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**(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 New Scotland**

**Local Law No. 6 of the year 2006**

A local law Regulating Unreasonable Noise.  
(Insert Title)

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**Be it enacted by the** Town Board of the Town of New Scotland as follows:

Section 1. This local law shall be known and may be cited as the "NOISE CONTROL LAW" of the Town of New Scotland.

Section 2. DECLARATION OF POLICY:

It is hereby declared to be the policy of the Town of New Scotland to prevent unreasonably loud, disturbing and unnecessary noise and to reduce the noise level within the Town so as to preserve, protect and promote the public health, safety and welfare and to foster convenience, peace and quiet within the Town for the inhabitants thereof. The Town Board finds that every person is entitled to have maintained noise levels which are not detrimental to life, health and the enjoyment of property, and that excessive and unnecessary noise within the Town of New Scotland affects and is a menace to public health, safety, welfare and the comfort of the people of the Town, and negatively affects the value of their property.

Section 3. DEFINITIONS:

a. Unreasonable noise: a noise which is of such character, intensity and duration, or of a type or volume, that a reasonable person of normal sensitivities would not tolerate under the circumstances.

b. Unnecessary. That which is not required by the usual circumstances.

#### Section 4. PROHIBITED ACTS:

The following acts, and/or, the causing thereof, are declared to be prima facie evidence of a violation of this law. This enumeration shall not be deemed exclusive.

1. Motor vehicles: Noise emanating from the operation of motor vehicles, including from sound producing devices, is regulated by the New York State Vehicle and Traffic Law. The maximum levels and regulations for the operation and use of motor vehicles on public highways, as they may be amended from time to time, are hereby designated to be the maximum permissive noise level for the operation of motor vehicles, and of any sound producing device on any motor vehicle, on all other property as well as public highways within the Town of New Scotland.

2. Animals: No person shall keep, permit or maintain any animal under his control that causes unreasonable or unnecessary noise by continued barking, howling, or making other animal noises that is continuous in excess of fifteen (15) minutes.

3. Private Residence and Meeting Halls: No noise from parties, entertainment, music or social gatherings of any kind, whether public or private, shall be such that noise caused by and/or emanating from said use can be heard between the hours of 11:00 P.M. and 8:00 A.M. the following day.

4. Construction: The erection, including excavation, demolition, alteration or repair of any building other than between 7:00 A.M. and 9:00 P.M., except in cases of a public safety or emergency, is prohibited.

#### Section 5. EXEMPTIONS:

This law shall not apply to the operation or use of any organ, radio, bell, chimes or other instrument, apparatus or device, by any church, synagogue or school licensed or chartered by the State of New York, to sounds emitted for the purpose of alerting persons to the existence of an emergency, or to noise from municipally sponsored celebrations or events, or to events for which permission has been obtained from the Town of New Scotland or other appropriate governmental body. This law shall not apply to farm operations conducted in accordance with New Scotland's Right to Farm Law.

#### Section 6. ENFORCEMENT.

The Code Enforcement Officer, where applicable, and the Albany County Sheriff's Department and the New York State Police shall enforce this local law.

Section 7. PENALTIES

a. Any person who violates any provision of this law shall be guilty of a violation and shall be subject to a fine up to \$250.00 for each offense.

b. The Town of New Scotland may also seek injunctive relief to prevent the continued violation of this law.

Section 8. SEVERABILITY

If any word, phrase or part of this law shall be declared unconstitutional, the same shall be severed and separated from the remainder of the law, and said remainder shall continue in full force and effect.

Section 9. EFFECTIVE DATE

This law shall become effective immediately upon 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. 6 of 2006 of the Town of New Scotland was duly passed by the New Scotland Town Board on August 9 2006, in accordance with the applicable provisions of law.

**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 Town of New Scotland was duly passed by the New Scotland Town Board \_\_\_\_\_ on 20 \_\_\_\_\_, and was \_\_\_\_\_ (approved)( not approved) (repassed after disapproval) by the \_\_\_\_\_ and was 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 Town of New Scotland was duly passed by the New Scotland Town Board \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was \_\_\_\_\_ (approved) (not approved) (repassed after disapproval) by the \_\_\_\_\_ 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 Town of New Scotland was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)( not approved) (repassed after disapproval) by the \_\_\_\_\_ 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 20 \_\_\_\_ 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.

  
New Scotland Town Clerk

(Seal)

Date: 8/9/06

**(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 ALBANY

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 *L. Michant Mackey*  
New Scotland Town Attorney

Date: *August 9, 2008*