

Local Law No. ?? of the Year 2024

Be it enacted by the Town Board of the Town of Woodstock, NY as follows:

§ Legislative intent.

The making and creating of disturbing, excessive, or offensive noises in the Town is a condition which has persisted. These noise levels can be a detriment to the public health, comfort, convenience, safety, and welfare of the citizens. Every person 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. The chapter is to be construed liberally, but it is not intended to be construed so as to discourage the enjoyment by residents of normal, reasonable and usual activities.

[Added in submitted Community Edit from June, 2024: Wording changed and inclusion of values for community growth, sustainability, etc. as adopted by the Comprehensive Plan of 2018. Final sentence reads as follows for positive impacts of enforceable sound regulation: *'Clear and enforceable regulation of sounds and noise will have a positive impact on safety, police enforcement, and all aspects of the health and welfare of the community including those attributes physical, emotional, and economic.'*]

§ Prohibited acts. [Changed to "Guidelines" and Prohibitions.]

A.

No person, with the intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, shall cause, suffer, allow 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. [An attempt was made to better clarify "normal sensitivities" by providing more realistic sound guidelines, differentiated by Zoning Area - i.e, Hamlet Commercial vs. R1, R2, R3, etc. 85dbA was suggested for the Hamlet Commercial Zone from 11:00am to 11:00pm from the point of complaint. Otherwise, prior to 11:00am and after 11:00pm, a

sustained reading of 75dBA would result in potential citation or warning. An additional qualifier for complaint was being outside 100ft of the sound source, or business - in the Hamlet Commercial Zone specifically. These parameters are not the same for other Residential Zones.]

B.

The following acts are declared to be prima facie evidence of a violation of this chapter. This enumeration shall not be deemed exclusive.

(1)

Any unnecessary noise from any source between the hours of 9 p.m. and 7:00 a.m. the following day. [Added suggested dBA level; hours of 11:00pm to 7:00am for 'unnecessary noise' in the Residential Zones.]

(2)

Noise from a dog or other pet animal that is continuous and exceeds 15 minutes. [Added qualifier for 75dBA sustained].

(3)

Noise from a burglar alarm or other alarm system of any building or vehicle which is continuous and exceeds 15 minutes.

(4)

Excessive or unreasonable level of noise from any live music or sound reproduction system, operating or playing any radio, portable radio or tape player, television, tape deck or similar device that reproduces or amplifies sound. For the purpose of this law, a prolonged decibel reading of 70, unless otherwise permitted as a special event, is considered unreasonable. [This was removed with added suggestions that were more in-depth to protect those listening to music or making music on their own property in Residential Zones, or public/private property in the Commercial Zone. Other additions were made in regards to motor vehicle noise, what to do in circumstances of multi family structures, etc. Besides alteration to dBA level, the specification is that the qualification for complaint must come from the point of complaint, rather than the sound source. In Residential Zones, there is no need for the point of complaint to be 100ft away from the sound source as both would be private residencies.]

(5)

The construction, including excavation, demolition, alteration or repair of any building other than between 7:00 a.m. and 9:00 p. m., except in case of a public safety and emergency.

(6)

The operation of power equipment outdoors between the hours of 9:00 p.m. and 7:00 a.m. the following day, and on weekends between 9:00 p.m. and 8:00 a.m.

(7)

The sounding of any horn or signaling device of an automobile, motorcycle or other vehicle for any unnecessary or unreasonable period of time.

(8)

The making of improper noise or disturbance or operating an automobile or motorcycle in such a manner as to cause excessive squealing or other excessive noise of the tires.

§ Allowed acts - regarding outdoor music [This section was deleted to fall under acceptable parameters within the Hamlet Commercial Zone and the varying Residential Zones].

A.

Ambient outdoor music (as defined in DEFINITIONS section of law) is permitted from 11am to 9pm on any day of the week, provided:

1. it does not exceed 65 decibels at the property line. [all suggestions edits ask that the decibel reading come from the point of complaint, not the sound source property line].

2. it does not cause any nuisance to residential neighbors. [specifications for dBA levels, times, location, and Zone clarify what constitutes a legitimate complaint.]

B.

Amplified live outdoor music events will be limited to the following conditions:

1. All venues will be limited to two outdoor events per week, on Friday and Saturday. A third event may be added on the Sunday of holiday weekends (as defined in DEFINITIONS section of law).

2. Limited to the hours of 12 pm and 9 pm for a maximum of 3 hours. [This was deleted.]

3. Cannot exceed 70 decibels as measured from the property line of the venue. [Again, measured from the point of complaint rather than the sound source or venue.]

4. Venues must apply for a yearly permit for outdoor events. C. [Deleted, due to undue potential cost for venues.]

Special events (as defined in DEFINITIONS section of law) are allowed, provided a permit is obtained from an Event Committee (as defined in DEFINITIONS section of law). The Committee will consider the following items in issuing permits: [This section was removed.]

1.

Time of day/night and duration, limited to between 12 pm and 9 pm for a maximum of 5 hours

2.

Location

3.

Potential noise level with a maximum of 75 decibels

4.

Crowd size

5.

Any other conditions which may affect the community.

6.

Maximum of 5 events per year, per venue.

[An addition was made to clarify how complaints would be made, recorded, and handled by investigating officers, including use of standardized decibel readers for scientific readings. This included a copy of the complaint made to be provided to the complainant as well as those at the sound source].

§ Exceptions.

The provisions of this chapter shall not apply to the following acts:

A.

The emission of sound for the purpose of alerting persons to the existence of an emergency;

B.

Noise from municipally sponsored celebrations or events, ~~however, Town sponsored events will submit an application with the "Event Committee" for a courtesy review.~~

C.

Noise from individually sponsored events where a permit for public assembly or other relevant permission has been obtained from the Town.

D.

The operation or use of any bell, chimes or other instrument, by any church, synagogue, or school licensed or chartered by the State of New York ~~provided it is for a duration no longer than 10 minutes.~~ [addition for religious practice of private citizens].

[Other Additions:

- Use of the Village Green on Sundays by the town Drum Circle, as agreed upon with the Woodstock Dutch Reformed Church, until and unless the Drum Circle is formally recognized as a municipally sponsored event, or another agreement is made.

- Expressions of First Amendment Rights within applicable content-neutral time, place, and manner restrictions as outlined within the First Amendment as well as the Fourteenth Amendment of the Constitution of the United States of America — protecting both freedom of expression and right to self determination regarding choice of employment.]

§ Penalties for offenses. [and violations]:

Any person who violates any provision of this chapter shall be guilty of a violation and shall be subject to a fine not to exceed \$250 for the first offense. The second offense with a 3 month period will be a fine not to exceed \$750, the third within 6 months not to exceed \$1500. and each additional within a year not to exceed \$1500. The Town may also seek injunctive relief to prevent the continued violation of this chapter. In addition, after with the third offence, the Event Committee will review to consider revoking the venue's amplified live outdoor music events permit and/or the venue's special events permit for one calendar year from third infraction.

[Our addition/suggestion: 1. A first offense shall be considered a warning and will incur no penalty, with the requirement that any such person or business in violation of the above provisions adapts effective mitigative measures within a 1 month period as agreed upon and implemented by and with the Town and any other relevant scientific or governmental body or organization. In the case of additional violations during this 1 month time period, any such person or business will still be subject to the below penalties if clear evidence that action has not been taken toward implementation of accepted mitigative measures is found to be truthful.

2. A penalty fine for subsequent violations not to exceed:

A.) \$250 for a first offense within a 12 month period and within a calendar year.

B.) \$500 for a second offense within a 12 month period and within a calendar year.

C.) Penalty up to, but not to exceed \$1000 for a third offense or subsequent offenses within a 12 month period and within a calendar year.

D.) Penalty up to, but not to exceed \$2000 for a fourth or any subsequent offense within a 12 month period and within a calendar year.

Fines levied against a particular business location in accordance with this ordinance shall not exceed \$4000 in total per calendar year.

3. Any such business reaching \$4000 in penalties per calendar year with accrual of additional offenses and violations within that calendar year will be subject to a 7 day operational suspension. During this suspension period, expectation is for any such business to work individually and in tandem with the Town to implement accepted mitigative measures as agreed upon by and with the Town and any other relevant scientific or governmental bodies or organizations. The suspension shall be lifted after the initiation and on-set of this implementation process and shall not exceed 7 days.]

[False noise complaints made erroneously by community members can be argued as disorderly conduct (NYS Penal Code 240.20, harassment in the second degree (NYS Penal Code 240.26, or falsely reporting an incident in the third degree (NYS Penal Code 240.50).

§ Definitions. [Added definitions include A-Weighted Sound Level, Busker, Colony of the Arts, Decibel, Emergency & Emergency Work, Holiday Periods, Hamlet Commercial Zone, Facilitating Investigator, Residential Zone, Special Event/Performance Event (specified as over 90dBA), Sustained Time / Prolonged Reading, Industrial Noise and/or Excessive Sound, Woodstock 2018 Comprehensive Plan).

Ambient outdoor music- live or recorded music which is intended as background music for patrons who are dining, drinking or otherwise socializing and which allows for conversations that do not require raising one's voice to be heard. May not be more than 65 DB at the venue's property line.

Amplified live outdoor music event- louder music which is presented with the intention of being an audience's primary focus and which does not exceed 70 DB measured from the property line of the venue. Venues must obtain a general yearly permit from the Event Committee in order to have these events.

Decibel- the unit used to measure sound level. For the purpose of this law, decibels may be measured by meters specially designed to measure sound or by an app on a device such as a smart phone, that is designed to measure sound. Decibel readings will be taken from the property line over a period of one minute.

Holiday weekend- the weekend closest to the following federal holidays: Memorial Day, Independence Day, Juneteenth, Labor Day and Indigenous Peoples' Day.

Prolonged reading- a decibel reading where a level is maintained for one minute.

Reasonable person- represents a composite of the community's judgement as to how a typical member should behave.

Special event- an outdoor musical event that is specifically permitted by the Event Committee.

Unnecessary or excessive noise- loud sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace and safety of a reasonable person of normal sensibilities.

Woodstock Event Committee - committee created by separate resolution of the Woodstock Town Board to review applications and issue permits for amplified live outdoor music events and special events. The Town Board may appoint an existing board or committee, such as the Planning Board, to act as an event committee.