

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001

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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 underling to indicate new matter.

County

~~City~~ of ARKWRIGHT

Town

Village

Local Law No. 1 of the year 2026

A local law regulating Excessive Late Night Noise in the Town of ARKWRIGHT

Be it enacted by the Town Board of the Town of Arkwright

County

~~City~~ of ARKWRIGHT

Town

Village

A. PURPOSE: The Town of Arkwright, with intent on respecting the quality of life for residents and visitors adopts this Local Law with the purpose of eliminating unreasonable, avoidable late night noise.

B. AUTHORIZATION: This local law is adopted pursuant to Section 10 of the Municipal Home Rule Law.

C. DEFINITIONS:

Real property boundary line. The imaginary line, including its vertical extension, that separates one parcel of real property from another, or the vertical and horizontal boundaries of a dwelling unit located within a multiple-dwelling-unit building.

Sound-emitting device. Any device, instrument, mechanism, equipment or apparatus for the amplification of any sounds from any radio, phonograph, tape player, compact disc player, musical instrument, television, speaker, loudspeaker or other sound-making or sound-producing device, or any device or apparatus for the reproduction or amplification of the human voice or other sound.

Unreasonable noise.

1. The use of any sound-reproduction device outside of a structure whereby the sound emitted from such device is audible beyond the property line of the premises beyond which it is being used, between the hours of 12:00 a.m. and 5:00 a.m. Monday thru Friday and 2:00 a.m. and 5:00 a.m. Saturday and Sunday.
2. The use or operation of any sound-reproduction device inside a structure so as to result in the sound, or any part thereof, emitted from such device to be projected therefrom outside the structure whereby the sound emitted from such device is audible beyond the property line of the premises beyond which it is being used, between the hours of 12:00 a.m. and 5:00 a.m. Monday thru Friday and 2:00 a.m. and 5:00 a.m. Saturday and Sunday.
3. The use and operation of any sound-reproduction device in a vehicle which would constitute a threat to the safety of pedestrians or vehicle operators or where conditions of overcrowding or any street repair or any other physical conditions are such that the use of a sound-reproduction device would deprive the public of the right to the safe, comfortable, convenient and peaceful enjoyment of a public street, park or place for public purpose and would constitute a threat to the safety and welfare of the public. Said noise disturbance is deemed to be in violation of this section if it can be heard from a distance of greater than 50 feet.
4. The use of any sound-emitting device inside or outside of a structure whereby the sound emitted from such device is audible beyond the property line of the premises upon which it is being used, between the hours of 12:00 a.m. and 5:00 a.m. Monday thru Friday and 2:00 a.m. and 5:00 a.m. Saturday and Sunday.

D. APPLICABLE HOURS

For the purposes of this law, to be considered unreasonable, the noise needs to occur between the hours of 2:00 a.m. to 5:00 a.m. on Friday and Saturday nights (Saturday and Sunday mornings) and between midnight and 5:00 a.m. on all other nights.

E. UNREASONABLE NOISE PROHIBITED

It shall be unlawful for any person to make, continue, cause to be made or permit to be made any unreasonable noise within the geographic boundaries of the Town of Arkwright or within those areas over which the Town has jurisdiction.

F. DETERMINATION OF UNREASONABLE NOISE

A determination as to the existence of unreasonable noise may be established by the specific acts enumerated in the definition of unreasonable noise, as set forth in Section D herein.

G. PROHIBITED ACTS

The following acts and the causes thereof are declared to be in violation of this local law.

1. The use of any sound-reproduction device outside of a structure whereby the sound emitted from such device is audible beyond the property line of the premises beyond which it is being used, between the hours of 12:00 a.m. and 5:00 a.m. Monday thru Friday and 2:00 a.m. and 5:00 a.m. Saturday and Sunday.
2. The use or operation of any sound-reproduction device inside a structure so as to result in the sound, or any part thereof, emitted from such device to be projected therefrom outside the structure whereby the sound emitted from such device is audible beyond the property line of the premises beyond which it is being used, between the hours of 12:00 a.m. and 5:00 a.m. Monday thru Friday and 2:00 a.m. and 5:00 a.m. Saturday and Sunday.
3. The use and operation of any sound-reproduction device in a vehicle which would constitute a threat to the safety of pedestrians or vehicle operators or where conditions of overcrowding or any street repair or any other physical conditions are such that the use of a sound-reproduction device would deprive the public of the right to the safe, comfortable, convenient and peaceful enjoyment of a public street, park or place for public purpose and would constitute a threat to the safety and welfare of the public. Said noise disturbance is deemed to be in violation of this section if it can be heard from a distance of greater than 50 feet.
4. The use of any sound-emitting device inside or outside of a structure whereby the sound emitted from such device is audible beyond the property line of the premises upon which it is being used, between the hours of 12:00 a.m. and 5:00 a.m. Monday thru Friday and 2:00 a.m. and 5:00 a.m. Saturday and Sunday.

H. EXCLUSIONS: The following sounds shall not be deemed to be in violation of this law:

1. The sound created by any legitimate agricultural activity.

2. The sound created by animals, whether livestock or domestic pets.
3. The sound created by any emergency work required to repair or provide services to a residence.
4. The sound created by any legal hunting activity on property either owned or hunted on with permission.
5. The sound created by the operation of a registered motorized vehicle on property either owned or operated on with permission.
6. The sound created by snow removal operations.
7. The sound created by any government agency or by the use of public warning devices.
8. The sound created by public utilities in carrying out the operations of their functions.
9. The use or operation of vehicles and equipment owned by the Town of Arkwright while being used in the performance of the usual and customary duties by an employee of the Town of Arkwright.
10. The sound created by wind energy facilities, including the sound from wind farms, wind turbines, wind measurement towers, windmills or any other wind energy conversion devices or systems.

I. ENFORCEMENT AND FINES

Local law enforcement (Sherriff, State Trooper, DEC) will be responsible to issue citations to offending individuals. The Town of Arkwright Town Board authorizes the Town of Arkwright Justice Court to impose fines ranging from \$50 for a first offense to \$500 for subsequent offenses. Any additional civil or criminal penalties for failure to comply with court orders will be at the discretion of the Town Justice and as allowed under New York State Law.

J. SEVERABILITY. If any part or provision of this local law is judged invalid by any court of competent jurisdiction, such judgement shall be confined in application to the part or provision directly on which judgement shall have been rendered and shall not affect or impair the validity of the remainder of this Law or the application thereof to other persons or circumstances. The Town hereby declares that it would have enacted the remainder of this Law even without such part or provision or application.

K. EFFECTIVE DATE. This law shall become effective upon the filing in the office of the New York Secretary of State.

1. I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2026 of the Town of Arkwright was duly passed by the Town Board of the Town of Arkwright on _____, 2026 in accordance with the applicable provisions of law.

(Seal)

Clerk of the Town of Arkwright

Date: