

Chapter 91

ENTERTAINMENT, OUTDOOR

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[HISTORY: Adopted by the Board of Trustees of the Village of Sodus Point 4-17-1997 by L.L. No. 1-1997; amended in its entirety 7-20-2000 by L.L. No. 4-2000. Amendments noted where applicable.]

GENERAL REFERENCES

Adult entertainment - See Ch. 51.
Alcoholic beverages - See Ch. 53.
Curfew - See Ch. 84.

Firearms and fireworks - See Ch. 98.
Parks - See Ch. 134.
Peace and good order - See Ch. 138.

§ 91-1. Declaration of policy; construal.

- A. It is the declared policy of this chapter to promote and assure an environment free from noise that threatens or affects the well-being of the people; to protect, promote and preserve the public health, safety and welfare by reducing and regulating sound and noise levels that are audible beyond the property boundaries from which they emanate; to promote the use and enjoyment of property; to protect the value of property; to protect the enjoyment of sleep and repose; and to protect and improve the quality of life.
- B. It is the further purpose of this chapter to allow all residents and businesses of the village to coexist harmoniously and in a manner which is mutually respectful of the interest, rights and obligations of all persons.
- C. The necessity for legislature intervention by the enactment of the provisions of this chapter is hereby declared as a matter of legislative determination, and this chapter should be construed liberally to effect its purpose.

§ 91-2. Definitions.

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

AUDIBLE-Capable of being heard by a person of average hearing ability.

BOUNDARY LINE - The line marking the confines or line of division between lots or parcels of real property and any street and lots or parcels of real property.

HEAR (HEARD) - To perceive sound.

MOTOR CYCLE - An unenclosed motor vehicle having a saddle for the use of the operator and two or three wheels in contact with the ground, including but not limited to motor scooters and minibikes.

MOTOR VEIDCLE - Every vehicle which is self-propelled.

PERSON - Includes the singular and plural and also any natural person, finn, corporation, political subdivision, government, agency, association, club, partnership, society or any other form of association or organization of any legal entity whatsoever. "Person" shall also include the owner, manager, proprietor or person in charge of a bar, tavern or restaurant.

§ 91-3. Prohibited acts.

The following acts, and the causing thereof, are declared to be in violation of this chapter and shall constitute prima facie evidence of a violation of this chapter.

A. Sound production and sound reproduction systems:

- (1) Operating, playing or permitting the operation or playing of any drum, musical instrument, sound amplifier, radio, television, CD player, tape recorder, phonograph or similar device which produces, reproduces or amplifies sound:
 - (a) Between the hours of 11:00 p.m. on Mondays, Tuesdays, Wednesdays, Thursdays and Sundays and 7:00 a.m. the following day; and between the hours of 1:00 a.m. and 7:00 a.m. of the same day on Saturday and Sunday in such a manner as to be audible a distance of 300 feet beyond the boundary line of the real property from which such sound emanates; or
 - (b) From within a motor vehicle so that the sound is plainly audible at a distance of 50 or more feet from the vehicle or, in the case of a motor vehicle or motorcycle on private property, beyond the property line. For the purpose of the subsection, "plainly audible" means any sound which clearly can be heard by unimpaired auditory senses based on a direct line of sight of 50 of more feet; however, words or phrases need not be discernable and said sound shall include bass reverberation. Prohibitions contained in this section shall not be applicable to emergency or public safety vehicles, vehicles owned and operated by the village government or any utility company, for sound emitted unavoidably during job-related operation, or any motor vehicle used in an authorized public activity for which a permit has been granted by the appropriate agency of the village government.
- (2) This subsection shall not apply to noncommercial spoken language covered under Subsection B of this section.

- #### B. Loudspeakers; public address systems: using or operating for any noncommercial purpose any loudspeaker, public address system or similar device between the hours of 10:00 p.m. and 8:00 a.m. the following day, such that the sound therefrom can be heard a distance of 50 feet beyond the boundary line of the real property from which such sound emanates.

- C. Motor vehicle repairs and testing: repairing, rebuilding, modifying or testing any motor vehicle or motorcycle or motorboat in such a manner as to cause sound from such repairing, rebuilding or modifying or testing to be heard in excess of 50 feet beyond the boundary line of the real property from which said sound emanates.
- D. Burglar alarms: sounding or penning the sounding of any exterior burglar alarm on any building, motor vehicle or boat, unless such burglar alarm shall terminate its operation within 15 minutes of its being activated. Any vehicle or boat upon which a burglar alarm has been installed shall permanently display the telephone number at which communication may be made with the owner of such motor vehicle or boat.

§ 91-4. Holidays.

- A. The use of sound production or reproduction systems beyond the time restrictions set forth in § 91-3A(1)(a) of this chapter shall be penning for the weekends of Memorial Day, Fourth of July and Labor Day. For Memorial Day and Labor Day, Sunday will be treated as Saturday, and the use of sound production and reproduction systems shall be penning until 1:00 a.m. On the Fourth of July, the use of sound production and reproduction systems shall be penning until 1:00 a.m. on the evening of July 3 and July 4, and on the Sunday evening preceding the Fourth of July if July 4 falls on a Monday or Tuesday, or the Friday evening following the Fourth of July should it fall on a Thursday.
- B. The Village Code Enforcement Officer shall have the authority to impose reasonable restrictions in any special penning deemed necessary to effectuate the purpose of this chapter.

§ 91-5. Exceptions.

- A. Nothing contained in this chapter shall be construed to prevent the production of music, the ringing of bells or carillons, sounding of gongs or blowing of any whistle, horn or signaling devices in connection with any military, civic or authorized parade, funeral procession or religious ceremony, nor to prevent any musical performance conducted by consent of the Village Board.
- B. The provisions of this chapter shall not apply to the sounding of bells, horns, sirens or any other instrument by a fire apparatus or station, police or any other vehicle or person in the event of an emergency situation.
- C. The provisions of this chapter shall not apply to the creation of sounds by public utilities in carrying out the operation of their franchises, including required emergency repairs.
- D. The provisions of this chapter shall not apply to the creation of sounds connected with sporting events of any public or private school.
- E. The provisions of this chapter shall not apply to the creation of sounds connected with an authorized carnival, fair, exhibition, parade, etc., allowed by penning of the Board of Trustees, which penning shall specify the dates and times during which such event is authorized.

§ 91-6. Penalties for offenses.

If any person shall violate the provisions of this chapter, said person shall be punished by fine of not less than \$225 nor more than \$500 for a first offense; a fine of not less than \$1,000 nor more than \$1,500 for a second offense; a fine of not less than \$2,000 nor more than \$2,500 for a third offense; a fine of not less than \$2,000 nor more than \$2,500 plus a one-year ineligibility for a special permit for a fourth violation; and a minimal fine of not less than \$5,000 for a fifth successive violation, plus an additional one-year ineligibility for a special permit. In addition to specified fines, violators are subject to imprisonment for up to 15 days.

§ 91-7. Enforcement.

This chapter shall be enforceable by state, county and local police officers and/or by the Village Code Enforcement Officer, who are authorized to issue appearance tickets for violations of this chapter in accordance with the Criminal Procedure Law of the State of New York and based upon a written statement by the complainant

§ 91-8. Severability.

The invalidity of any section, clause, sentence or provision of this chapter shall not affect the validity of any other part of this chapter which can be given effect without such invalid part or parts.

§ 91-9. When effective.

This chapter shall take effect immediately upon filing with the Secretary of State.