

# 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.

County  City  Town  Village  
(Select one.)

of RHINEBECK

Local Law No. 5 of the year 2024

A local law Amendment to the Town of Rhinebeck Noise Law, Chapter 125 – Zoning  
(Insert Title)

Be it enacted by the TOWN BOARD of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of RHINEBECK as follows:

## SECTION 1. TITLE

This Local Law shall be known, and may be cited as, the "Amendment to the Town of Rhinebeck Noise Law, Chapter 125 – Zoning".

## SECTION 2. DECLARATION OF INTENT:

Chapter 125, Article V, Section 125-58 Noise Regulations and Chapter 125, Article XIII, §125-141 of the Town Code are hereby deleted in their entirety and in its place, the following new Section A shall be inserted as follows:

Chapter 125, Article V Noise Regulations:

### A. Declaration of Intent

The making and creating of disturbing, excessive or offensive noises within the jurisdictional limits of the Town are conditions which have persisted, and the level and frequency of occurrences of such noises continue to increase. These noise levels are a detriment to the public health, comfort, convenience, safety and welfare of the citizens of the Town of Rhinebeck. Every person within the Town is entitled to an environment in which disturbing, excessive or offensive noise is not detrimental to his or her life, health or enjoyment of property. It is hereby declared to be public policy of the Town to reduce the ambient noise level in the Town so as to preserve, protect and promote the public health, safety and welfare and the peace and quiet of the inhabitants of the Town preventing injury to human, plant

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

And animal life and property, foster the convenience and comfort of its inhabitants and facilitate the enjoyment of the natural attractions of the Town. This local law is to be construed liberally, but is not intended to be construed so as to discourage the enjoyment by residents of normal, reasonable and usual activities.

**B. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**AMBIENT NOISE**

The surrounding background noise generally associated with a particular environment; the cumulative combination of disparate sounds from more than one source.

**COMMERCIAL PURPOSE**

The use, operation, generation or maintenance of sound for the purpose of advertising or promoting business, goods or services or soliciting or attracting public attention to goods or services for sale, lease or rental.

**DECIBEL(dB)**

A unit of energy/pressure used to represent the amplitude or volume of sound waves. A decibel is equal to 20 times the logarithm to the base 10 of the ratio of the measured sound-pressure level to the reference sound pressure of 20 micropascals per square meter.

**DECIBEL, A-WEIGHTED**

An electronic function of a sound-level meter that seeks to modify the sound-pressure response of the sound-level meter, over the range of perceptible frequencies, to approximate that of the human ear. A noise volume measured by a sound-level meter using the A-weighted filter is represented by the notation “

**EMERGENCY WORK**

Any work necessary to maintain public health, safety or welfare following an emergency or public calamity or any work required to protect persons or property from an imminent exposure to danger. Emergency work includes, but is not limited to, snow removal, restoration of public utilities and maintenance of public rights-of-way.

**FREQUENCY**

The number of times that a noise wave oscillation takes to pass a single point. Units of noise frequency are represented by cycles per second, commonly referred to as “hertz” (Hz).

**HOLIDAYS**

New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

**MOTOR VEHICLE**

All vehicles subject to regulation by the New York State Department of Motor Vehicles. The term “motor vehicle”, as used in this chapter, includes mopeds, minibikes and go-carts.

**MUFFLER**

A device or system for abating the sound of escaping gases of an internal combustion engine.

**POWER EQUIPMENT**

Equipment such as leaf blowers, lawnmowers and power saws operated on private, residential or commercial properties by the owners or occupants of said properties, or by contractors for routine or commercial maintenance of the same.

**SOUND**

Any pressure variation in air perceptible to the human ear.

**SOUND-AMPLIFYING EQUIPMENT**

Any machine or device used for the amplification of sound. “Sound-amplifying equipment”, as used in this chapter, shall not include any warning device, siren, horn or whistle used by emergency vehicles or by any governmental agency to alert the public to an emergency or warn of a dangerous condition.

**SOUND LEVEL**

The weighted sound pressure level obtained by the use of a sound level meter and dBA frequency weighting network.

**SOUND-LEVEL METER**

An instrument for the measurement of sound conforming to Type 1 or Type 2 ANSI standard under Specification S1.4-1971, or the latest approved revision thereof.

**SOUND TRUCK**

Any motor vehicle, regardless of method of power, whether in motion or stationary, which has sound-amplifying equipment.

“C. Unreasonable Noise; Prohibited Acts.

- (1) No person shall cause, or permit to be made, unreasonable noise. For purposes of this chapter, unreasonable noise is any disturbing, excessive or offensive sound that disturbs a reasonable person of normal sensitivities.
- (2) The following acts are declared to be prima facie evidence of a violation of this chapter. This enumeration shall not be deemed exclusive.

- (a) A sound level reading taken at a dwelling within a multi-dwelling unit building, arising from any location within a multi-dwelling building, above 50dBA during the time period commencing at 7:00 a.m. and ending at 8:00 p.m.
- (b) A sound-level reading taken at a dwelling within a multi-dwelling unit building, arising from any location within a multi-dwelling unit building, above 45 dBA during the time period commencing 8:00 p.m. and ending at 7:00 a.m. the following day.
- (c) A sound-level reading taken at a residential property line, arising from another residential property, above 65 dBA during the time period commencing at 7:00 a.m. and ending at 8:00 p.m.
- (d) A sound-level reading taken at a residential property line, arising from another residential property, above 50 dBA during the time period commencing at 7:00 p.m. and ending at 8:00 a.m. the following day.
- (e) A sound-level reading taken at a residential property line, arising from a commercial property or a public space, above 65 dBA during the time-period commencing at 7:00 a.m. and ending at 8:00 p.m.
- (f) A sound-level reading taken at a residential property line, arising from a commercial property or a public space, above 50 dBA during the time-period commencing at 8:00 p.m. and ending at 7:00 a.m. the following day.
- (g) Sound from a motor vehicle exceeding 60 dBA as measured from the nearest curb or edge of the roadway.
- (h) Impulsive sound shall not exceed 80 dBA at the receiving property line if it occurs less than four times per hour. For frequency greater than four per hour, the sound shall not exceed 60 dBA between the hours of 7:00 a.m. and 8:00 p.m. and not exceed 50 dBA between 8:00 p.m. and 7:00 a.m.
- (i) Sound from power equipment shall not exceed 80 dBA at a distance of fifty (50) feet from the nearest lot line.”

“D. Prohibited Sounds During Certain Times. Notwithstanding the provisions of this chapter, the generation of noise as defined hereinafter shall be prohibited during the times listed below as follows:

- (1) For unreasonable or excessive noise, defined as that being 5 dBA or more above the background level when measured not closer than the lot line of a residential lot or from the nearest affected dwelling unit: from 11:00 p.m. to 7:00 a.m.
- (2) For trash collection, within 500 feet of a dwelling unit: from 7:00 p.m. to 7:00 a.m.
- (3) For all electric and/or internal combustion engines employed in yard, garden or grounds maintenance, including, but not limited to, lawn mowers, leaf blowers, grass trimmers, and snow blowers: from 8:00 p.m. to 7:00 a.m., Monday through Friday; and from 8:00 p.m. to 9:30 a.m. on Saturdays, Sundays and holidays.
- (4) For construction and demolition activity: from 8:00 p.m. to 7:00 a.m., Monday through Friday; and from 8:00 p.m. to 9:30 a.m. on Saturdays and Sundays.
- (5) For deliveries and pick-ups for commercial and business purposes, within 300 feet of a dwelling unit within a residential zoning district: from midnight to 6:00 a.m.
- (6) For public address loudspeakers, mobile or stationary: from 9:00 p.m. to 7:00 a.m.”

“E. Exemptions. Regardless of the decibel limits or the time of day or night, the provisions of this chapter shall not apply to:

- (1) Sound and vibration emitted for the purpose of alerting people in an emergency.
- (2) Sound and vibration emitted in the performance of responding to an emergency, including the use of emergency response vehicles and power equipment.
- (3) Sounds created by bells or chimes of a house of worship, when a part of a religious observance or service.
- (4) Sounds from farm operations conducted in a manner consistent with sound agricultural practices as determined by the New York State Department of Agriculture and Markets. Sounds from agriculture operations on non-farm properties are not exempt.
- (5) Sounds from forestry operations conducted in a manner consistent with the Timber Harvesting Guidelines as published by the New York State Department of Environmental Conservation.

- (6) Sounds during the New York State regulated hunting seasons from traditional guns and hunting practices.
- (7) Sound from a burglar alarm of any building or residence, provided such burglar alarm shall terminate its operation within 10 minutes after it has been activated.
- (8) Railway locomotives.
- (9) Sound generated by Town-sponsored and/or Town-permitted events.
- (10) Temporary noise, including idling of automobiles, motorcycles, tractors or other farm vehicles or vehicle-mounted refrigeration equipment or other motorized vehicle, such that its duration is shorter than five minutes and which is not repetitive.
- (11) Deliveries and pick-ups for commercial or business purposes within 300 feet of a dwelling within a residential zoning district, to dwellings, of gasoline to gasoline stations, to government buildings and facilities, or deliveries that do not increase noise levels 5 db(A) or more above background noise level.”
- (12) Sound generated by professional property maintenance businesses or tree removal or trimming businesses during work periods.
- (13) Sounds produced by outside emergency home generators approved in accordance with the provisions of the Town Code during emergency operation.

“F. Unreasonably Intrusive Noise; Criteria.

No person shall make, continue, cause or permit to be made, verbally or mechanically, any unreasonably intrusive noise. Standards to be considered in determining whether an unreasonable intrusive noise exists include, but are not limited to, the following:

- (1) The volume of the noise.
- (2) The frequency of the noise.
- (3) The periodicity of the noise.
- (4) Whether the noise is unusual and incongruous with the surrounding environment.
- (5) The volume and frequency of the ambient noise, if any.

(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. 5 of 2024 of the ~~(County)(City)~~(Town)(Village) of Rhinebeck was duly passed by the Rhinebeck Town Board on March 25 2024, 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) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* 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 (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. *(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) *(Name of Legislative Body)* (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 \_\_\_\_\_ above.

*Jean Whinnig*

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

Date: April 12, 2024

(Seal)