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**CHAPTER 92
NOISE**

- § 92-1. Policy and findings.
- § 92-2. Statutory authority.
- § 92-3. Definitions.
- § 92-4. Unreasonable noise prohibited.
- § 92-5. Amplified sound.
- § 92-6. Exceptions.
- § 92-7. Enforcement.
- § 92-8. Penalties for offenses.
- § 92-9. Severability.
- § 92-10. When effective.

[HISTORY: Adopted by the Town Board of the Town of Shelter Island 6-19-1998 by L.L. No. 5-1998. Amendments noted where applicable.]

GENERAL REFERENCES

Outdoor assemblies - See Ch. 33.

§ 92.1. Policy and findings.

The gentle pace of life on Shelter Island has traditionally provided a respite from the noise and turmoil which has become an integral part of life in the city and suburbs and which has even encroached into many resort areas on the mainland. Crafting of regulations that are uniquely appropriate for Shelter Island are aimed to protect this rural, almost nostalgic way of life while providing an atmosphere for business to flourish. The existence of unreasonably loud, unnecessary, disturbing or unusual noise within the Town has become an increasingly significant problem during recent years. Such noise which is prolonged, unusual or unnatural in its time, place and use is harmful to the peace, welfare, comfort, safety, convenience, good order and

prosperity of the inhabitants of the Town of Shelter Island. It is the public policy and findings of the Town Board that every person is entitled to noise levels that are not detrimental to life, health and the enjoyment of his or her property. The provisions and prohibitions hereinafter enacted are in pursuance of this policy and these findings and for the purpose of protecting and promoting the public health, comfort, convenience, peace, safety, welfare and prosperity of the Town of Shelter Island and its inhabitants.

§ 92-2. Statutory authority.

This chapter is adopted as a local law pursuant to the authority of the Municipal Home Rule Law.

§ 92-3. Definitions.

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

AMPLIFIED SOUND - Sound which has its volume increased by electronic means.

CHARITABLE EVENT - An event whose purpose is to raise money for the needy.

dB(A) - The A-weighted sound level in decibels, as measured by a general-purpose sound-level meter complying with the provisions of the American National Standards Institute specifications for sound-level meters, properly calibrated and operated on the A-weighting network.

DECIBEL - The unit for measuring the volume of a sound based upon the pressure level of a sound. For the purpose of this chapter, the standard reference pressure stated herein will be used to assure a consistent and standard reference for measuring sound.

NOISE DISTURBANCE - Sound which:

- A. Endangers or injures the safety or health of humans or animals, or
- B. Annoys or disturbs a reasonable person of normal sensitivities; or
- C. Endangers or injures personal or real property.

PERSON - An individual, association, partnership, corporation or other legal entity.

PUBLIC RIGHT-OF-WAY - Any street, road, highway or sidewalk that is leased, owned or controlled by a governmental entity.

PUBLIC SPACE - Any real property or structures that are leased, owned or controlled by a governmental entity.

REAL PROPERTY LINE:

- A. The imaginary line including its vertical extension separating one parcel of real property from another; or
- B. The vertical and horizontal boundaries of a dwelling unit that is one in a multi-dwelling building.

SOUND-LEVEL METER - An instrument for the measurement of noise and sound levels including a microphone, amplifier, an output meter and frequency weighting networks which comply with standards established by the American National Standards Institute (ANSI) specifications for sound-level meters.

UNREASONABLE NOISE - Any noise of a type or volume which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensibilities.

§ 92-4. Unreasonable noise prohibited.

No person shall make, cause, allow or permit to be made any unreasonable noise within

the geographical boundaries of the Town or within those areas over which the Town has jurisdiction including the waters and beaches adjacent thereto, abutting or bordering the Town.

§ 92-5. Amplified sound.

A. No person shall operate, use, cause or permit to be operated any device creating amplified sound that produces a sound level measured at or beyond the real property line of the generating property in excess of 50 dB(A)'s.

B. Such sound levels in excess of 50 dB(A)'s shall be relevant in determining unreasonable noise.

§ 92-6. Exceptions.

Exceptions are as follows:

A. Noise generated by municipally sponsored or sanctioned functions or charitable events designed to promote the health, safety or welfare of the inhabitants of Shelter Island. Any event on public or private property, including any business property that seeks an exemption from this Chapter must obtain Town Board approval for such exception prior to the beginning of the event. Each charitable event shall require a separate approval. In order to qualify for the exemption, the charity must be a registered tax exempt corporation, a New York State Registered Charity or a municipal corporation or department or other Town approved function, and the principal purpose of the event must be support of the charity. The event must raise at least one thousand (\$1,000.) for the named charity. [Amended 10/22/2021, Effective 12/02/2021 by LL No. 11-2021]

§ 92-7. Enforcement.

The provisions of this chapter shall be administered and enforced by the Shelter Island Police Department and the Shelter Island Building Department.

§ 92-8. Penalties for offenses.

A. Any person violating any provision of this chapter shall be deemed guilty of an offense and, upon conviction thereof, shall be subject to penalties in the following manner:

(1) Upon a first conviction, by a fine not to exceed \$250 or by imprisonment for a period not to exceed seven days, or by both such fine and imprisonment.

(2) Upon a second conviction, by a fine not to exceed \$1,000 or by imprisonment for a period not to exceed 10 days or by both such fine and imprisonment.

(3) Upon a third or subsequent conviction, by a fine not to exceed \$3,000 or by imprisonment for a period not to exceed 15 days, or by both such fine and imprisonment.

(4) If the violation is of a continuing nature, each one hour period of violation of any provision of this local law shall constitute an additional, separate and distinct offense.

B. Nothing herein contained shall prevent the Town of Shelter Island from taking whatever action in law or equity as may be available to prevent and remedy an offense.

§ 92-9. Severability.

If any provision of this chapter is held to be unconstitutional or invalid by any court of competent jurisdiction, the remaining provisions of the chapter shall not be invalidated.

§ 92-10. When effective.

This chapter shall become effective upon filing with the Secretary of State.