lessee is present on that part of the premises where the noise is produced when a violation occurs if:
  - a. The owner or lessee has received notice that the person charged has been convicted of violating this ordinance on the same premises on two separate occasions within twelve months of the date of the violation charged, and
  - b. prior to the date of the violation charged, the owner or lessee has not commenced a proceeding to evict the person charged.

Notice of a conviction will be deemed to have been given to an owner or lessee if within 5 business days of the date of conviction, a copy of a certificate of conviction is mailed by certified or registered mail to the owner at the tax billing address on file with the Town Clerk, or to the lessee at the address of the leased premises, or by personal service upon such owner or lessee.

4. It shall be a defense to liability hereunder, if a person who has not caused the noise reports the suspected noise violation to any appropriate police department before the Police arrive on the premises to investigate the alleged noise violation. Persons reporting suspected violations are required to give their name and address and the location of the suspected violation.

#### SECTION 8 - PENALTIES

Any person violating any provision of this ordinance shall have committed an offense and shall be liable to a fine which shall not exceed two hundred and fifty dollars in amount, or imprisonment not to exceed 15 days, for each offense. A separate offense shall be deemed committed on each day during which a violation occurs or continues.

#### SECTION 9 - JURISDICTION

For the purposes of conferring jurisdiction upon courts and judicial officers generally, such a violation shall be deemed a misdemeanor and for such purposes only, all provisions of law relating to a misdemeanor shall apply to such a violation.

#### SECTION 10 - CONSTITUTIONALITY

Should any section or provision of this local law be decided by any court of appropriate jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this local law as a whole or any part thereof other than that part so decided to be unconstitutional or invalid.

**SECTION 11 - EFFECTIVE DATE**

This Local Law shall become effective upon the filing with the office of the secretary of State as provided for by the General Municipal Law of the State of New York.

**SECTION 12 - CLARIFICATION**

For purpose of clarification the definition of an unnecessary and/or excessive noise shall be as stated in Section 4 above.

Dated: August , 1991.