



TOWN OF RED HOOK

7340 SOUTH BROADWAY ~ RED HOOK, NY 12571
BUILDING & ZONING DEPARTMENT

- Zoning Enforcement Officer
- Code Enforcement Officer

Office: 845.758.4623 or 845.758.4603

Email: scole@redhookny.gov ~ bmullins@redhookny.gov ~ Web: www.redhookny.gov

ANNUAL STR PERMIT APPLICATION

An annual operating permit is required to operate any STR, whether Hosted, Un-hosted or Farm Stay. Please refer to Chapter 112 and Chapter 143 of the Town Code for applicable regulations. [Please see the Building Department for the registration form for the once per year exception for a REGISTERED STR.]

An STR shall only be used for overnight accommodations for transient residential occupancy. Activities other than residential occupancy (such as events, gatherings, luncheons, banquets, parties, weddings, meetings, or similar activities) are not permitted. No restaurant may be operated, and no meals may be prepared or served to guests other than to rental occupants of the STR. Meals served to permitted occupants of the STR as in a typical "bed and breakfast" are permitted.

It is unlawful for any person to operate an STR, including any hosted STR, un-hosted STR or farm stay STR, within the Town of Red Hook without having obtained the required annual operating permit and requisite planning and zoning approvals under Chapter 143, Zoning, if any. Violation of Chapter 112 of the Town of Red Hook Town Code or violation of any statement, application, permit, or registration approved under the provisions of Chapter 112 is considered an offense punishable by a fine and/or imprisonment as provided in Chapter 112.

For a New permit, fill in all blanks with signature by property owner. For a Renewal, you may attach a copy of the current permit, fill in changed information only, and sign the form. NOTE if a permit has expired, please complete a full permit application. Renewal applications may be submitted on or after October 1 of each year for the following calendar year.

PROPERTY Address: _____, Town of Red Hook

Tax Grid #: _ _ _ _ - _ _ - _ _ _ _ Zoning District: _____

Total Bedrooms in Dwelling: _____ Number of Bedrooms for STR use: _____

(A maximum of 2 guests are permitted per bedroom (children under 6 years of age shall not count towards this maximum).

ATTACH Floor Plan showing all bedrooms in the dwelling and identifying those to be used as an STR. Show Square Footage and Ceiling Height of bedrooms to be used for STR. Indicate 2 means of egress for STR bedrooms.

ATTACH Sketch Map showing location of available off-street parking on the lot.
A single-family dwelling requires two (2) off-street parking spaces; each rented room of an STR requires an additional space.

PROPERTY OWNER: _____

Mailing Address: _____

Telephone: _____ Email: _____

ATTACH: Current Deed or Property Tax Record evidencing ownership of Property.

I hereby certify that the Property is my primary residence. (Not applicable to Farm Stay permit)

ATTACH evidence of primary residence. (approved STAR exemption or combination of evidence satisfactory to assessor such as voter registration, driver's license, federal tax return)

For Non-Hosted or Farm Stay, provide the Owner's temporary address if staying at a location within 15 air miles of the Town of Red Hook OR provide an alternate local contact if the property owner is not staying within 15 air miles of the Town of Red Hook at the time the property is rented.
The local contact shall be a person 18 years of age or older and shall be able to respond to an emergency or complaint at the property in a timely manner, not to exceed one hour.

Local Contact Name & Address: _____

Telephone: _____ Email: _____

PROPERTY USE:

Check One: HOSTED _____ UNHOSTED _____ FARM STAY _____

Identify any that are in use at the Property: Home Occupation Class 1 _____

Home Occupation Class 2 _____ Accessory Dwelling Units: _____

An STR shall not be permitted in addition to an accessory dwelling unit or Class 2 home occupation. Only one Class 1 home occupation is permitted on the same parcel as an STR.

I hereby certify that each bedroom to be used for STR rental contains a functioning smoke detector and two safe means of ingress/egress as well as a functioning CO detector and a functioning fire extinguisher on each floor.

ATTACH: Evidence of payment of Hotel Occupancy Tax required by Dutchess County for the prior fiscal year.

PROPERTY OWNER'S SIGNATURE

Date: _____

BUILDING DEPARTMENT USE ONLY BELOW THIS LINE

Annual Permit Fee Amount \$_____ Received _____, 20__ BY _____

Building Inspector review of floor plan, sketch map, and number of bedrooms to be rented:

Approved By:_____ Denied/ Reason: _____.

STR PERMIT IS NOT TRANSFERABLE.

STR Permit #:STR 20__ - ____ (Year and Sequential Number) FOR the following Annual Period:

Starting Date: January 1, 20__ Ending Date: December 31, 20__
(Annual operating permits expire December 31st)

Permit Approved: _____
Date Signature of ZONING ENFORCEMENT OFFICER

-OR-

Permit Denied: _____
Date Signature of ZONING ENFORCEMENT OFFICER

Reason(s) for denial: _____

Copies of any approved Permit will be provided by the Town to the County of Dutchess Department of Taxation and Finance.

THE OWNER SHALL PROVIDE the permit or registration number of the STR, and the name and contact number of the property owner and (where required) the local contact (i) in any rental confirmation provided to a prospective occupant; (ii) in a written posting at the premises; (iii) in any advertising or listing, the permit or registration number only; and (iv) to any adjacent landowner upon request.

THE OWNER IS RESPONSIBLE FOR POSTING the following at all times during any period of STR use in an open and conspicuous place in the rental unit that shall be readily visible to all guests:

- 1) STR Permit Number
- 2) A copy of Chapter 92 (Noise) of the Code.
- 3) A safety/egress plan shall be posted in a visible location inside the STR and on the back of each bedroom door offered for rent.
- 4) A property map (either a survey of the property or a tax map printed from Dutchess County Parcel Access) depicting property boundaries and notice to guests not to trespass on neighbors' property.
- 5) Information identifying location of easily accessible solid waste and recycling facilities, and pickup date(s).

**EXCERPTS FROM CHAPTERS 112 AND 143 OF THE TOWN OF RED HOOK
TOWN CODE:**

§ 112-5. STR Operating Standards and Supplemental Regulations. The following regulations apply to all STRs including those requiring an annual operating permit under § 112-3 and those requiring registration for the once per year exception under § 112-4.

- A. Only the owner of the property containing a proposed STR may apply for and operate an STR.
- B. Except for farm stay STRs, a property owner may only operate an STR on the parcel where their primary residence is located and may only operate an STR on one parcel in the Town.
- C. Annual operating permits for an STR and registrations for a registered STR are specific to the designated owner and property and cannot be transferred to other owners or properties.
- D. Neither an annual operating permit nor a registration shall be issued to any owner or for any property with an outstanding notice of violation under the Town of Red Hook Code, nor to any owner or property with a permit or registration that was suspended or revoked and remains uncured, or that was suspended or revoked two or more times during the two-year period preceding the year applied for.
- E. If the structure to be used as the STR is the subject of a pending building permit or does not have a current certificate of occupancy, the building inspector may require an inspection for compliance with applicable requirements of the NYS Uniform Fire Prevention and Building Code.
- F. The parking spaces required by the Zoning Law must be available for use by the short-term rental tenants.
- G. All STRs shall comply with all applicable provisions of the Town Code.
- H. The owner of an STR shall provide the permit or registration number of the STR, and the name and contact number of the property owner and (where required) the local contact (i) in any rental confirmation provided to a prospective occupant; (ii) in a written posting at the premises; (iii) in any advertising or listing, the permit or registration number only; and (iv) to any adjacent landowner upon request.
- I. STR owners shall post a copy of the following in an open and conspicuous place in the rental unit that shall be readily visible to all guests:
 - 1) STR Permit or Registration Number;
 - 2) A copy of Chapter 92 (Noise) of the Code.
 - 3) A safety/egress plan shall be posted in a visible location inside the STR and on the back of each bedroom door offered for rent.
 - 4) A property map (either a survey of the property or a tax map printed from Dutchess County Parcel Access) depicting property boundaries and notice to guests not to trespass on neighbors' property.
 - 5) Information identifying location of easily accessible solid waste and recycling facilities, and pickup date(s).

- J. Facilities to handle solid waste, including recycling, shall be made available to STR guests and shall be easily accessible, secure and screened from adjacent properties. Failure to adequately provide for and dispose of refuse shall be a violation of this chapter.
- K. Except for farm stay STRs, Hosted STRs limited to one bedroom (which limit must be stated in the application and permit) may be rented not more than an aggregate of 210 days per year and all other STRs may be rented not more than an aggregate of 120 days per year. (This restriction is not applicable to registered STRs which are limited to a maximum of one (1) time per calendar year for a period of fewer than 30 days).
- L. Each STR owner shall be required to maintain a record of all STR rentals, which shall be available for inspection by the Zoning Enforcement Officer upon request. The record shall be a true and accurate record of the use of the STR and shall include the dates and total number of days rented, number of bedrooms rented, and number of guests. Each owner shall retain such records for at least three (3) years.
- M. Occupancy Taxes. The property owner shall be responsible for payment of the Hotel Occupancy Room Tax to Dutchess County either directly or through Airbnb or other platforms if applicable, and for collecting and remitting all applicable occupancy and sales taxes required by state law and/or County local law. Failure to pay all required taxes shall be a violation of this Chapter. The Town may transmit permit and registration information to Dutchess County for enforcement purposes.

Section 143-4B Definitions

PRIMARY RESIDENCE – Primary residence shall be the domicile of the owner applicant. The property must be owned by the natural person or persons who occupy the home as their primary residence except that (i) if legal title to the property is held by one or more trustees, the beneficial owner or owners are considered to own the property for purposes of this exemption, (ii) a farm dwelling that is held in the name of a business corporation, limited liability company, or a partnership is eligible, provided such dwelling serves as the primary residence of a shareholder or one of the partners, and (iii) a married couple may receive a permit or registration for no more than one residence unless they are legally separated. No other form of ownership shall be eligible for a permit or registration under this chapter.

SHORT-TERM RENTAL (STR) – The accessory use of a structure whereby overnight accommodation is provided for transient occupancy for compensation, whether monetary or otherwise, for fewer than 30 consecutive days/nights. This term does not include boardinghouses or rooming houses. The following are types of short-term rentals:

- (1) **FARM STAY STR** – An STR, whether hosted or un-hosted, on property in the AB District and which may include an adjacent RD3 or RD5 parcel operated as part of the same farm subject to the conditions set forth in this chapter.
- (2) **HOSTED STR** – An STR where the property owner is present on the premises overnight with their guest(s).
- (3) **REGISTERED STR** – An un-hosted STR within a detached single-family dwelling which is the primary residence of the owner thereof, when used only once per year and registered in accordance with Chapter 112 of the Code.
- (4) **UN-HOSTED STR** – An STR where the property owner is not present on the premises overnight with their guest(s). This term includes house swaps, home exchange, or similar temporary use of a home. Un-hosted STR does not include a farm stay STR otherwise permitted by this Chapter.

§ 143-32.1. Short-Term Rentals

Hosted STR and un-hosted STR uses are subject to the following regulations in addition to all other requirements of the Code.

- A. An STR is allowed only as an accessory use to a single-family detached dwelling. The single-family dwelling must be the primary residence of the property owner.
- B. A maximum of 2 guests are permitted per bedroom (children under 6 years of age shall not count towards this maximum).
- C. An STR shall not be permitted in addition to an accessory dwelling unit or Class 2 home occupation. Only one Class 1 home occupation is permitted on the same parcel as an STR.
- D. An STR shall only be used for overnight accommodations for transient residential occupancy. Activities other than residential occupancy (such as events, gatherings, luncheons, banquets, parties, weddings, meetings, or similar activities) are not permitted. No restaurant may be operated, and no meals may be prepared or served to guests other than to rental occupants of the STR. Meals served to permitted occupants of the STR as in a typical “bed and breakfast” are permitted.
- E. No recreational vehicle, bus, camping or travel trailer, or temporary housing, including but not limited to a tent or treehouse, shall be used as an STR. Outdoor storage of recreational vehicles, buses or trailers, including those driven by guests, shall be consistent with all applicable provisions of the Zoning Law, including but not limited to § 143-42 thereof.
- F. The STR shall not exceed the number of bedrooms that are shown in the approved certificate of occupancy or for preexisting occupied structures, the property tax record, or shall otherwise demonstrate compliance with all applicable requirements of the Dutchess County Sanitary Code including issuance of and compliance with any required approval or permit of the Dutchess County Department of Behavioral and Community Health regarding on-site sanitary sewage or water supply facilities.
- G. Off-street parking shall be provided in accordance with § 143-26 of this chapter and shall be located on the parcel on which the STR is located.
- H. A short-term rental shall be incidental and secondary to the use of the dwelling unit for residential purposes. It shall be conducted in a manner which does not give the outward appearance of a business, does not infringe on the right of neighboring residents to enjoy the peaceful occupancy of their residential premises, and does not alter the residential character of the property or the neighborhood. No alteration to either the exterior or the interior of any principal dwelling shall be made that changes the residential character and appearance of the premises.
- I. All STRs require an Annual Operating Permit from the Zoning Enforcement Officer pursuant to Chapter 112 of the Town Code prior to the commencement of the accessory use, with the exception of the registered STR which shall require registration in accordance with Chapter 112D.

- J. Other licensing requirements administered by the Dutchess County Department of Behavioral and Community Health applicable to bed-and-breakfast establishments as such term is used in the county code shall be satisfied.
- K. A hosted or un-hosted STR is permitted only for a maximum of four (4) bedrooms located within a detached single-family dwelling or an aggregate of not more than four (4) bedrooms a portion of which are located within a detached single-family dwelling and not more than two of which are located in an accessory dwelling unit located on the same parcel, subject to the requirements of § 143-32.1G, provided that R1.5, R1 and H Districts are limited to a maximum of one hosted bedroom as an STR. For a hosted STR, at least one bedroom shall be retained for the exclusive use of the property owner(s).

Town of Red Hook, NY
Thursday, January 6, 2022

Chapter 92. Noise

[HISTORY: Adopted by the Town Board of the Town of Red Hook 1-26-2011 by L.L. No. 1-2011. Amendments noted where applicable.]

GENERAL REFERENCES

Public assemblies — See Ch. 44.

Dogs — See Ch. 63.

Parades and processions — See Ch. 95.

Article I. General Regulations

§ 92-1. Title.

This chapter shall be known and may be cited as the "Town of Red Hook Noise Control Law."

§ 92-2. Declaration of policy.

It is hereby declared to be the public policy of the Town to reduce the ambient noise level in the Town, so as to preserve, protect and promote the public health, safety and welfare, and the peace and quiet of the inhabitants of the Town, prevent injury to human, plant and animal life and property, foster the convenience and comfort of its inhabitants, and facilitate the enjoyment of the natural attractions of the Town. It is the public policy of the Town that every person is entitled to ambient noise levels that are not detrimental to life, health and enjoyment of his or her property. It is hereby declared that the making, creation or maintenance of excessive or unreasonable noises within the Town affects and is a menace to public health, comfort, convenience, safety, welfare and the prosperity of the people of the Town. The provisions and prohibitions hereinafter contained and enacted are for the above-mentioned purpose. This chapter is enacted pursuant to Municipal Home Rule Law, § 10, Subdivision 1(ii)a(11) and (12) and 4(b).

§ 92-3. Interpretation.

This chapter shall be liberally construed so as to effectuate the purposes described in this chapter. Nothing herein shall abridge the powers and responsibilities of any police department or law enforcement agency to enforce the provisions of this chapter. Nothing herein shall be construed to abridge the emergency powers of any health department or the right of such department to engage in any necessary or proper activities.

§ 92-4. Definitions and word usage.

- A. All terminology defined herein which relates to the nature of sound and the mechanical detection and recording of sound is in conformance with the terminology of the American National Standards Institute (ANSI) or its successor body.
- B. As used in this chapter, the following terms shall have the meanings indicated:

AMBIENT NOISE

The all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources.

A-WEIGHTED SOUND LEVEL

The sound pressure level in decibels as measured on a sound level meter using the A-weighted network. The level so read is designated "dBA."

COMMERCIAL AREA

A group of commercial facilities and the abutting public right-of-way and public spaces.

COMMERCIAL FACILITY

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

- (1) Dining and/or drinking establishments;
- (2) Banking and other financial institutions;
- (3) Establishments for providing retail services;
- (4) Establishments for providing wholesale services;
- (5) Establishments for recreation and entertainment;
- (6) Office buildings;
- (7) Transportation;
- (8) Warehouses;
- (9) Hotels and/or motels.

CONSTRUCTION

Any activity necessary or incidental to the erection, demolition, assembling, altering, installing or equipping of buildings, public or private highways, roads, premises parks, utility lanes or other property, including but not limited to related activities such as land clearing, grading, earthmoving, excavating, blasting, filling and landscaping, but not including agriculture.

CONTINUOUS SOUND

Any sound that is not impulse sound.

dba

The abbreviation designating the unit of sound level as measured by a sound level meter using the A-weighting, also known as "dBA".

DECIBEL

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 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound (20 micropascals); abbreviated "dB."

DEMOLITION

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

EMERGENCY

Any occurrence or circumstances involving actual or imminent physical or property damage which demands immediate action.

EMERGENCY WARNING DEVICE

Any sound signal device that is to warn of an emergency.

EMERGENCY WORK

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

EXTRANEIOUS SOUND

A sound which neither is part of the neighborhood residual sound nor comes from the source under investigation.

FREQUENCY

The number of sound pressure oscillations per second, expressed in hertz; abbreviated "Hz".

IMPULSE SOUND

Sound characterized by either a single pressure peak or a single burst (multiple pressure peaks) having a duration of less than one second; for example, an explosion or gunshot.

MOTOR VEHICLE

Shall include any automobile, motorcycle, truck, recreational vehicle, all-terrain vehicle or snowmobile.

NOISE

Any sounds of such level and duration as to be or tend to be injurious to human health or welfare, or which would unreasonable interfere with the enjoyment of life or property throughout the Town of Red Hook.

NOISE DISTURBANCE

Any sound which:

- (1) Endangers or injures the safety or health of humans or animals; or
- (2) Annoys or disturbs a reasonable person of normal sensitivities; or
- (3) Endangers or injures personal or real property.

PEAK SOUND PRESSURE LEVEL

The maximum absolute value of the instantaneous sound pressure level during a specified time interval.

PERSON

Any individual, association, partnership, corporation or other entity and includes any officer, employee, department or agency of the above.

PUBLIC RIGHT-OF-WAY

Any street, avenue, boulevard, road, highway, sidewalk, alley, or boardwalk, that is leased, owned or controlled by a governmental entity, no matter how designated.

PUBLIC SPACE

Any real property or structure thereon that are owned, leased, or controlled by a governmental entity.

REAL PROPERTY LINE

Either:

- (1) The imaginary line including its vertical extension, that separates one parcel of real property from another; or
- (2) The vertical and horizontal boundaries of a dwelling unit that is one in a multidwelling-unit building.

RESIDENTIAL AREA

A group of residential properties and the abutting public rights-of-way and public spaces.

RESIDENTIAL PROPERTY

Property used for human habitation.

SOUND

An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

SOUND LEVEL

The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C, as specified in American National Standards Institute (ANSI) specifications for sound level meters. If the frequency weighting employed is not indicated, the A-weighting shall apply.

SOUND LEVEL METER

Any instrument including a microphone, amplifier, an output meter, and frequency weighting networks for the measurement of noise and sound levels in a specific manner and which complies with standards established by the American National Standards Institute (ANSI) specifications for sound level meters.

SOUND PRESSURE LEVEL

The level of a sound measured in dB units with a sound level meter which has a uniform ("flat") response over the band of frequencies measured.

SOUND-REPRODUCTION DEVICE

Any device that is designed to be used or is actually used for the production or reproduction of sound, including but not limited to any amplified musical instrument, radio, televisions, tape recorder, phonograph, loudspeaker, public-address system or any other sound-amplifying device.

SOUND SOURCE

Any person, animal, device, operation, process, activity, or phenomenon which emits or causes sound.

TRANSIENT SOUND

A sound whose level does not remain constant during measurement.

UNREASONABLE NOISE

Any sound which is defined in § 92-6, 92-7 or 92-8 as unreasonable.

VIBRATION

An oscillatory motion of solid bodies of deterministic or random natures described by displacement, velocity or acceleration with respect to a given reference point.

Article II. Prohibited Acts

§ 92-5. Unreasonable noise prohibited.

No person shall make, cause, allow, or permit to be made any unreasonable noise within the geographical boundaries of the Town or within those areas over which the Town has jurisdiction, including the waters and beaches adjacent to, abutting or bordering the Town.

§ 92-6. Specific acts considered unreasonable noise.

Any of the following acts and causes thereof which either annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of a reasonable person of normal sensibilities are declared to be in violation of this chapter and to constitute unreasonable noise:

- A. No person shall operate or use or cause to be operated any loudspeaker, public-address system or similar amplification device between the hours of 10:00 p.m. and 7:00 a.m., except when used in connection with a public emergency by officers of any police agency, fire department or of any municipal entity.
- B. Using or operating any sound-reproduction device or other instrument or device for commercial or business advertising purposes or for attracting attention to any performance, show or sale or display of merchandise in connection with any commercial operation in front or outside any building, place or premises, or through any aperture of such building, place or premises, abutting or adjacent to any public right-of-way, or in or upon any vehicle operated, standing or being in or on any public right-of-way, or from any stand, platform or other structure, or from any airplane or other device used for flying over the Town of Red Hook, or on a boat on the waters within the jurisdiction of the Town of Red Hook or anywhere on any public right-of-way.
- C. The use of any sound-reproduction device outside a structure either on private property or on a public right of way or public space or inside a structure in such a manner as to result in the sound from such apparatus to be projected therefrom between 10:00 p.m. and 7:00 a.m. Sound which can be heard from inside a structure across any real property boundary, where all exterior doors and windows are closed, shall be deemed to be projected within the meaning of this subsection.
- D. No animal or bird owner shall permit any animal to cause noise which shall annoy or disturb the quiet, comfort, or repose of a reasonable person of normal sensibilities. Noise disturbance for more than 15 minutes at any time of the day or night, by repeated barking, whining, screeching, howling, braying or other like sounds which can be heard beyond the boundary of the owner's property, shall be deemed prima facie evidence of unreasonable noise.
- E. The shouting, yelling, calling, or hooting at any time or place so as to annoy or disturb the quiet, comfort and repose of a reasonable person of normal sensibilities.
- F. No person shall engage in, cause or permit the loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials or similar objects between the hours of 8:00 p.m. and 7:00 a.m. the following day in such a manner as to cause unreasonable noise across a residential real property boundary.
- G. No person shall cause or permit to be caused the excessive, persistent or unnecessary sounding of any horn or other auditory signaling

device on or in any motor vehicle except to serve as a warning of danger.

- H. No person shall operate or permit to be operated lawn maintenance equipment between the hours of 10:00 p.m. to 7:00 a.m.
- I. No person shall operate or permit to be operated a refuse compacting vehicle in the process of compacting or collecting refuse contained in a dumpster or similar receptacle between the hours of 10:00 p.m. and 7:00 a.m., except in cases of emergency or the interests of public safety.
- J. No person shall operate or permit to be operated any tools or equipment used in construction, drilling, excavations or demolition work, between the hours of 8:00 p.m. and 8:00 a.m. the following day, except that the provisions of this section shall not apply to emergency work.
- K. No person shall cause or permit the operation of any device, vehicle, construction equipment, snowblowing or lawn maintenance equipment, including but not limited to any diesel engine, internal combustion engine or turbine engine, without a properly functioning muffler, in good working order and in constant operation regardless of sound level produced.
- L. No person shall operate a motor vehicle in such a manner or cause excessive squealing or other excessive noise of the tires of such vehicle, as to annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of a reasonable person of normal sensibilities.
- M. No person shall operate or permit the operation of any motor vehicle or any auxiliary equipment attached to such a vehicle for a period of longer than 30 minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion or emergency work, within 150 feet of a residential property between the hours of 10:00 p.m. and 7:00 a.m. on the following day.
- N. No person shall allow noise from a motor vehicle or building alarm in excess of five minutes after it has been activated.
- O. Noise caused by and/or emanating from parties, entertainment, music or social gatherings of any kind, whether public or private, indoors or outdoors, which can be heard inside any dwelling unit that is not the location of the source of the noise, where all exterior doors and windows of said dwelling unit are closed, between the hours of 10:00 p.m. and 7:00 a.m., shall be deemed prima facie evidence of unreasonable noise.
- P. Any excessive or unusually loud sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensibilities.

§ 92-7. Maximum permissible continuous sound levels.

It shall be prima facie evidence that an activity has created unreasonable noise if it measures in excess of the standards set forth below for continuous sound levels. An activity that does not measure in excess of the standards may still be deemed to have created unreasonable noise if it violates any of the prohibitions set forth in § 92-6 or 92-8 of this chapter.

- A. No person shall make, cause, allow, or permit the operation of any source of sound on a particular category of property or any public space or right-of-way in such a manner as to create a sound level that exceeds the particular continuous sound level limits set forth in Table I when measured at or within the real property line of the receiving property, except as provided in Subsection B.
- B. When measuring noise within a dwelling unit of a multi-dwelling-unit building, all exterior doors and windows shall be closed and the measurements shall be taken in the center of the room.

TABLE I		
Sound Limits		
	Residential Area	Commercial Area
7:00 a.m. to 10:00 p.m.	65 dBA	70 dBA
10:00 p.m. to 7:00 a.m.	50 dBA	60 dBA

- C. Motor vehicles.
 - (1) Motor vehicle sound level limits and equipment shall be in compliance with provisions of any state law, including, but not limited to, §§ 386 and 375 of the New York State Vehicle and Traffic Law governing the emission of sound from public highways.
 - (2) No person shall operate or permit to be operated any motor vehicle off of a public highway at any time, at any speed or under any condition or grade, load, acceleration or deceleration or in any manner whatsoever, as to exceed 86 dBA. The limit shall apply at a distance of 50 feet from such motor vehicle.

§ 92-8. Maximum permissible impulsive sound levels.

- A. It shall be prima facie evidence that an activity has created unreasonable noise if it measures in excess of the standards set forth below for impulsive sound levels. An activity that does not measure in excess of the standards may still be deemed to have created unreasonable noise if it violates any of the prohibitions set forth in § 92-6 of this chapter.
- B. No person shall make, cause, allow or permit the operation of any impulsive source of sound within any and all property in the Town which has a peak sound pressure level in excess of 80 Db, measured on the C-weighted scale, when measured at the property line. If an impulsive sound is the result of the normal operation of an industrial or commercial facility and occurs more frequently than four times in any hour, the levels set forth in Table I shall apply.

Article III. Exceptions

§ 92-9. Exceptions.

Regardless of the decibel limits, the provisions of this chapter shall not apply to:

- A. Sound and vibration emitted for the purpose of alerting people in an emergency.
- B. Sound and vibration emitted in the performance of correcting an emergency.

- C. Sounds created by bells or chimes by any church, synagogue or school when such instrument is used during or in conjunction with a predetermined, scheduled activity such as a service or observance.
- D. Sounds created by any government agency by the use of public warning devices.
- E. Noise from domestic power tools, lawn mowers, and agricultural equipment when operated with a properly functioning muffler between the hours of 7:00 a.m. and 10:00 p.m., provided they produce less than 85 dBA at or within any real property line of a residential property.
- F. Noise from snowblowers, snow throwers, and snowplows when operated with a properly functioning muffler for the purpose of snow removal.
- G. Noise from an exterior burglar alarm of any building or motor vehicle provided such burglar alarm shall terminate its operation within five minutes after it has been activated.
- H. Noise from construction activity provided all motorized equipment used in such activity is equipped, where applicable, with properly functioning mufflers, except as provided in § 92-6.
- I. Noise generated by Town- or other government-sponsored concerts and events.
- J. Sounds connected with sporting events of any public or private school or a duly authorized carnival, fair, exhibition, parade or similar event.
- K. Noise from safety signals, warning devices and emergency pressure relief valves.
- L. Noise generated by agricultural and farm activities and the normal maintenance of residential and business operations.

Article IV. Enforcement

§ 92-10. Enforcement and administration.

- A. The noise control requirements established by this chapter shall be administered and enforced by any law enforcement agency that has jurisdiction in the Town of Red Hook ("police officers"), the Town of Red Hook Zoning Enforcement Officer, Code Enforcement Official/Building Inspector and Town Attorney or his/her designee and such other employees and/or officials authorized by the Town Board.
- B. Pursuant to the provisions of Municipal Home Rule Law, § 10, Subdivision 4(a), and the Criminal Procedure Law, § 150.10, Police Officers, the Zoning Enforcement Officer and Code Enforcement Official/Building Inspector of the Town of Red Hook are hereby authorized to issue and serve appearance tickets, as defined in the Criminal Procedure Law, returnable in Town Court of the Town of Red Hook, when he or she has reasonable cause to believe a person has violated, in his or her presence, Chapter 92 of the Code of the Town of Red Hook, entitled "Town of Red Hook Noise Control Law," and to prosecute the violation in Town Court.
- C. If the violation occurs on the premises of a property which is occupied by someone other than the owner, the issuer of the appearance ticket must also notify the owner in writing of the violation within five business days of said violation. Failure to provide such notice shall not affect the prosecution of the person or persons charged with said violation.

Article V. Penalties

§ 92-11. 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 in any one calendar year, by a fine not less than \$50 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 a second conviction in any one calendar year, by a fine not less than \$100 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 a third or subsequent conviction in any one calendar year, by a fine not less than \$250 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.

§ 92-12. Additional remedy.

As an additional remedy, the Town may seek a civil penalty in the amounts set forth in § 92-11 above, and/or a restraining order or injunction from a court of competent jurisdiction for the abatement of unreasonable noise.

Article VI. Variances

§ 92-13. Application for Special Variance.

- A. The Town Board shall have the authority to grant special variances from this chapter for limited times and purposes.
- B. Any person seeking a special variance pursuant to this section shall file an application with the Town Clerk. The application shall consist of a letter signed by the applicant and shall contain a legal form of verification. Such letter shall contain information which demonstrates that bringing the source of sound or activity for which the variance is sought into compliance with this chapter would constitute an unreasonable hardship of the applicant, on the community or on other persons. In addition, the following information shall be provided:
 - (1) The plans, specifications and any other information pertinent to the source of sound and vibration.

- (2) The characteristics of the sound and vibration emitted by the source, including but not limited to the sound levels, the presence of impulse sounds or discrete (pure) tones, the day(s) and hours during which such vibration and sound is generated.
 - (3) The noise abatement and control methods used to restrict the emissions of the sound and vibration.
 - (4) A time schedule for the installation of noise abatement and control devices, technology and procedures or process modifications that will be followed to restrict the emissions of sounds and vibrations.
 - (5) The names and address of the applicant and the applicant's agent, if any, and whether the applicant is the owner, lessee, licensee, etc., of the premises. If the applicant is not the owner, the application must contain the written consent of the owner.
 - (6) The names and addresses of all owners of contiguous land within 500 feet of the premises. The applicant in like manner shall give notice of the application by certified mail return receipt requested to all property owners surrounding the sound source site within a radius of 500 feet from the borders of said site.
 - (7) A filing fee in an amount as determined from time to time by the Town Board.
- C. No special variance shall be required for any event that has been authorized through issuance of a public assemblies permit or parade permit, pursuant to Chapters **44** and **95** of the Town Code, so long as the permit specifies that noise control has been reviewed and approved, with any special conditions listed, pursuant to this chapter.

§ 92-14. Public hearing and decision for variances.

A public hearing shall be required for all variance applications heard by the Town Board. Upon reasonable public notice published in the official newspaper of the Town of Red Hook and posted upon a public notice board designated for that purpose by the Town of Red Hook in the Town Hall, for a minimum of 10 days, the Town Board shall hold a public hearing on the special variance application. The Board, upon reviewing all input from the public hearing and obtaining any additional data or information as deemed necessary, shall then pass upon the application by resolution. The decision shall be transmitted to the Town Clerk, who will advise the applicant of such decision by transmitting a copy of the special variance application to the applicant, with the decision and conditions, if any, imposed by the Town Board attached.

§ 92-15. Applicant to obtain other necessary permits .

This chapter does not preclude the necessity of the applicant to obtain the approval or permit required by any other agency before proceeding with the action approved under the approved special variance. No action may be initiated by the applicant until such time that other permits, as may be required, are issued.

§ 92-16. Variance to be available for inspection.

The applicant or his/her agent shall have readily available the approved special variance at the location or site for which the variance has been issued and shall show same to any agent of the Town of Red Hook whenever requested.

§ 92-17. Activity open to inspection.

Activity conducted under the special variance shall be open to inspection at any time by any agent of the Town of Red Hook

§ 92-18. Powers and duties of Town Board.

- A. In determining whether to grant or deny the application, the Board shall balance the hardship to the applicant, the community and other persons of not granting the variance against the adverse impact on the health, safety and welfare of persons affected, the adverse impact on the property affected and any other adverse impacts of granting the special variance.
- B. In connection with this section, the Board shall cause the taking of sound level readings in the event that there shall be any dispute as to the sound levels prevailing or to prevail at the sound source site.
- C. The Board shall have the power to impose restrictions, conditions and the recording of covenants upon any sound source site, including time limits on permitted activity in the event that it shall grant any variance hereunder.

§ 92-19. Severability.

If any provision of this chapter is held to be unconstitutional or otherwise invalid by any Court of competent jurisdiction, the remaining provisions of the chapter shall not be invalidated.