

## **NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Carmel will conduct a Public Hearing at the Town Hall, 60 McAlpin Avenue, Mahopac, New York 10541 on Wednesday, October 23, 2013 at 7:00 p.m. or as soon thereafter that evening as possible on a proposed Local Law amending Chapter 104 of the Town Code entitled "NOISE"; as follows:

PROPOSED LOCAL LAW # \_\_\_\_ OF THE YEAR 2013

### **A Local Law to Amend the Code of the Town of Carmel, Chapter 104, thereof, entitled "NOISE"**

BE IT ENACTED by the Town Board of the Town of Carmel, County of Putnam, State of New York as follows:

SECTION 1. Chapter 104 of the Code of the Town of Carmel is hereby amended to read as follows:

#### **§104-5 Restrictions on Permits and Permit Issuance**

A. No permit for the use or operation of any sound device, loudspeaker, amplifier or apparatus shall be issued:

- (1) For any location within 500 feet of a school, courthouse or place of worship, during the hours of such school, courthouse or place of worship, respectively, or within 500 feet of any hospital or similar institution.
- (2) For any location where the Town Board shall determine that the conditions of vehicular or pedestrian traffic, or both, are such that the use or operation of such sound device, loudspeaker, amplifier or apparatus will constitute a threat to the safety of pedestrians or vehicular operations.
- (3) For any location where the Town Board shall determine that physical conditions are such that the use or operation of a sound device, loudspeaker, amplifier or apparatus will deprive the public of the right to the safe, comfortable, convenient and peaceful enjoyment of any public street or place, or will constitute a threat to the safety or pedestrians or vehicle operators.
- (4) For any vehicle or other device while it is in transit.

B. Notwithstanding the issuance of any permit pursuant to this Chapter, the operation of any sound device, loudspeaker, amplifier or apparatus as

defined herein, shall be prohibited during the following times:

- (1) Before 10:00 a.m. or after 8:00 p.m Sunday through Thursday;
- (2) Before 10:00 a.m. or after 11:59 p.m. on Friday and Saturday;
- (3) Before 10:00 a.m. or after 11:59 p.m. on Federal Holidays or any other day as designated by resolution of the Town Board.

**§104-6 Permit Fees; duration; exemptions.**

- A. The Town clerk shall collect a fee for each permit for the use and operation of sound devices, loudspeakers, amplifier(s) and/or apparatus as defined herein.
- B. Each permit issued by the Town Clerk shall be valid for a period not to exceed three (3) calendar days.
- C. Prior to the issuance of any such permit under this Chapter, the applicant shall provide proof to the Town Clerk that the owner of each improved property located within fifty (50) feet of any boundary of the applicant's parcel for which the permit is sought hereunder has been notified in writing of the pending application under this chapter. Such proof shall be by means of sworn affidavit provided in form to the applicant by the Town Clerk and/or by any other means of notice that the Town Board may otherwise direct by resolution.
- D. Subsequent to the issuance of any permit by the Clerk pursuant to this Chapter, no additional permit shall be issued for the same parcel or property, regardless of ownership thereof, prior to thirty (30) calendar days having elapsed since the expiration of the prior permit issued for said parcel or property.
- E. No fee shall be charged to or collected from any bureau or department of the United States Government, The State of New York, The County of Putnam or the Town of Carmel.
- F. The fee referenced in subparagraph (A) hereunder shall be established annually by the Town of Carmel Town Board and shall be on file in the Office of the Town Clerk.

**SECTION 2.** This Local Law shall take effect immediately in accordance with the law.

At said Public Hearing, all interested persons shall be heard on the subject thereof. The Town Board will make every effort to assure that the Public Hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Town Clerk.

By Order of the Town Board  
of the Town of Carmel  
Ann Spofford, Town Clerk