

STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
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ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE

February 9, 2021

Lisa L DeVona
Clerk-Treasurer
240 N. Main Street
Minoa NY 13116

RECEIVED

FEB 10 2021

VILLAGE OF MINOA

RE: Village of Minoa, Local Law 1 2021, filed on February 8, 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**

VILLAGE OF MINOA
240 N. MAIN STREET • MINOA • NEW YORK 13116

William F. Brazill, *Mayor*
wbrazill@villageofminoa.com
Office: (315) 656-3100
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John H. Champagne, *Deputy Mayor*
John M. Abbott, *Trustee*
Eric S. Christensen, *Trustee*
Gregory A. Rinaldi, *Trustee*
Lisa L. DeVona, *Clerk-Treasurer*
Law Offices of Courtney M. Hills PC

February 4, 2021

COPY

State Records and Law Bureau
State of New York Department of State
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231

Dear Secretary of State:

Enclosed is one (1) original copy of **Local Law #1 for 2021** for the Village of Minoa.

If there are any questions on this law, please contact this office as soon as possible.

Sincerely,

A handwritten signature in black ink that reads "Lisa L. DeVona". The signature is written in a cursive style.

Lisa L. DeVona
Clerk-Treasurer

Enclosure

Local Law Filing

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.

Village of Minoa

Local Law No. One (1) of the year 2021.

A local law repealing Chapter 98 of the Village of Minoa Code entitled “Noise Control,” and replacing it with a new Chapter 98 entitled “Noise Control.”

Be it enacted by the Village Board of Trustees of the Village of Minoa as follows:

Section One (1). Chapter 98 of the Village of Minoa Code entitled “Noise Control” is hereby repealed and replaced with a new Chapter 98 entitled “Noise Control” as follows:

Chapter 98 – Noise Control

§98-1. Declaration of Policy.

- A. It is hereby declared to be the policy of the Village of Minoa to prevent unreasonably loud, disturbing and unnecessary noise (as defined herein) and to reduce the noise level within the Village so as to preserve, protect and promote the public health, safety and welfare and to foster convenience, peace and quiet within the Village by the inhabitants thereof. The Village Board finds that problems concerning the disturbance of peace, quiet and tranquility by noise from various sources and activities are best resolved by thoughtful discussions and cooperative agreements between affected parties. However, to resolve remaining problems of noise which are disturbing to others, it is the policy of the Village of Minoa and the purpose of this chapter to establish standards, enforcement procedures, and penalties.
- B. This Chapter shall be liberally construed so as to effectuate the purposes described herein.

§98-2. Definitions.

For the purposes of this Chapter, the terms used herein are defined as follows:

BURGLAR ALARM – Any sound signal device designed and intended to produce an audible sound signal upon unauthorized entrance into a building or motor vehicle.

CONSTRUCTION – Any activity necessary or incidental to the erection, demolition, assembling, altering, installing or equipping of buildings, highways, roads, utility lines or other property.

DECIBEL(DB) – The practical unit of measurement for sound pressure level. The number of “decibels” of a measured sound is equal to twenty (20) times the logarithm to the base of 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound [twenty (20) micropascals]; abbreviated “dB.”

DEVICE – Any mechanism which is intended to or which actually produces sound when operated or handled.

EMERGENCY – A public calamity or an exposure of any person or property to imminent danger.

PERSON – Any individual or group of individuals, partnership, company, corporation, trust, association, firm, organization, syndicate, administration, bureau or department.

REAL PROPERTY LINE – Either the boundary, including its vertical extension, which separates the parcel of real property owned or controlled by one person from that owned or controlled by another person, including intra-building real property divisions.

UNNECESSARY NOISE – Any excessive or unusually loud sound or any sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person, or which causes injury to animal life or damage to property or business. Standards to be considered in determining whether unnecessary noise exists in a given situation include but are not limited to the following:

- A. The intensity of the noise.
- B. Whether the nature of the noise is usual or unusual.
- C. Whether the origin of the noise is natural or unnatural.
- D. The intensity of the background noise.
- E. The proximity of the noise to sleeping facilities.
- F. The nature and the zoning district of the area within which the noise emanates.
- G. The time of the day or night the noise occurs.
- H. The duration of the noise (any duration of noise restricted herein lasting more than fifteen (15) minutes (either sustained or intermittent) shall be deemed to violate this Chapter).
- I. Whether the sound source is temporary.
- J. Whether the noise is continuous or intermittent.
- K. Whether alternate methods are available to achieve the objectives of the sound producing activity.

§98-3. Prohibited Noises.

No person shall make, continue or cause or permit to be made any unnecessary noise. The following acts are declared to be prima facie evidence of a violation of this Chapter and are prohibited, but said enumeration shall not be deemed to be exclusive.

- A. Burglar alarms. No person shall operate or caused to be operated an audible burglar alarm unless such alarm automatically terminates its operation within 15 minutes after it has been activated and does not operate more than 15 minutes in any one-hour period.
- B. Construction and operation of machinery. No person shall conduct or permit to be conducted construction and/or the operation of machinery, equipment and/or domestic power tools, including lawn

mowers, sanders, grinders, and leaf blowers between the hours of 9:00 p.m. the preceding night and 7:00 a.m. on Monday through Saturday, and between the hours of 9:00 p.m. the preceding night and 9:00 a.m. on Sundays and federal holidays, so as to cause unnecessary noise across a real property line.

- C. Exhausts. No person shall cause or permit the discharge into the open air of the exhaust of any device, including but not limited to any motor vehicle engine, except through a muffler which will effectively prevent the creation of unnecessary noise therefrom.
- D. Horn or signal. No person shall sound or permit the sounding of any horn or signal on any car, motorcycle, bus or other vehicle, except as a warning signal pursuant to the provisions of the Vehicle and Traffic Law of the State of New York.
- E. Loading and unloading vehicles. No person shall cause or permit the creation of unnecessary noise in connection with loading or unloading of any material, equipment or garbage cans or the handling of bales, boxes, crates or similar containers.
- F. Motor vehicles. No person shall use or cause to be used any automobile, motorcycle, bus or other motor vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other unnecessary noise.
- G. Sound reproduction devices. No person shall operate, play or permit the operation or playing of any radio, CD or tape player, television, public address system, loud speaker, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound in such a manner as to create unnecessary noise at a distance of 75 feet from the noise source or across a real property line, whichever is less.
- H. Vocal disturbances. No person shall cause or permit to be caused any unnecessary noise by shouting, yelling, whistling, singing or other vocal exclamations.
- I. Decibel Maximum. The making or operation of any source of sound on a private property or any public space or right-of-way in such a manner as to create a sound level that exceeds the particular sound level limits set forth as follows: between 7:00 a.m. and 10:00 p.m., seventy (70) dBA and between 10:00 p.m. and 7:00 a.m., fifty (50) dBA when measured at the adjoining property line.

§98-4. Exceptions.

The following sounds shall not be deemed to be a violation of this chapter:

- A. Sounds created by the use of any organ, bell, chimes or any other similar instrument or device of any church, synagogue or school on or within its own premises in connection with religious rites or ceremonies of such church or synagogue or in connection with a school education program.
- B. Sounds created by snow blowers, chain saws and other domestic tools and equipment when used to clear driveways, streets or walkways during and after snowfalls, rainstorms, ice storms, windstorms or other similar emergencies.

- C. Sounds created by agricultural activities.
- D. Sounds connected with athletic, recreational, or sporting events of any public organization or private school, provided that such sounds shall be reduced between the hours of 12:00 midnight and 7:00 a.m.
- E. Sounds connected with organized activities sponsored by any school district or fire district or department within the Village, provided that such sounds shall be reduced between the hours of 12:00 midnight and 7:00 a.m.
- F. Sounds connected with municipally sponsored celebrations or events, including lawful fireworks displays, parades, carnivals and the like, held in accordance with all pertinent provisions of the Village Code, provided that such sounds shall be reduced between the hours of 12:00 midnight and 7:00 a.m.
- G. Sounds connected with the lawful hunting of animals or game during the appropriate hunting or gaming seasons.
- H. Sounds created by Emergency Construction or repair work authorized or performed by the Village of Minoa, the County of Onondaga, the State of New York or any recognized utility serving the area.
- I. Sounds created by the exercise of commercial activities to the extent that such sounds are already controlled by the Village of Minoa through site plan approval, special permit or otherwise.
- J. Sounds created by police cars, fire engines, ambulances and other emergency vehicles when used in connection with an Emergency, drill or test procedure.
- K. Sounds connected with activities open to the public where proper authorization has been obtained from the Village Board or any other designated authority of the Village of Minoa.

§98-5. Enforcement.

The provisions of this Chapter shall be enforced by the Town of Manlius Police Department and the Codes Enforcement Officer of the Village of Minoa, who shall have the power to issue warnings and to bring complaints returnable before the Justice Court of the Village of Minoa for a violation of this Chapter.

§98-6. Penalties for Offenses.

- A. Any person found violating the provisions of this chapter shall, upon conviction thereof, be punished as follows:
 1. For the first offense, the penalty shall be a fine up to the maximum sum of \$250.
 2. For the second offense within a six month period, the penalty shall be a fine up to the maximum sum of \$375.

3. For the third and each subsequent offense within a six-month period, the penalty shall be a fine up to the maximum sum of \$500 or imprisonment for a period not in excess of 15 days, or both such fine and imprisonment.
- B. Every day that a violation of this Chapter continues shall constitute a separate offense.

Section Two (2). SEVERABILITY.

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstances is adjudged invalid or unconstitutional by any court of competent jurisdiction, such order or judgment shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances. Further, in adjudging such invalid provision, the court shall attempt to modify same to a provision which is not invalid or unconstitutional and which best achieves the intent of the invalid provision.

Section Three (3). EFFECTIVE DATE.

This Local Law shall take effect upon its filing in the office of the Secretary of State and shall apply to the assessment rolls prepared on the basis of taxable status dates occurring on or after such date.

(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 2021 of the ~~(County)~~(City)~~(Town)~~(Village) of Minoa was duly passed by the Village Board of Trustees of the Village of Minoa on February 1, 2021 in accordance with the applicable provisions of law.

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 one (1) above.



Lisa DeVona, Village Clerk-Treasurer

Date: 2/4/2021, 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 ONONDAGA

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

Courtney M. Hills

Attorney for the Village

Title

County

City of Minoa

~~Town~~ Village

Date: February 2, 2021

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a countywide 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.