

January 15, 2021

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LOCAL LAW NO. OF THE YEAR 2021

A LOCAL LAW AMENDING CHAPTER 88; NOISE

OF THE GREENPORT VILLAGE CODE

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE INCORPORATED

VILLAGE OF GREENPORT AS FOLLOWS:

Section 1.0 Enactment, Effective Date,
Purpose and Definitions.

1.1. Title of Local Law

1.2. Enactment.

1.3. Effective Date.

1.4. Purpose and Intent of Local Law.

2.0. General Provisions

2.1. Amendment to Chapter 88 Noise

~~[HISTORY: Adopted by~~

3.0 Severability.

1.1 Title.

This Local Law shall be entitled “Local Law of 2021 Amending Chapter 88; Noise.”

1.2. Enactment.

Pursuant to Section 10 of the Home Rule Law and the Village Law of the State of New York, the Incorporated Village of Greenport, County of Suffolk and State of New York, hereby enacts by this Local Law of 2021, a Local Law of the Village of Greenport.

1.3. Effective Date.

This Local Law shall take effect on the filing of the approved Local Law with the

Secretary of State of New York, which shall be within twenty (20) days after its approval by the Board of Trustees of the Incorporated Village of Greenport.

1.4-~~e-1992~~. Purpose and Intent of Local Law.

The purpose and intent of this Local Law is to amend Chapter 88; Noise; to amend the regulations of the Village of Greenport regarding noise and amplified music.

2.0. General Provisions.

2.1. Amendment to Chapter 88; Noise.

Chapter 88 Noise of the Greenport Village Code is hereby amended to read as L.L. No. 1-1992. Amendments noted where applicable. } follows:

GENERAL REFERENCES

Recreation areas and beaches — See Ch. 101.

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Chapter 88; Noise

§ 88-1 Definitions; word usage.

§ 88-2 Enforcement; powers and duties of noise control officer.

§ 88-3 Responsibility of departments.

§ 88-4 Maximum permissible sound pressure levels.

§ 88-5 Prohibitions.

§ 88-6 Exceptions.

§ 88-7 Variances.

§ 88-8 Penalties for offenses.

§ 88-9 Abatement.

§ 88-10 Construal.

§ 88-1 Definitions; word usage.

A. All terminology defined herein which relates to the nature of sound and the mechanical

detection and recordation of sound is in conformance with the terminology of the American National Standards Institute or its successor^y body.

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

ABATEMENT

An official warning to remove, stop and/or cease that which causes an unreasonable noise.

A-WEIGHTED SOUND PRESSURE LEVEL

The sound pressure level measured in decibels with a sound level meter set for A-weighting, abbreviated "dBA".

COMMERCIAL AREA

A group of commercial properties and the abutting public rights-of-way and public spaces.

COMMERCIAL PROPERTY

Any real property located within an area zoned by Chapter 15~~5-7~~0: Zoning, of the Code of the Village of Greenport and the Zoning Map of the Village of Greenport as Retail Commercial District or General Commercial District or Waterfront Commercial District.

- (1) Commercial dining.
- (2) Community services.
- (3) Public services.
- (4) Other commercial activities.

CONTACT PERSONS LIST

Shall be the written list maintained by the Village and shared with local police containing the full name, telephone number and email of the authorized Contact Persons or Representatives that will be on the premises within the Village district during the hours of operation of the business.

CONTACT PERSON OR REPRESENTATIVE

Shall be the person, employee or representative, authorized by the business at the sound source site.

CONSTRUCTION

Any site preparation, assembly, erection, repair, alteration or similar action, but excluding demolition, of buildings or structures.

CONSTRUCTION DEVICE

Any power device or equipment designed and intended for use in construction, including but not limited to air compressors, bulldozers, backhoes, trucks, shovels, derricks and cranes.

dBA

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

January 15, 2021

Sound Level Meters (ANSI SI.4 1971), properly calibrated and operated on the A-weighting network.

DECIBEL (dB)

The practical unit of measurement for sound pressure level. The number of "decibels" of a measured sound is equal to twenty (20) times the logarithm of the base 10 of the ratio of the sound pressure of ~~the measured sound to the sound pressure of a standard sound [twenty (20) micropascals], abbreviated "dB".~~
the measured sound to the sound pressure of a standard sound [twenty (20) micropascals, abbreviated "dB".

DEMOLITION

Any dismantling, intentional destruction or removal of buildings or structures.

EMERGENCY WORK

Any work or action necessary to ~~deliver~~be done on an emergency basis (required to be done immediately) in order to continue the delivery of essential services, including but not limited to repairing water, gas, electricity, telephone and sewer facilities and public transportation, removing fallen trees on public rights-of-way and abating life-threatening conditions.

GROSS VEHICLE WEIGHT RATING (GVWR)

The value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combinations weight rating (GCWR), which is the value specified by the manufacturer as the recommended maximum loaded weight of the combinations vehicle, should be used.

HOMEOWNERS' LIGHT RESIDENTIAL OUTDOOR EQUIPMENT

All engine- or motor-powered equipment intended for repetitive use in residential areas typically capable of being used by a homeowner. Examples of ~~"homeowners' light residential outdoor equipment"~~ are lawn mowers, garden tools, riding tractors, ~~snowblowers~~snow blowers, hedge clippers, etc.

IMPULSIVE SOUND

A sound of short duration usually less than one (1) second and of high intensity with an abrupt onset and rapid decay. Examples of "impulsive sound" would be explosions, drop forge impacts, discharge of firearms, etc.

MOTOR VEHICLE

Any vehicle which is propelled or drawn on land by an engine or motor.

MULTI-DWELLING BUILDINGS

Any building wherein there are two (2) or more dwelling units.

NOISE

Any airborne sound of such level and duration as to be or tend to be injurious to human health or welfare or that would unreasonably interfere with the enjoyment of life or property.

NOISE CONTROL OFFICER

~~Any employee~~An appointed officer of the Village of Greenport trained in the measurement of sound and empowered to issue a summons for violations of this Chapter. The Code Enforcement Official of the Village of Greenport shall serve as the Noise Control Officer if no other individual is appointed.

The Village of Greenport may appoint more than one Noise Control Officer.

NOISE POLLUTION

The presence of that amount of acoustic energy for the amount of time necessary to:

- (1) Cause temporary or permanent hearing loss in persons exposed.
- (2) Be otherwise injurious, or tend to be, on the basis of current information, injurious to the public health or welfare.
- (3) Cause a nuisance.
- (4) Exceed standards or restrictions established herein.
- (5) Interfere with the comfortable enjoyment of life and property or the conduct of business. The following are deemed to interfere with the comfortable enjoyment of life and property or the conduct of business:

~~(a) Yelling, shouting, hooting, whistling or singing on the public streets or from private property at any time that annoys or disturbs the quiet comfort or repose of person or persons in the vicinity and that such noise is plainly audible at a distance of fifty (50) feet from the area, building, structure or vehicle from which such noise emanates;~~

~~(b)~~ (a) The using or operating of, or permitting to be played, used or operated, any sound reproductive device, including but not limited to any radio, receiving set, musical instrument, phonograph, television set or other machine or device for the producing or reproducing of sound, in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants and in such a manner as to be plainly audible at a distance of fifty (50) feet from the area, building, structure or vehicle in which it is located.

NOISE-SENSITIVE ZONE

Any area designated pursuant to this Chapter for the purpose of ensuring exceptional quiet.

OCTAVE BAND SOUND PRESSURE LEVEL

Sound pressure level measured in standard octave bands with a sound level meter and octave band analyzer that meet ANSI S1.4 and S1.11, or the latest revision thereof.

OFF-ROAD RECREATIONAL VEHICLE

Any vehicle which is propelled by any power other than muscular power.

PERSON

January 15, 2021

An individual, association, firm, syndicate, company, trust, corporation, department, bureau or agency, or any other entity recognized by law as the subject of rights and duties.

PUBLIC RIGHT-OF-WAY

Any street, avenue, boulevard, road, highway, sidewalk, alley or similar place that is owned or controlled by a governmental entity.

PUBLIC SPACE

Any real property or structures thereon that are owned or controlled by a governmental entity.

REAL PROPERTY LINE

- (1) The imaginary line, including its vertical extension, that separates one (1) parcel of real property from another.
- (2) The vertical and horizontal boundaries of a dwelling unit that is one (1) in a multi-dwelling-unit building.

RESIDENTIAL AREA OR PROPERTY

Any real property located within an area zoned by Chapter ~~85~~150 of the Code of the Village of Greenport and the Zoning Map of the Village of Greenport as R-1; One-Family Residence District or R-2; One- and Two-Family Residence District or Multifamily Residential.

SOUND

Any variation in ambient barometric pressure.

SOUND LEVEL METER

An instrument, including a microphone, an amplifier and output meter and frequency-weighting networks, for the measurement of sound levels.

SOUND PRESSURE LEVEL

The weighted sound pressure level in decibels obtained by the use of a sound level meter and frequency-weighting network, such as A, B or C. If the frequency weighing employed is not indicated, the A-weighting slow response shall apply.

SOUND REPRODUCTION DEVICE

Any device that is designed to be used or is actually used for the production or reproduction of sound, including but not limited to any musical instrument, radio, television, tape recorder, phonograph, loudspeaker, public address system or any other sound-amplifying device.

SOUND SIGNAL DEVICE

Any device that is designed to be used or is actually used to produce a sound signal, but not spoken language, including but not limited to any horn, whistle, bell, gong, siren, rattle, clapper, hammer, drum or air horn.

SOUND SOURCE

Any activity or device whatsoever that produces sound.

SOUND SOURCE SITE

Any one (1) parcel of land, or a tract of land consisting of two (2) or more parcels, which includes all contiguous land and water areas under the ownership or control of a person in or upon which one (1) or more sound sources are located. The "sound source site" includes all individual sound sources that are located on such site, whether stationary, movable or mobile. A "sound source site" is created by the installation of one (1) or more sound sources thereon.

UNREASONABLE NOISE

Any excessive or unusually loud sound or any sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensitivities, or which causes injury to animal life or damage to property or business. Standards to be considered in determining whether "unreasonable noise" exists in a given situation include but are not limited to the following:

- (1) The volume of the noise.
- (2) The intensity of the noise.
- (3) Whether the nature of the noise is usual or unusual.
- (4) Whether the origin of the noise is usual or unusual.
- (5) The volume and intensity of the background noise, if any.
- (6) The proximity of the noise to residential sleeping facilities.
- (7) The nature and zoning district of the areas within which the noise emanates.
- (8) The time of day or night the noise occurs.
- (9) The time duration of the noise.
- (10) Whether the sound source is temporary.
- (11) Whether the noise is continuous or impulsive.

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§ 88-2 Enforcement; powers and duties of ~~noise control officer.~~ the Noise Control Officer.

A. The provisions of this chapter shall be enforced by ~~noise control officers~~the Noise Control Officers of the Village of Greenport and/or police officers of the Town of Southold.

B. The Noise Control Officers shall have the power to:

(1) Issue a ~~summons or~~written warning ~~+~~pursuant to § 88-99A after displaying the reading of noise level to the Contact Person or Representative to immediately abate and cease and desist the subject noise~~+-~~. If no listed Contact Person or Representative is present then the warning shall be issued to a person of suitable age and discretion at the subject premises.

~~(2)~~

(2) Issue a written summons or notice of appearance to the owner of the subject premises or the person or entity operating the subject premises if different from the owner, and delivering the summons or notice of appearance to the Contact Person or Representative. If the Contact Person or

Representative is not at the subject premises, then delivered to a person of suitable age and discretion at the subject premises. Said summons or appearance ticket shall not be issued unless and until a written warning has been issued pursuant to 88-2.B(1) providing the alleged violator with no less than 30 minutes to abate or cease and desist the subject noise and further displaying reading level of the noise to said Contact Person or Representative. If no listed Contact Person or Representative is present then to a person of suitable age and discretion at the subject premises.

(3) Coordinate the noise control activities of all municipal departments and cooperate with all other public bodies and agencies to the extent practicable.

~~(3)~~

(4) Review the action of other municipal departments and advise such departments of the effect, if any, of such actions on noise control.

~~(4)~~

(5) Review and inspect public projects and, upon consent by the owner or designated agent, review and inspect private projects for compliance with this chapter.

C. The Noise Control Officer shall not use this chapter in situations within the jurisdiction of the Federal Occupational Safety and Health Act.

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§ 88-3 Responsibility of departments.— and businesses.

A. All departments and agencies of the Village of Greenport shall, to the fullest extent consistent with other law, carry out their programs in such a manner as to further the policy of this Chapter and shall cooperate with the Noise Control Officer in the implementation and enforcement of this chapter.

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B. Businesses shall be required to provide, keep current and update as needed, the necessary information for the Contact Persons List maintained by the Village.

§ 88-4 Maximum permissible sound pressure levels.

A. No person shall cause, suffer, allow or permit the operation of any source of sound on a particular category of property or any public land or right-of-way in such a manner as to create a sound level that exceeds the particular level limits set forth in ~~Table~~ this Chapter when measured at or within the real property line of the receiving property, except those acts specifically prohibited in this chapter for which no measurement of sound is required.

B. When measuring noise within a multi-dwelling unit, all doors and windows shall be closed and the measurements shall be taken in the center of the room.

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§ 88-5 Prohibitions.

No person shall make, continue or cause or suffer to be made or continued any unreasonable noise as defined in § 88-1 hereof. In particular, without limitations of the foregoing provision of this section, the following enumerated acts are declared to be in violation of this section:

A. Sound reproduction devices.

(1) No person shall operate or cause to be operated a sound reproduction device that produces unreasonable noise. The operation of any such device in such a manner as to create unreasonable noise across a real property boundary or the operation of such device by a passenger of a vehicle in such a way as to disturb any other person is prohibited.

(2) No person shall operate, use or cause to be operated or used any sound reproduction device for commercial or business advertising purposes or for the purposes of attracting attention to any performance, show or sale or display of merchandise in connection with any commercial operation, including but not limited to the sale of radios, televisions, phonographs, tape recorders, phonograph records or tapes; in front or outside of any building, place or premises abutting or adjacent to a public street, park or place, where the sound therefrom may be heard upon any public street, park or place or from any stand, platform or other structure; or on a boat or on the waters within the jurisdiction of the Village of Greenport; or anywhere on public streets, parks or places. Nothing in this subsection is intended to prohibit sounds emanating from sporting, entertainment or other public events held on property of the Village of Greenport or School District so suited for such activities, provided that ~~proper~~any required authorization from the Village of Greenport has been obtained.

(3) No person shall operate or use or cause to be operated or used any sound reproduction device in any public place in such a manner that the sound emanating therefrom creates unreasonable noise across a real property boundary.

B. ~~Shouting and peddling.~~

~~(1) No person shall shout, yell, call, hoot, whistle or sing on public streets or in public places so as to cause unreasonable noise.~~

~~(2) No person shall call for the purpose of advertising goods, services, wares or merchandise within any area zoned for residential use so as to cause unreasonable noise. The provisions of this subsection shall not apply to the sale of merchandise, food and beverages at authorized entertainment events for which a permit has been obtained pursuant to Chapter 44 of the Code of the Village of Greenport.~~

~~C.~~ C.—Noise-sensitive zones. No person shall cause or permit the creation of any sound by means of any device or otherwise on any sidewalk, street or public place adjacent to any school, court, house of worship or public library while such facility is in use or adjacent to any hospital or nursing home at any time, so that such sound disrupts the normal activities conducted at such facilities or disturbs or annoys persons making use of such facilities.

~~D.~~

C. Loading and unloading. No person shall engage in, cause or permit the loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials or similar objects between the hours of 8:00 p.m. and 7:00 a.m. the following day in such a manner as to cause unreasonable noise across a residential real property boundary.

~~E.~~

D. Horns and signaling devices. No person shall cause or permit to be caused the sounding of any horn or other auditory signaling device on or in any motor vehicle except to serve as a danger warning.

~~F.~~

E. Standing motor vehicles.

(1) No person shall operate or permit to be operated the engine of any motor vehicle or any auxiliary equipment attached to such vehicle for a period longer than ten (10) minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion, on any private property or public right-of-way or public space so that the sound therefrom is audible within three hundred (300) feet of a residential property boundary between the hours of 8:00 p.m. and 7:00 a.m. the following day.

(2) This subsection shall not apply to authorized emergency vehicles or to public utility vehicles actually engaged in any emergency repair activity.

~~E.~~

F. Construction.

(1) No person shall operate or permit to be operated any construction device, including but not limited to construction and demolition work, excavating or earthmoving equipment:

(a) Between the hours of 8:00 p.m. and 7:00 a.m. the following day on weekdays and Saturdays or at any time on Sundays or legal holidays, such that the sound therefrom creates unreasonable noise across a residential real property boundary.

(b) At any other time such that the continuous sound-in-air level at or across a real property boundary exceeds ~~an L10 of~~ eighty (80) dBA.

(c) At any other time such that the impulsive sound-in-air has a peak sound pressure level at or across a real property boundary in excess of one hundred thirty (130) dBA.

(2) The provisions of this subsection shall not apply to emergency work ~~—, as determined by the~~ Village of Greenport.

~~H.~~

G. Noise from commercial, business and industrial ~~operation~~operations and from other residential properties.

(1) In addition to the other restrictions in this Chapter, no person shall operate or permit to be operated ~~at a commercial or industrial business or a residential property~~ a sound source ~~site a commercial business operation~~ that produces a sound level exceeding the limitations as provided in this subsection.

(2) Continuous sound from a commercial or industrial site which has crossed the property line of the sound source site and enters residential property zoned for residential use or property within a noise-sensitive zone, or continuous sound emitted from a residential property shall not exceed the following levels: ~~{Amended 6-25-1993 by I.L. No. 3-1992}~~

(a) During the hours of ±12:00 a.m. to 7:00 a.m. the same day: a sound level in excess of thirty (30) dBA measured with the slow response of a sound-level meter.

(b) During the hours of 7:00 a.m. to 8:00 p.m. the same day: a sound level in excess of ~~seventy~~sixty-five (~~75~~65) dBA measured with the slow response of a sound-level meter.

(c) During the hours of 8:00 p.m. to ±12:00 a.m. ~~the next day: a sound level in excess of fifty-eight (58) dBA measured with the slow response of a sound-level meter.~~ Sunday through Thursday; 58 dBA.

(d) During the hours of 8:00 p.m. to 12:00 a.m. Friday and Saturday; 65 dBA.

(d) The sound levels contained herein shall not apply to noise-sensitive zones when the facilities in such zones are not in use.

(3) Continuous sound which has crossed the property line of the sound source site and enters property which is zoned commercial property shall not exceed the following levels: ~~[Amended 6-25-1993 by I.L. No. 3-1992]~~

(a) During the hours of ±12:00 a.m. to 7:00 a.m. the same day: a sound level in excess of thirty (30) dBA measured with the slow response of a sound-level meter.

(b) During the hours of 7:00 a.m. to 8:00 p.m. the same day: a sound level in excess of ~~seventy~~sixty-five (~~75~~65) dBA measured with the slow response of a sound level meter.

(c) During the hours of 8:00 p.m. to 1:00 a.m. the next day: a sound level in excess of fifty-five (55) dBA measured with the slow response of a sound level meter.

H. Noise mufflers.

No person shall operate a motor vehicle or boat which shall fail to contain a muffler or other sound-suppression equipment in operable condition which shall prevent said vehicle from causing unnecessary noise. In addition to other standards contained herein in the definition of "unreasonable

noise" under § 88-1, a motor vehicle or boat shall be deemed to cause unreasonable noise if it produces a sound level of eighty (80) dBA's or more. ~~[Amended 6-25-1993 by I.L. No. 3-1992]~~

I. Exterior Amplified Music.

1. Music, whether live or reproduced or by instrument or voice that is amplified by electronic device or equipment, and any other vocal or sound that is reproduced by electronic device or equipment, is prohibited from being played outside of a building and from being played inside of a building which has open windows or doors so that the amplified music or sound can be freely heard without buffering in the exterior of the premises; between the hours of 12:00 a.m. until 7:00 a.m. any day of the week.

2. Music, whether live or reproduced or by instrument or voice that is amplified by electronic device or equipment, and any other vocal or sound that is reproduced by electronic device or equipment may be played outside of a building and in the inside of a building which has open windows or doors so that the amplified music or sound can be freely heard without buffering in the exterior of a commercial premises between the hours of 7:00 a.m. and 12:00 a.m. any day of the week only after and if the owner or operator of the premises obtains a music permit from the Village of Greenport; provided:

1. The application for a music permit shall be made on a form created by the Village of Greenport and shall be accompanied by a fee to be determined by resolution of the Board of Trustees of the Village of Greenport.

2. The music permit shall be issued to a business with the authorization of the owner of the property and shall not continue or be transferable upon the sale of the business.

3. The holder of a music permit must comply with all provisions of this Chapter, and stay within the limits set forth in this Chapter, and upon the violation of any provision of this Chapter by the holder of a music permit the music permit may be suspended or terminated by the Board of Trustees.

4. The Village of Greenport shall accept and consider applications for music permits for entertainment purposes pursuant to I(2) above based on a review and consideration of the provisions of the business to limit sound and noise leaving the property or affecting other commercial and residential properties and the actions taken by the applying business to address those considerations.

§ 88-6 Exceptions.

The following activities are exempt from the A-weighted sound pressure level limits of Table I:

A. Noise from the intermittent or occasional use of homeowner's light residential outdoor equipment, including but not limited to domestic power tools, lawn mowers and equipment, when operated with a muffler, between the hours of 8:00 a.m. and 8:00 p.m. on weekdays and 9:00 a.m. and 8:00 p.m. on weekends and legal holidays.

B. Sound from church bells and church chimes when part of a religious observance or service.

C. Noise from snowblowers, snow throwers and snow plows, when operated with a muffler, for the purpose of snow removal.

D. Noise from stationary emergency signaling devices owned and operated by any public utility, municipal subdivision, fire department or ambulance corps when used in connection with an emergency or for testing purposes, including but not limited to train switching.

E. Noise from a burglar alarm of any building or motor vehicle, provided that such burglar alarm shall terminate its operation within fifteen (15) minutes after it has been activated and shall not be operated more than fifteen (15) minutes in any one-hour period.

F. Sound from chimes or bells from municipal buildings, including but not limited to, fire district buildings.

G. Noise from generators used for emergency purposes.

H. Noise from fireworks displays, outdoor concerts, musical entertainment, parades or assemblies for which a permit has been obtained pursuant to Chapter 44 of the Code of the Village of Greenport or a variance to this chapter.

I. Agricultural operations.

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Suggested Deletion:

~~§ 88-7 Variances.~~

~~A.—The Village Board of the Village of Greenport shall have the authority, consistent with this section, to grant variances to the chapter.~~

~~B.—Any person seeking a variance pursuant to this section shall file an application with the Village Board. The application shall consist of a letter signed by the applicant and contain a legal form of verification. Such letter shall contain information which demonstrates that bringing the source of sound or activity for which the variance is sought into compliance with this chapter would constitute an unreasonable hardship on the applicant, on the community or on other persons. In addition, the following information shall be provided:~~

~~(1) The plan, specifications and other information pertinent to such sources.~~

~~(2) The characteristics of the sound emitted by the source, including but not limited to, the sound levels, the presence of impulsive sounds and the hours during which such sound is generated.~~

~~(3) The noise abatement and control methods used to restrict the emission of sound.~~

~~C.—The Board of Trustees of the Village Board of Greenport, upon receipt of such application and upon payment of any fee which shall be required by resolution of the Village Board, ~~(1)~~ shall set the matter down for a public hearing to be held within thirty (30) days from the date the application was submitted. The Village Board shall cause publication of such public hearing to be given in the official newspaper of the village in the same manner as an application for a special permit is published. The applicant, in like manner, shall give notice of the application by certified mail, return receipt, to all property owners surrounding the sound source site within a radius of two hundred (200) feet from the borders of said site.~~

~~D.—In determining whether to grant or deny the application, the Village Board shall balance the hardship to the applicant, the community and other persons against the adverse impact on the health, safety and welfare of persons affected, the adverse impact on the property affected and any other adverse impacts deemed appropriate.~~

January 15, 2021

E. ~~The Village Board shall cause the taking of sound level readings by an agency to be designated by the Village Board in the event that there shall be any dispute as to the sound levels prevailing or to prevail at the sound source site.~~

F. ~~The Village Board shall have the power to impose restrictions, conditions and recordings of covenants upon any sound source site, including time limits of permitted activity, in the event that it shall grant any variance hereunder.~~

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§ 88-8 Penalties for offenses.

A. Any person or entity who violates any provision of this Chapter shall be guilty of a violation and shall be subject to a fine of not more than ~~two hundred fifty dollars (\$250.) nor less than twenty five dollars (\$25.), imprisonment for not more than fifteen (15) days, or both.~~ (1) two hundred fifty dollars (\$250.) for the first violation of this Chapter; (2) one thousand dollars (\$1,000) for the second violation of this Chapter within 365 days of the first violation of this Chapter; and (3) two thousand five hundred dollars (\$2,500) for the third or subsequent violation of this Chapter within 365 days of the first violation of this Chapter.

B. Each day (twenty-four-hour period) of violation of any provision of this chapter shall constitute a separate offense.

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§ 88-9 Abatement.

A. ~~Except as provided in Subsection B, in lieu of issuing a summons, the noise control officer may issue a~~ The Noise Control Officer shall issue a written warning requiring abatement of any source of sound alleged to be in violation of this Chapter- within 30 minutes of such warning

B. A warning shall not be ~~issued~~ required prior to the issuance of a summons or appearance ticket when the Noise Control Officer has ~~reason to believe that there will not be compliance with the warning, when~~ previously issued a written warning within 24 hours to the alleged violator has been served with a previous warning or had previously been convicted for a violation of this chapter offender or the subject premises.

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§ 88-10 Construal.

No provision of this chapter shall be construed to impair any common law or statutory cause ~~of action, or legal remedy therefrom, of any person for injury~~

3.0. Severability

In the event that one or more sections of this law shall be deemed to be void or invalid, the remaining sections of this chapter or from other law, law shall remain in full force and effect.

Attachments: