
IN THE MATTER

Of

Local Law 2020-___

**An Local Law Further Amending Chapter 86
Entitled “NOISE CONTROL” of the Code of
the Town of Manlius.**

**RESOLUTION CALLING FOR
A PUBLIC HEARING**

The **TOWN BOARD OF THE TOWN OF MANLIUS**, in the County of Onondaga, State of New York, met in regular virtual session on the Zoom Platform at the Town Hall in the Town of Manlius, located at 301 Brooklea Drive in the Village of Fayetteville, County of Onondaga, State of New York, on the ___th day of November, 2020, at 6:30 p.m.

The meeting was called to order by Edmond J. Theobald, Supervisor, and the following were present, namely:

Edmond J. Theobald	Supervisor
Sara Bollinger	Councilor
John Deer	Councilor
Elaine Denton	Councilor
Karen Green	Councilor
Katelyn Kriesel	Councilor
Heather Allison Waters	Councilor

Absent:

The following resolution was moved, seconded and adopted:

WHEREAS, a Local Law has been introduced before the Board, to wit: Local Law 2020 - ___, entitled “A Local Law Further Amending Chapter 86 entitled Noise Control of the Code of the Town of Manlius,” the text of which is as follows:

**LOCAL LAW 2020 - __ AMENDING CHAPTER 89 ENTITLED “NOISE CONTROL”
OF THE CODE OF THE TOWN OF MANLIUS**

BE IT ORDAINED AND ENACTED by the Town Board of the Town of Manlius, County of Onondaga, State of New York, as follows:

Section 1. That Chapter 86-2, entitled “Definitions” of the Code of the Town of Manlius, as amended, is further amended as follows:

86-2. Definitions

CONSTRUCTION

Any activity necessary or incidental to the erection, demolition, assembling, altering, installing or equipping of buildings, highways, roads, utility lines or other property.

DECIBEL (DB)

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

DEVICE

Any mechanism which is intended to or which actually produces sound when operated or handled.

UNNECESSARY NOISE

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. Standards to be considered in determining whether unnecessary noise exists in a given situation include but are not limited to the following:

H. *The duration of the noise (any duration of noise restricted herein lasting more than fifteen (15) minutes, (either sustained or intermittent) shall be deemed to violate this Chapter).**

Section 2. That Chapter 86-3, entitled “Prohibited noises” of the Code of the Town of Manlius, as amended, is further amended as follows:

86-3 Prohibited noises

No person shall make, continue or cause or permit to be made any unnecessary noise. The following acts are declared to be prima facie evidence of a violation of this chapter and are prohibited, but said enumeration shall not be deemed to be exclusive.

*(I) **Decible Maximum.** The making or operation of any source of sound on a private property or any public space or right-of-way in such a manner as to create a sound level that exceeds the particular sound level limits set forth as follows: between 7:00 a.m. and 10:00 p.m., seventy (70) dBA and between 10:00 p.m. and 7:00 a.m., fifty (50) dBA when measured at the adjoining property line.**

Section 3. That Chapter 86-4, entitled “Exceptions” of the Code of the Town of Manlius, as amended, is further amended as follows:

§ 86-4 **Exceptions.**

The following sounds shall not be deemed to be a violation of this chapter:

H. Sounds connected with commercial shooting ranges that have been established in the Town, like a Rod and Gun Club. Firearms discharged on private residentially zoned property shall meet all restrictions set forth herein.

I Sounds created by Emergency Construction or repair work authorized or performed by the Town of Manlius, any incorporated Village within the Town of Manlius, the County of Onondaga, the State of New York or any recognized utility serving the area.

J. Sounds created by the exercise of commercial activities to the extent that such sounds are already controlled by the Town of Manlius through site plan approval, special permit or otherwise.

K. Sounds created by police cars, fire engines, ambulances and other emergency vehicles when used in connection with an Emergency, drill or test procedure.

L. Sounds connected with activities open to the public or sounds where proper authorization has been obtained from the Town Board or any other designated authority of the Town of Manlius.

Section 4. This local law shall take effect upon the filing with the Secretary of State.

*Indicates new language

WHEREAS, the Town Board has reviewed the existing Noise Control Code for the Town and has determined that it lacks objective standards by which law enforcement may be able to determine if a “noise” violates Chapter 86;

WHEREAS, upon consultation with the Attorney for the Town, the Board has determined that it should consider an amendment to Chapter 86 to make the Code more objective;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Manlius, County of Onondaga, State of New York, shall hold a Public Hearing in the matter of the adoption of the aforesaid Local Law, and that such Hearing shall be held by the virtual platform known as ZOOM, which directions to attend said public hearing are on the Official Town Website _____ on _____, 2020 at 6:___ p.m. and be it further

RESOLVED, that the Town Clerk give notice of such Public Hearing by the publication of a notice in at least one newspaper circulated in the Town, specifying the time when and the place where such Public Hearing will be held, and in general terms, describing the proposed Local Law. Such notice shall be published once at least five (5) days prior to the Public Hearing.

I, ALLISON WEBER, Town Clerk of the Town of Manlius, **DO HEREBY CERTIFY** that the preceding Resolution was duly adopted by the Town Board of the Town of Manlius at a regular meeting of the Board duly called and held on the ___th day of November 2020; that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

I HEREBY CERTIFY that all members of said Board had due notice of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Manlius, this _____th day of November, 2020.

DATED: November ____, 2020
Fayetteville, New York

ALLISON WEBER
Town Clerk of the Town of Manlius
Onondaga County, New York