

**Proposed Blenheim Noise Control Law**  
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**Section 1. Title:**

This local law shall be known as and may be cited as the “***Blenheim Noise Control Law***” of the Town of Blenheim, New York.

**Section 2. Declaration of Policy:**

It is hereby declared to be the policy of the Town of Blenheim to prevent unreasonably loud, disturbing and unnecessary noise and to reduce the noise level(s) within the Town of Blenheim so as to preserve, protect and promote the public health, safety and welfare and to foster convenience, peace and quiet within the Town of Blenheim for the inhabitants thereof.

The Blenheim 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 Blenheim affects and is a menace to public health, safety, welfare and the comfort of the people of the Town and could negatively affect the value of their property.

**Section 3. Definitions:**

- A. Unreasonable noise: a noise which is of such character, intensity, volume, pitch and or duration that a reasonable person of normal sensitivities would not tolerate under the circumstances.
- B. Unnecessary: That which is not normal or required under 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 on public highways within the Town of Blenheim.

2. Animals: No person shall keep, permit or maintain any animal under his / her control that causes unreasonable or unnecessary noise by continued barking, howling or making other such animal noises that is continuous in excess of fifteen (15) minutes.
3. Private Residences, Meeting Halls and Venues: 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 12:00AM and 8:00AM the following day.
4. Construction: The erection, including excavation, demolition, alteration, or repair of any building other than between 7:00AM and 9:00PM, except in cases of public safety or emergency, is prohibited.
5. Industrial: Noise emanating from industrial uses shall not be of an unreasonable level or type as to be deemed to negatively affect the public health, safety, welfare, property value and the peace and enjoyment of neighboring and / or nearby properties and residences.

#### **Section 5. Exemptions:**

This law shall not apply to the operation or use of any organ, radio, bell, chimes or other such 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 existence of an emergency or danger or to noise from a municipally sponsored celebrations or events for which permission has been obtained from the Town of Blenheim or other appropriate governmental body. This law shall not apply to farm / agricultural operations conducted in accordance with the Town of Blenheim or New York State Right to Farm Law.

#### **Section 6. Enforcement.**

The Town of Blenheim Code Enforcement Officer and / or the Schoharie 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 such violation and shall be subject to a fine of up to \$500.00 for each offense.
- B. The Town of Blenheim may also seek injunctive relief / action(s) in order to prevent the continued violation(s) of this law.

**Section 8. Severability:**

If any word, phrase or part of this law shall be deemed 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 effectively immediately upon filing with the Secretary of State.

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