

MEETING NOTICE

Village of Scarsdale

A Work Session of the Scarsdale Village Board of Trustees is scheduled for 6:00 PM on Tuesday, May 23, 2023. The meeting will be held in the 3rd Floor Meeting Room in Village Hall. Members of the public wishing to participate in the meeting remotely can do so via online link at <https://zoom.us/j/93183703358>, or call into the meeting using 1-929-436-2866 and entering the Meeting ID 931 8370 3358.*

AGENDA

1. Noise Local Law

CS: 05-17-23

E-MAIL: Journal News (Lohud)
Scarsdale 10583
Scarsdale Hamlet Hub
Scarsdale Inquirer
The Daily Scarsdale

cc: Lobby Bulletin Board

**For a brief Zoom tutorial or to troubleshoot a problem, see here: <https://support.zoom.us/hc/en-us/articles/205566129-Raise-Hand-In-Webinar>. For other user questions, please visit the Zoom Help Center: <https://support.z-oom.us/hc/en-us>.*

DRAFT LOCAL LAW NO. ____ OF 2022

**VILLAGE OF SCARSDALE
BOARD OF TRUSTEES**

**PROPOSED LOCAL LAW TO
AMEND CHAPTER 205 OF THE CODE OF THE VILLAGE OF SCARSDALE**

A LOCAL LAW to amend Chapter 205 of the Code of Village of Scarsdale concerning noise.

BE IT ENACTED by the Village Board of Trustees of the Village of Scarsdale as follows:

Section 1. Chapter 205 of the Code of the Village of Scarsdale entitled “Noise” is hereby repealed in its entirety.

Section 2. Chapter 205 of the Code of the Village of Scarsdale entitled “Noise” is hereby adopted as follows:

§ 205-1 Findings and declarations.

It is hereby found and declared that:

- A. The making, creation or maintenance of loud, unnatural or unusual noises, which are prolonged and unnatural in their time, place and use, affect and are a detriment to the public health, comfort, convenience, safety and welfare of the residents of the Village of Scarsdale.
- B. The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are for the purpose of securing and promoting the public health, comfort, convenience, safety and welfare, and the peace and quiet of the Village of Scarsdale and its inhabitants.

§ 205-2 Definitions.

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

AFFECTED PERSON

Any person who has lodged a noise complaint with the Building Department or Police Department that he or she is the receptor of Noise on property within the Village, and said Affected Person has an interest in the property as an owner, tenant, or employee. A noise complaint must be made in writing or verbally to an authorized Noise Control Officer.

AMBIENT SOUND

The sound level at a given location that exists as a result of the combined contribution in that location of all sound sources, excluding the contribution of the source or sources under investigation for potential violation of this Chapter and excluding the contribution of extraneous sound sources. Ambient sounds are differentiated from extraneous sounds by the fact that ambient sounds are being emitted the majority of the time although they may not be continuous.

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Examples of ambient sounds may include steady traffic of properly muffled vehicles, summer insects in the distance, pedestrians talking, and adjacent commercial/industrial operations or mechanical equipment.

COMMON WALL BUILDING

Any building wherein there are two or more dwelling units.

COMMERCIAL ESTABLISHMENT

Any premises, property or facility involving traffic in goods or furnishing of services for sale or profit, including but not limited to:

- A. Banking or other financial institutions.
- B. Dining establishments.
- C. Establishments providing retail services.
- D. Establishments providing wholesale services.
- E. Establishments for recreation and entertainment, including the serving of alcohol.
- F. Golf course and membership clubs.
- F. Office buildings.
- G. Transportation.

CONSTRUCTION

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

CONTINUOUS SOUND

Sound with a duration of one second or longer measured by the slow response of a sound level meter. Impulsive sounds that are rapidly repetitive and occur over a period of time with a duration of one second or longer shall be measured as continuous sound.

ELECTRIC OR BATTERY POWERED BLOWER

Any stand-on, mounted, walk-behind, portable, handheld, or backpack style device that is powered by electricity or battery which is used to produce a stream of air for the purpose of blowing, moving or distributing leaves, grass clippings, dust, dirt trimmings from trees or shrubs and/or any other litter or debris.

DAYTIME HOURS

The hours between 8:00 a.m. and 7:00 p.m. Monday through Friday, and the hours between [910](#): a.m.- 6:00 p.m. on weekends and legal holidays.

dB(A)

The sound level as measured using the "A" weighting network with a sound level meter meeting the standards set forth in American National Standards Institute S1.4-1983 or its successors. The unit of reporting is dB(A). The "A" weighting network discriminates against the lower frequencies according to a relationship approximating the auditory sensitivity of the human ear.

DECIBEL

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

DEMOLITION

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

EMERGENCY WORK

Any work or action necessary to deliver essential services, including but not limited to repairing water, gas, electricity, telephone or sewer facilities or public transportation facilities, removing fallen trees on public rights-of-way or abating life-threatening conditions.

EXTRANEOUS SOUND

Any sound that is intense and intermittent and is neither ambient sound nor sound attributable to a source or sources under investigation for a potential violation of this chapter. Such sound includes but is not limited to sirens of emergency vehicles, unusually loud motor vehicle exhaust or braking, people shouting or talking next to the sound level meter, animal vocalizations, aircraft or trains passing, car door slams, etc. When conducting compliance measurements, such extraneous sound sources may be noted but their sound levels are excluded.

GASOLINE POWERED BLOWER

Any stand-on, mounted, walk-behind, portable, handheld, or backpack style device that is powered by a gasoline, diesel or similar fuel engine which is used to produce a stream of air for the purpose of blowing, moving or distributing leaves, grass clippings, dust, dirt, trimmings from trees and/or shrubs, or any other litter or debris.

IMPULSIVE SOUND

Any sound with a rapid onset and rapid decay with either a single pressure peak or a single burst (multiple pressure peaks) having a duration of less than one second.

LEGAL HOLIDAYS

A public holiday established by State or Federal Law.

MOTORIZED EQUIPMENT

Any power equipment utilizing an electric or internal-combustion engine.

MOTOR VEHICLE

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

MUFFLER

A sound-dissipative device or system for abating the sounds of escaping gasses of an internal-combustion engine.

MULTI-USE PROPERTY

A building which is both commercial (usually on the ground floor) and residential property located above, behind, below or adjacent thereto.

NIGHTTIME HOURS

The hours between 7:00 p.m.-8:00 a.m. Monday through Friday, and the hours between 6:00 p.m. and 9:00 a.m. on weekends and legal holidays.

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NOISE CONTROL ADMINISTRATOR

The Code Enforcement Officer, the Building Inspector of the Village of Scarsdale and/or the Village of Scarsdale Police Department.

NOISE DISTURBANCE

Any sound that:

- A. Endangers the safety or health of any person.
- B. Disturbs a reasonable person of normal sensitivities, or
- C. Endangers personal or real property.

OUTDOOR SOUND

Sound or noise originating or emanating from outside a building or structure.

PERSON

Any individual, corporation, company, association, society, firm, partnership or joint-stock company.

PLAINLY AUDIBLE

Any sound that can be detected by a Noise Control Administrator using his or her unaided hearing faculties of normal acuity. As an example, if the sound source under investigation is a sound production device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The investigator need not determine the title, specific words, or the artist performing the song.

PUBLIC RIGHT-OF-WAY

Any street, avenue, boulevard, road, highway, sidewalk, alley or parking lot used by members of the general public.

PUBLIC SPACE

Any real property or structures therein that are either owned, leased or controlled by a governmental entity. Public space includes but is not limited to parks, sports fields or lots.

REAL PROPERTY LINE

Either:

- A. the vertical boundary that separates one parcel of property (i.e., lot and block) from another residential or commercial property or establishment;
- B. the vertical and horizontal boundaries of a dwelling unit that is part of a common wall building; or
- C. on a multi-use property as defined herein, the vertical or horizontal boundaries between the two portions of the property on which different categories of activity are being performed (e.g., if the multi-use property is a building which is residential upstairs and commercial downstairs, then the real property line would be the interface between the residential area and the commercial area, or if there is an outdoor sound source such as an HVAC unit on the same parcel of property, the boundary line is the exterior wall of the receiving unit).

SOUND LEVEL

Unless otherwise stated, the sound pressure level measured in decibels with a sound level meter set for A-weighting; sound level is expressed in dBA.

SOUND-LEVEL METER

An instrument used to measure sound level which conforms to Type 1 or Type 2 standards specified by the American National Standards Institute “Specifications for Sound Level Meters” S1.4-1984 (or subsequent revisions).

SOUND LEVEL METER CALIBRATOR

An instrument used to conduct field calibration checks of a sound level meter, and which conforms to the American National Standards Institute “Specifications and Verification Procedures for Sound Calibrator” S1.40-2006 (or subsequent revisions).

SOUND PRODUCTION DEVICE

Any device whose primary function is the production of sound, including, but not limited to any musical instrument, loudspeaker, radio, television, digital or analog music player, public address system or sound-amplifying equipment.

TOTAL SOUND LEVEL

The measured level which represents the sum of sound from the source or sources under investigation for potential violation of this code and the ambient sound sources, excluding any extraneous sound, when measured on the property of an affected person or at another specified location.

§ 205-3 Noise disturbance prohibited.

It shall be unlawful for any person to make, continue, cause or allow, orally or mechanically, 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 sensibilities, or which causes injury to animal life or damage to property or business.

- A. The general standards to be considered in determining whether such noise disturbance exists include, but are not limited to, the following:
- (1) The intensity of the noise under investigation for violation of this Chapter.
 - (2) Whether the nature of the noise is usual or unusual.
 - (3) Whether the origin of the noise is natural or unnatural.
 - (4) The volume and intensity of the ambient noise, if any.
 - (5) The proximity of the noise to parks or other public places, hospitals, nursing homes, day-care centers or schools, and houses of worship.
 - (6) The nature and the zoning district of the area within which the noise emanates.
 - (7) Whether the noise trespasses into a residential dwelling and infringes on the ability of an affected person to repose or sleep, or trespasses into a commercial establishment and infringes on the ability of an affected person to conduct normal business activities.
 - (8) The time of day or night the noise occurs.

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- (9) The duration of the noise.
- (10) Whether the sound source is temporary.
- (11) Whether the noise is continuous or impulsive.
- (12) The presence of discrete tones.
- (13) Whether the emission of the noise is purposeful or unnecessary and serves no legitimate purpose.

§ 205-4 Sound level limits.

- A. No person shall operate or cause to be operated any source of sound from any property in such a manner as to create a sound level which exceeds the limits set forth in in Table 1, when measured at or within the real property line of the parcel of land in which the affected person is located.
- (1) Continuous Sound. The limit in Table 1 may not be exceeded in three or more measurement periods within any one-hour period. Each measurement period must be no less than one half minute. If the total duration of the sound under investigation is less than one- and one-half minutes, the requirement for a minimum of three measurements shall be waived.

**TABLE 1
MAXIMUM PERMISSIBLE SOUND LEVEL LIMITS
dB(A)**

Daytime Hours	Nighttime Hours
OUTDOORS	
65	50
INDOORS ¹	
50	40

- 1. Indoor measurements for compliance with Table 1 shall only be taken if the sound source is on or within the same building as the receiving building, as in the case of a common wall building or a multi-use property (e.g., sound generated within a commercial unit of a multi-use property building and received within a residential unit of the same building). In addition, indoor measurements shall be taken if the real property line between the receiving property and the source property is a common wall, floor or ceiling.
- (2) Impulsive Sound:
 - (a) No person shall make, cause, allow or permit the operation of any impulsive source of sound that has a maximum sound level in excess of eighty (80) dBA, when measured at or within the real property line of the parcel of land in which the affected person is located. If an impulsive sound occurs more frequently than ten (10) times in any half hour period, the maximum sound level limits set forth in Table 1 shall apply. At

nighttime, if an impulsive sound occurs more frequently than four (4) times in any half hour the maximum sound level limits set forth in Table 1 shall apply.

- (b) If measurements of impulsive sound are conducted indoors, the permissible limit is sixty (60) dBA. If an impulsive sound occurs more frequently than ten (10) times in any half hour the maximum sound level limits set forth in Table 1 shall apply. At nighttime, if an impulsive sound occurs more frequently than four (4) times in any half hour the maximum sound level limits set forth in Table 1 shall apply.

§ 205-5 Specific prohibited acts, restricted uses and activities

In addition to the general prohibitions set forth in § 205-3 and the maximum permissible sound levels set out in Table 1 in § 205-4, the following specific acts are hereby declared to be in violation of this Chapter.

- A. Sound production devices, commercial or residential: Operating, playing or permitting the operation or playing of any sound production device, in such a manner as to create a noise disturbance ~~during nighttime hours at or~~ within the real property line of the parcel of land in which the affected person is located. Prima facie evidence of a violation of this subsection and the creation of a noise disturbance shall include, but not be limited to, the operation of such a device ~~during nighttime hours~~ after 10:00 p.m. on Friday or Saturday, and after 7:00 p.m. on Monday-Thursday, on Sunday and legal holidays, in such a manner that it is plainly audible inside the dwelling of an affected person, with all windows and doors closed.
- B. Loudspeakers and public-address systems mounted outdoors: Using or operating any loudspeaker, public-address system or similar device at any commercial or industrial facility is prohibited during nighttime hours, unless it is for the purposes of safety.
- C. Self-contained, portable, non-vehicular music or sound production devices: Using or operating any self-contained, portable, non-vehicular music or sound production device is prohibited in any public space or public right-of-way in such a manner as to be plainly audible at a distance of 25 feet in any direction from the operator.
- D. Animals: It shall be unlawful for any property owner or tenant to allow any domesticated or caged animal to create a sound across a real property line which creates a noise disturbance or interferes with the peace, comfort, and repose of any resident, or to refuse or intentionally fail to cease the noise disturbance when ordered to do so by a Noise Control Administrator. Prima facie evidence of a violation of this section shall include but not be limited to:
- (1) Vocalizing (howling, yelping, barking, squawking, etc.) for five (5) minutes without interruption, defined as an average of four or more vocalizations per minute in that period; or,
 - (2) Vocalizing for ten (10) minutes intermittently, defined as an average of two vocalizations or more per minute in that period.
 - (3) It is an affirmative defense under this subsection that the animal was intentionally provoked to bark or make any other noise.
- E. Motor vehicles: The registered owner of the vehicle, if present when the violation occurs, is in violation of this section. If the owner of the vehicle is not present, the violation will be served upon the person in charge or control of the vehicle, or anyone who assists in the production

of the sound that is found to be in violation.

- (1) Operating or permitting the operation of any motor vehicle, or any auxiliary equipment attached to such a vehicle out of repair or in such a condition as to create a noise disturbance.
- (2) No motor vehicle may be operated without a properly functioning muffler on a public right-of-way. The operation of a vehicle which is unmuffled or is equipped with straight pipes is a violation of this Chapter.
- (3) Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that it is plainly audible at distance of 25 feet in any direction from the operator.
- (4) The horn or signaling device on any motor vehicle may not be operated, except when used as a danger or traffic warning signal, and such operation must terminate when the danger has passed.
- (5) An exterior alarm of a motor vehicle must not audibly sound for more than five minutes continuously or 10 minutes intermittently. While operating within these parameters, the maximum sound level limits in Table 1 do not apply.
- (6) It shall be unlawful to operate a motor vehicle in such a manner as to cause excessive squealing or other excessive noise of the tires.

F. Construction, repair and demolition: Operating or permitting the operation of any tool or equipment used in construction, repair, demolition or excavation including, but not limited to, hammering, ditch digging, [rock removal](#), scraping, unloading and vehicle backup signaling, excluding the operation of any tool or equipment used for emergency work, shall not be permitted during nighttime hours or at any time on Sundays or legal holidays, except that the operation of any tool or equipment not exceeding the sound level limits in Table 1 shall be permitted at any time. This section shall not apply to road maintenance/ improvement on preexisting roads or preventative maintenance on the sewer mains and pipes, on which daytime construction would prove disruptive to traffic flow. All motorized equipment used in construction and demolition activity shall be operated with a muffler. The limits in Table 1 shall not apply to the legal operation of any tool or equipment used in construction, repair, demolition or excavation.

F.G. [Stone cutting: Operating or permitting the operation of any tool or equipment used in stone cutting operations, shall not be permitted during nighttime hours or at any time on Sundays or legal holidays, except that the operation of any tool or equipment not exceeding the sound level limits in Table 1 shall be permitted at any time. All stone cutting must cease for a 1-hour period within every three hours of operation to provide respite to the surrounding community. The Building Department may impose appropriate conditions designed to mitigate any potential impacts, including but not limited to, the installation of sound barriers, sound walls, portable sound screens, or sound curtains.](#)

G.H. Blasting: Blasting is prohibited between the hours of 4:00 p.m. and 8:00 a.m. Monday through Friday or at any time on weekends or legal holidays and is further regulated by Chapter 163 of the Village Code, Fireworks and Explosives. The limits in Table 1 shall not apply to the legal blasting operations.

H.I. Gasoline Powered Blowers: It shall be unlawful for any person, firm, corporation, or other entity to operate a gasoline-powered blower in the Village during the period from January 1 through September 30.

- (1) The use of gasoline powered blowers shall be permitted in the Village from October 1 through December 31, Tuesday through Friday during daytime hours, which includes the Village Fall Leaf Collection Program season. The use of gasoline powered blowers shall not be permitted on legal holidays at any time of year.
- (2) The use of gasoline powered blowers shall be permitted during the period from January 1 through September 30 for a period of time not to exceed seven (7) days after significant storm events or during other emergency circumstances as determined by the Superintendent of Public Works and announced on the Village website. The Superintendent of Public Works may extend the seven-day period by issuing an official notification if, in his or her sole discretion, such additional time is deemed necessary.
- (3) The limits in Table 1 shall not apply to the legal operation of gasoline powered blowers.
- (4) Electric or battery powered blowers are not subject to the restrictions set forth in this Subsection H. The use of all electric or battery powered blowers shall be permitted pursuant to Subsection I of this Section.

H.J. Power tools: Operating power tools used for landscaping and yard maintenance, excluding the operation of power tools necessary for emergency work, shall not be permitted during nighttime hours. All motorized equipment used in these activities shall be operated with a muffler. During daytime hours, the limits in Table 1 do not apply.

H.K. Miscellaneous sound producers: Creating or emitting a noise which constitutes a noise disturbance by any manner, including but not limited to a horn, siren, whistle, shout, bell, musical instrument, tool or engine.

H.L. Standby or portable generators: The operation of a standby or portable generator is exempt from the limits in this Chapter when there is a power outage. The regular testing/exercising of a generator must be conducted on weekdays (Monday-Friday) during daytime hours and for the minimum duration suggested by the manufacturer. Such testing/exercising of a generator shall not be conducted on any Legal Holiday. During such testing, the sound level limit shall be 70 dBA measured at the real property line of the parcel of land in which the affected person is located. No person shall at any time operate a generator during nighttime hours unless there is a power outage. Generators used on a permitted construction site may not exceed 65 dBA measured at the real property line of the parcel of land in which the affected person is located.

H.M. Mechanical equipment: It shall be unlawful for any person in the operation of any air-conditioning equipment or part thereof or any other type of mechanical equipment or apparatus installed on or connected to a structure, to make, continue or cause to be made any noise disturbance. The sound level limit for all mechanical equipment shall be 60 dBA measured at the real property line of the parcel of land in which the affected person is located. The limits in Table 1 shall not apply to mechanical equipment.

H.N. Repairing, rebuilding, modifying or testing any motor vehicle, motorcycle or motorboat in such a manner as to cause a frequent, repetitive or continuous noise disturbance across the real property line of the parcel of land in which the affected person is located or during

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nighttime hours is prohibited. When these activities are conducted during daytime hours, and do not cause a noise disturbance, the limits in Table 1 do not apply.

§ 205-6 Exemptions.

The following sounds are exempt from the sound level limits of this Chapter:

- A. Sounds from power tools used for landscaping, lawn mowers and garden equipment, excluding gasoline blowers, when operated during daytime hours. All motorized equipment used in these activities shall be operated with a muffler.
- B. Sounds produced in conjunction with any military or civic parade, funeral procession or religious services.
- C. Sound from a snow blower, snow thrower, electric snow shovel or snowplow used for the purpose of snow removal during daytime hours.
- D. Sound from an exterior burglar alarm of any building, provided that such alarm shall terminate within 15 minutes after it has been activated.
- E. Sound used for the purposes of alerting a person of an emergency.
- F. Sound from the performance of emergency work.
- G. Sound from a municipally sponsored event. Permitted events are subject to the conditions of the permit, which may include restrictions on the hours of operation and alternative sound level limits.
- H. National warning system (NAWAS); systems used to warn the community of attack or imminent public danger such as flooding, explosion or hurricane.
- I. Sounds from municipal-sponsored projects, work or repairs as ordered by the Village Manager, or his or her designee, including public or private garbage pickup.
- J. Motor vehicles on public roadways otherwise in compliance with § 205-5E.
- K. The unamplified human voice is exempt from the sound level limits of this Chapter; however, it may be determined that an individual is creating a noise disturbance pursuant to § 205-3.
- L. Surface carriers engaged in commerce by railroad.
- M. Noise of aircraft flight operations.
- N. Music performed in conjunction with any military or civic parade, funeral procession or religious service, provided that such performance or activity does not occur during nighttime hours.
- O. Sounds generated by, or associated with, organized sporting events of any public or private school or generated by, or associated with, any sport or recreational activity sponsored or permitted by the Village.

§ 205-7 Inspections.

- A. For the purpose of determining compliance with the provisions of this Chapter, the Noise

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Control Administrator or his or her designated representative is hereby authorized to make inspections of all noise sources and to take measurements and make tests whenever necessary to determine the quantity and character of noise.

- B. No person shall refuse to allow the Noise Control Administrator or his or her designated representative to perform reasonable sound testing on any device or devices, including but not limited to requiring the temporary shutting down of said device or devices for the purposes of such testing. Upon a showing that the inspection would produce a noticeable interruption of services that would cause discomfort to employees or customers or require a building engineer or other professional to work with the equipment, such authorized employee shall reschedule the inspection for a more convenient time.
- C. In the event that any person refuses or restricts entry and free access to any part of a premises or refuses inspection, testing or noise measurement of any activity, device, facility or process where inspection is sought, the Noise Control Administrator and/or designated representative may seek from the appropriate court a warrant without interference, restriction or obstruction, at a reasonable time, for the purpose of inspecting, testing or measuring noise.
- D. No person shall hinder, obstruct, delay, resist, prevent in any way, interfere or attempt to interfere with any authorized person while in the performance of his/her duties under this Chapter.

§ 205-8 Noise permit.

- A. A noise permit shall be required to operate, play or permit the operation or playing of any amplified sound on any commercial or residential property above the decibel levels set forth in Table 1, except where the amplified sound is played in connection with any special event permit issued by the Village. This section shall apply to any commercial establishment, including but not limited to bars, restaurants or performance venues, and any person seeking to hold a public or private celebration.
- B. Noise permit application procedures.
 - (1) Applications for permits shall be made to the Village Manager and shall be reviewed and approved by the Mayor, Police Chief and Building Inspector. The permit shall be issued by the Village Manager. The Village shall have the power to impose restrictions and conditions upon any sound source site.
 - (2) Applicants shall submit an application at least 30 days prior to the proposed occurrence/event. The Village may, in its sole discretion, accept applications on less than 30 days' notice upon good cause shown for not timely submitting.
 - (3) Applications for a noise permit shall set forth the following information. The applicant's failure to supply the foregoing information shall be cause for rejection of the application.
 - (a) The name and address of the applicant.
 - (b) The name and address of the property owner.
 - (c) The name and location of the noise source for which such application is made.

- (d) The nature and intensity of noise that will occur during the period of the permit.
- (e) The specific date(s) and times the amplified sound will be playing.
- (f) An explanation as to why the amplified sound cannot comply with the restrictions of this chapter.

(4) A permit fee as set forth on the Village fee schedule shall be required.

B. The following factors may be taken into consideration when determining whether to grant said noise permit application:

- (1) The character and degree of injury to, or interference with, the health and welfare of the reasonable use of property which is caused or threatened to be caused by the sound to result from the permit.
- (2) The social and economic value of the activity for which the permit is sought.
- (3) The ability of the applicant to comply with the provisions of this chapter.
- (4) The ability of the applicant to apply best practical noise control measures, if appropriate.
- (5) The number of previous noise complaints received in connection with the operation of any sound source at the subject property.

C. The permit shall enumerate the specific date(s) and times for which the permit is valid and may establish specific sound level limits that apply during the period of the permit which may not be exceeded at the nearest affected residential or noise sensitive property.

D. If the noise permit is denied, the reasons for the denial shall be provided to the applicant in writing.

E. Noise permit regulations.

- (1) The permit shall allow a commercial establishment to operate any amplified sound outdoors.
- (2) The permit shall be posted in a conspicuous location on the property.
- (3) No permit issued under the provisions of this chapter may be transferred or assigned from one owner of the property to another owner of the property, or from one establishment to another establishment.

F. Revocation of permit. The permit may be immediately revoked by the Building Inspector, Police Chief if:

- (1) There is a material misrepresentation of fact in the permit application; or
- (2) There is a material change in any of the circumstances relied upon in granting the permit.

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§ 205-8 Enforcement

The Code Enforcement Officer, the Building Inspector of the Village of Scarsdale and/or the Village Police Department is hereby empowered and authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this Chapter.

§ 205-9 Penalties for offenses.

Violation of this chapter shall be punishable as follows:

- A. By a fine ~~no less than~~not exceeding \$250 for the first violation.
- B. For a second offense occurring within one year of the first offense, a fine ~~not exceeding~~no less than \$500.
- C. For a third or further offense occurring within one year of the first offense, a fine ~~not exceeding~~no less than \$1,000.
- D. Each day that a violation of this chapter exists may constitute a separate violation. If the sound source found to be in violation is a sound production device, each separate hour in which a violation of this chapter exists may constitute a separate violation. The owner of the property and/or the owner of the commercial establishment from which sound is emitted and the person causing the generation of the sound may be separately liable for a violation of this Chapter.

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Section 3. Numbering for Codification

It is the intention of the Village of Scarsdale and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Village of Scarsdale; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word “ Local Law” shall be changed to “ Chapter,” “ Section” or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 4. Severability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

Section 5. Effective Date

This local law shall take effect immediately upon filing with the Office of the Secretary of State.

DRAFT

THE NOISE CONSULTANCY, LLC

309 VAN NESTE ROAD
FLEMINGTON, NEW JERSEY 08822

(908)237-0298 * noiseconsultancy@aol.com *



www.noiseconsultancy.com

March 23, 2023

Robert Cole
Village Manager
Village of Scarsdale
1001 Post Road
Scarsdale, New York 10583

Dear Mr. Cole,

This letter is to be considered an addendum to the previously submitted proposal dated February 16, 2023 to provide acoustical consulting services in support of the Village of Scarsdale's amendment of Chapter 205 – Noise.

Drew Gamils of Keane & Beane has requested a proposal for an inclusive flat-rate proposal for the following limited scope of services: two field demonstrations of compliance monitoring, one in the Village Center and another in a residential area, and modeling for observers what violations and non-violations sound like in practical terms based on proposed thresholds in our code.

In preparation for these services I will:

- review all the documents provided by Ms. Gamils:
 - current Chapter 205
 - Draft Local Law to Amend Chapter 205
 - Keane Beane memo “Revisions to the Noise Ordinance of the Village of Scarsdale”, dated February 2, 2023;
- off-site preparation of sound measurement equipment
- off-site preparation of sound production equipment
- off-site selection of sound demonstration source material
- prepare field enforcement documents

On-site delivery of services will include the items requested by Ms. Gamils, including sound level demonstrations of the limits proposed for the code in both a commercial and residential area, demonstrations of compliance determination in those environments, as well as a discussion/demonstration of appropriate sound measurement equipment for Scarsdale's noise enforcement program. I will also be available to discuss the proposed code amendments, in a separate meeting if desired. Included is round-trip travel.

I propose for these demonstrations to begin at 10:00 AM, and I will be on-site until 4 PM, if necessary to complete the demonstrations and to discuss issues related to the

demonstrations or the code. If an earlier start time is required, a hotel stay will be required and the exercise will correspondingly end earlier.

The inclusive fee for these services will be \$3000. Any services requested beyond this scope of services will be invoiced at the rates discussed in the February 16 proposal.

I look forward to the possibility of working with the Village of Scarsdale, and assisting you in your effort to deliver a better quality of life to your residents.

Sincerely,



Eric M. Zwerling, M.S., INCE, ASA
President

If you find this proposal acceptable, please sign and return. This will serve as our **Letter of Agreement**.

Signature

Date

Print Name

Title

TERMS:

Payment is due 30 days after the date of invoicing. Overdue balances will be billed interest at the rate of 1.5%/month or fraction thereof. Any and all costs and fees associated with the collection of outstanding debt will be added to the account balance.