

# Local Law Filing

(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.

**[Redacted]**  
**[Redacted]** of Lake Placid  
**[Redacted]**  
Village

Local Law No. 6 of the year 2008

A local law to repeal Local Law No. 5 of 1982, regulating  
*(insert Title)*  
noise control in its entirety, and replacing it  
as follows:

Be it enacted by the Village Board of Trustees of the  
*(Name of Legislative Body)*

**[Redacted]**  
**[Redacted]** of Lake Placid  
**[Redacted]** Village as follows:

“The purpose of this Local Law is to preserve the public health, safety, and welfare by prohibiting excessive and disturbing noise and to prevent noise which is prolonged or unsuitable for the time and place and which is detrimental to the peace and good order of the community. It is the goal of this Local Law to allow all residents of the Village of Lake Placid to peacefully coexist in a manner which is mutually respectful of the interests and rights of others.

### Unlawful Noise Prohibited:

It shall be unlawful for any person to make, continue, or cause to be make or continue any excessive, unnecessary, or unusually loud, or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others in the Village of Lake Placid. The following acts, among others, are declared to be loud, disturbing, injurious or unnecessary and unlawful noises in violation of the section.

- (1) **Horns and Signal Devices.** The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle while not in motion, except as a

(If additional space is needed, attach pages the same size as this sheet, and number each.)

danger signal or to give warning of intent to get into motion, or if in motion, only as a danger signal after or as brakes are being applied or decelerating of the vehicle has begun; the creation by means of such signal device or any unreasonable or unnecessary period of time

- (2) **Radio, Phonograph, Musical Instruments.** The playing of any radio, phonograph, television set, amplified or un-amplified musical instruments, loudspeaker, tape recorder, or other electronic sound producing devices, in such manner or with such volume between the hours of 9:30pm and 7:00am the following day so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel, hospital, or other type of residence, or of any persons in the vicinity. The operation of any such set, instrument, phonograph, machine, or device in such a manner as to be plainly audible on a property or in a dwelling unit other than in which it is located, shall be prima facie evidence of a violation of this section.
- (3) **Shouting and Whistling.** Yelling, shouting, hooting, whistling, singing, or the making of any other loud noises on the public streets, between the hours of 9:30pm and 7:00am the following day.
- (4) **Construction.** The operation of power equipment in residential zones between the hours of 9:30pm and 7:00am the following day. The erection, including excavation, demolition, alteration or repair of any building other than between 7:00am and 9:30pm, except in case of a public safety and emergency.

#### **Exceptions:**

- A. **Public Warnings.** The emission of sound for the purpose of alerting persons to the ~~existence of an emergency~~
- B. **Events.** Noise from municipally sponsored celebrations or events and noise from individually sponsored events where a permit for public assembly or other relevant permission has been obtained by the Village Board
- C. **Emergency Vehicles.** Any police or fire vehicle or any ambulance, while engaged upon necessary emergency business.
- D. **Highway and Utility Maintenance and Construction.** Necessary excavation in or repairs of bridges, streets, or highways, or any public utility installation by or on behalf of the Village of Lake Placid, or any public utility (Highway, Water, Sewer and Electric Dept) or any agency of the State of New York, when the public safety, welfare, and convenience necessitates the performance of the work at such time.

#### **Penalties for Offenses**

Any person found guilty of violating any of the provision of this chapter shall be guilty of a violation and, upon conviction, shall be punishable by a fine not exceeding \$ 250 or imprisonment for a period not exceeding 15 days, or both, for conviction of the first offense; for conviction of a second offense, both of which were committed within a period of three years, punishable by a fine of not less than \$ 250 nor more than \$ 500 or imprisonment for a period not to exceed 30 days, or both; and upon conviction for a

third offense or subsequent offense, all of which were committed with a period of 5 years, punishable by a fine of not less than \$500 nor more than \$ 750 or imprisonment for a period not to exceed 60 days or both. Each day during which such violation occurs constitutes a separate offense.”

This Local Law shall take effect 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 2008 of the (County)(City)(Town)(Village) of Lake Placid was duly passed by the Village Board of Trustees on Oct. 20 2008, 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 (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

**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 (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

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 (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.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

\* 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.

*Kathryn A. McKillip*

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Kathryn A. McKillip, Village Clerk

Date: October 20, 2008

(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 Essex

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

*Janet H. Bliss*

Title

Village Attorney

of

Lake Placid

Village

Date:

October 20, 2008