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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

VILLAGE OF TIVOLI

LOCAL LAW NO. B OF 2017

A LOCAL LAW TO AMEND SECTION 151-11 OF CHAPTER 151 OF THE VILLAGE CODE ENTITLED "NOISE"

BE IT ENACTED by the Village Board of the Village of Tivoli as follows:

§ 1. Findings; legislative authority.

This chapter is enacted pursuant to the authority of § 10 of the Municipal Home Rule Law of the State of New York and New York Constitution, Article IX, in order to preserve, protect and promote the public health, safety and welfare. The Village board of Trustees has determined that the historic penalties for offenses of Section 151-11 of the Code to have proven inadequately low to deter the frequent and recurring violations of the Code. The Village Board understands that the Village of Tivoli occupies a small geographic area that properties are often sited extremely close to one another, and that in a dense, predominantly residential Village the behavior of an individual or individuals can have profound impacts on immediate and proximate neighbors. Excessive noise and other disturbances associated with a given property automatically and unquestionably affect other residents in the neighborhood of that property. This legislation is an effort to preserve the desirable quality of life in the Village. The Village Board intends these increased penalties for violations to serve as an effective deterrent against unreasonable noise within the Village of Tivoli.

§ 2. Amendments to Section 151-11 entitled "Penalties for offenses" of Chapter 151 of the the Village Code entitled "NOISE".

Section 151-11 of the Code is hereby amended to read as follows:

§ 151-11. Penalties for offenses.

A. Any person who violates any provision of this chapter shall be deemed guilty of an offense and, upon conviction thereof, shall be subject to penalties in the following manner:

(1) Upon a first conviction, by a fine not less than \$150 and not more than \$250 or by imprisonment for a period not to exceed seven days, or by both such fine and imprisonment.

(2) Upon conviction of a second violation, both of which were committed within a period of 12 months, by a fine not less than \$300 and not more than \$1,000 or by imprisonment for a period not to exceed 10 days, or by both such fine and imprisonment.

(3) Upon conviction of a third or subsequent violation, all of which were committed within a period of 12 months, by a fine not less than \$500 and not more than \$3,000 or by imprisonment for a period not to exceed 15 days, or by both such fine and imprisonment.

B. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate and distinct offense.

§ 3. Severability.

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

§ 4. Effective Date.

This local law shall take effect upon filing in the office of the Secretary of State of New York.