

## SUBJECT

Noise Ordinance Review/Recommendations.

## EXECUTIVE SUMMARY

The Town Board did an exceptional job of working to create a noise ordinance for the town. A public meeting was held on October 8, 2015 with a large majority commenting as “not in favor” of this ordinance.

We the planning board have done some research and gathered the following information:

**Disturbing the peace:** Disturbing the peace, also known as breach of the peace, is a criminal offense that occurs when a person engages in some form of disorderly conduct, such as fighting or threatening to fight in public, causing excessively loud noise, by shouting, playing loud music, or even allowing a dog to bark for prolonged periods of time. When a person's words or conduct jeopardizes others right to peace and tranquility, he or she may be charged with disturbing the peace.

This falls under the “catch-all” of disorderly conduct:

### **N.Y. PEN. LAW § 240.20 : NY Code - Section 240.20: Disorderly conduct**

A person is guilty of disorderly conduct when, **with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk** thereof: 1. He engages in fighting or in violent, tumultuous or threatening behavior; or 2. **He makes unreasonable noise**; or 3. In a public place, he uses abusive or obscene language, or makes an obscene gesture; or 4. Without lawful authority, he disturbs any lawful assembly or meeting of persons; or 5. He obstructs vehicular or pedestrian traffic; or 6. He congregates with other persons in a public place and refuses to comply with a lawful order of the police to disperse; or 7. He creates a hazardous or physically offensive condition by any act which serves no legitimate purpose. Disorderly conduct is a violation

The noise ordinance directly quotes the NYS Penal Law mentioned above.

Town Noise complaints: information retrieved from the TCSD and NYSP

TCSD- 4 complaints from January 2015-October 2015

1 shots being fired and 3 domestic violence cases (TCSD puts these under a noise complaint)

NYSP

January 2014-December 2014: Total of 11: 2 Fireworks, 3 Shots being fired and 6 ATV

January 2015-October 2015: Total of 6: 2 fireworks, 2 shots being fired, 1 ATV and 1 loud music

Grand total from January 2014-October 2015: 21

## GENERAL DIRECTION

We as a planning board have reviewed the above information and are recommending that a noise ordinance would not be beneficial to the Town since there is already a NYS law that covers the information in the proposed noise ordinance and the number of incidents is minimal for the time frame and population of the town.