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~~**County**~~
~~**City**~~
of **Goshen**
~~**Village**~~
Village

Local Law No. 3 **of the year** **2026**

A local law Amending Chapter 30, Article I, Section 30-1, of the Code of the Village of Goshen
(*Insert Title)*

Be it enacted by the **Village Board**
(*Name of Legislative Body)*
of the
~~**County**~~
~~**City**~~
of Goshen as follows:
~~**Village**~~
Village

SECTION 1: TITLE

A local law Amending Chapter 30, Article I, Section 30-1, of the Code of the Village of Goshen

SECTION 2: PURPOSE AND INTENT.

The intent of this chapter is to supersede Section 30-1 et. seq, of the Village Code by the enactment of the following provisions, definitions and standards for noise elimination and/ or abatement in the Village of Goshen. In connection with said intent, 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 Goshen.

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 Goshen and its inhabitants.

SECTION 3: AMENDMENT TO CODE

Existing Section 30-1 is repealed in its entirety and replaced with the following:

§ 30-1. 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.

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. 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.

COMMERCIAL DISTRICT
All commercial districts as established in the Code of the Village of Goshen.

COMMERCIAL FACILITY
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. Office buildings.
G. Transportation.
H. Warehouses.

I. Establishments providing commercial living accommodations and commercial property used for human habitation, when such is the source of the sound under investigation.

COMMON WALL BUILDING
Any building wherein there are two or more dwelling units.

CONSTRUCTION
Any site preparation, assembly, erection, repair, alteration 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.

CORRECTED SOURCE SOUND LEVEL
The sound level attributable to the source or sources under investigation for potential violation of this chapter, which is calculated by subtracting the measured ambient sound level from the measured total sound level.

DAYTIME HOURS
The hours between 7:00 a.m. and 9:00 p.m.

dBA
The sound level as measured using the "A" weighting network with a sound level meter meeting the standards set forth in ANSI SI.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
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 restore property to a safe condition following an emergency or work required to protect persons or property from exposure to imminent danger, to deliver essential services, including but not limited to repairing water, gas, electric, telephone or sewer facilities or public transportation facilities, removing fallen trees on public rights-of-way or abating life-threatening conditions.

EXTRANEOUS SOUND
My 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.

IMPULSE 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.

INDUSTRIAL PROPERTY
Property used for the production and fabrication of durable and nondurable man-made goods.

LEGAL HOLIDAYS
New Year's Day, Lincoln's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day and Christmas Day.

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

MOTORIZED EQUIPMENT
Any power equipment utilizing an electric or internal combustion engine.

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

MULTI-USE PROPERTY
Any distinct parcel of land that is used for more than one category of activity. Examples include, but are not limited to:

A. A commercial, residential, industrial or public service property having boilers, incinerators, elevators, automatic garage doors, air conditioners, laundry rooms, utility provisions, or health and recreational facilities, or other similar devices or areas, either in the interior or on the exterior of the building, which may be a source of elevated sound levels at another category on the same distinct parcel of land; or

B. 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 9:00 p.m. and 7:00 a.m.

NOISE CONTROL ADMINISTRATOR
The Code Enforcement Officer, the Building Inspector of the Village of Goshen or the Village of Goshen 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 an investigator 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 govemmental 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; 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).

RESIDENTIAL PROPERTY
Property used for human habitation, including, but not limited to:

A. Private property used for human habitation.

B. Commercial living accommodations and commercial property used for human habitation.

C. Recreational and entertainment property used for human habitation.

D. Community service property used for human habitation.

E. Hospitals, long-term medical or residential care facilities.

SOUND LEVEL
Unless otherwise stated, the sound pressure level measured in decibels with a sound level meter set for A-weighing; 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" 31.40-2006 (or subsequent revisions).

SOUND PRODUCTION DEVICE
My 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.

§ 30-2. Noise disturbance prohibited.
It shall be unlawful for any person to make, continue, cause or allow, orally or mechanically, any noise disturbance affecting persons in the Village of Goshen.

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.

(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.

§ 30-4. Sound level limits.

A. No person shall operate or cause to be operated any source of sound from any use occupancy in such a manner as to create a sound level which exceeds the limits set forth in the use occupancy category in Table 1, when measured at or within the property line of an affected person.

(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 minute, the requirement for a minimum of three measurements shall be waived.

Table 1

Maximum Permissible Sound Level Limits By Receiving Land Use dB(A)

Residential 1 daytime	**Residential Nighttime**	**Commercial 24 hours**	**Industrial 24 hours**
OUTDOORS			
60	50	65	70
INDOORS 1			
50	40	55	60

NOTES:

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 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 80 dBA when measured at or within the real property line of an affected person. If an impulsive sound occurs more frequently than 10 times in any half-hour period, the levels set forth in Table 1 shall apply. At nighttime, if an impulsive sound occurs more frequently than four times in any half hour, the levels set forth in Table 1 shall apply.

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

§ 30-7. Specific prohibited acts, restricted uses and activities.

In addition to the general prohibitions set out above and the maximum permissible sound levels set out in Table 1, and unless otherwise exempted in this chapter, 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 at or within the property line of any affected person.

(1) Prima fade evidence of a violation of this section and the creation of a noise disturbance shall include but not be limited to the operation of such a device during nighttime hours in such a manner that it is plainly audible inside the dwelling of an affected person, with all windows and doors closed.

(2) The limits in Table 1 shall also apply at all times.

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, nonvehicular music or sound production device shall not be operated 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 minutes without interruption, defined as an average of four or more vocalizations per minute in that period; or,
(2) Vocalizing for 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 dog or other 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, for a period longer than five minutes in any sixty-minute period so 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 limits in Table 1 do not apply.

(6) It shall be unlawful to create a noise or disturbance or 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: excluding emergency work, operating or permitting the operation of any tool or equipment used in construction, repair, demolition or excavation shall not be permitted during nighttime hours on any day unless it can meet the limits in Table 1. At all other times the limits set forth In Table 1 do not apply. This section shall not apply to road maintenance/improvement on preexiting 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.

G. Power tools: operating power tools used for landscaping and yard maintenance, excluding emergency work, within 200 feet of a residential property line shall not be permitted during nighttime hours, unless such activities can meet the limits set forth in Table I. All motorized equipment used in these activities shall be operated with a muffler. At all other times, the limits in Table 1 do not apply.

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

I. 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 through 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 at the property line of any affected person. The permissible limits in Table 1 apply to the operation generators tested outside of the prescribed hours or operated when there is no power outage. No person shall at any time operate a generator during nighttime hours in a residential district unless there is a power outage. Generators used on a permitted construction site may not exceed 65 dBA at the property line of any affected person.

J. 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 an affected person or during 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.

§ 30-5. Exemptions.

The following sounds are exempt from the restrictions of this chapter:

A. Sounds from power tools used for landscaping lawn mowers and garden equipment when operated during daytime hours. All motorized equipment used in these activities shall be operated with a
muffler.

B. Sounds produced in conjunction with religious services.

C. Sound from a snow blower, snow thrower, electric snow shovel or snowplow used for the purpose of snow removal.

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 Administrator, or his or her designee, including public or private garbage pickup.

J. Motor vehicles on public roadways otherwise in compliance with New York State Vehicle and Traffic Laws and New York State Department of Motor Vehicle Regulations.

§ 30-6. Inspections.

A. For the purpose of determining compliance with the provisions of this chapter, the Noise 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 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 except that upon 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.

§ 30-7. Sound production at commercial establishments.

A. A commercial establishment, such as a bar, restaurant or performance venue shall not operate, play or permit the operation or playing of any amplified or nonamplified sound production device outdoors without a noise permit, except where outdoor music is played in connection with any special event permitted by the Village Board.

B. The maximum permissible sound level limit for all sound emitted from the commercial establishment, including, but not limited to, amplified or nonamplified sound and patron noise, indoors or outdoors shall be 55 dBA during daytime hours when measured at or within the property line of an affected person. During nighttime hours, sound admitted from the commercial establishment, including, but not limited to, amplified or nonamplified sound and patron noise, indoors or outdoors may not be plainly audible inside the dwelling of an affected person, with all windows and doors of the dwelling of the affected person closed.

C. Noise permit application procedures.

(1) Applications for permits shall be made to the Village Clerk and shall be reviewed and approved by the Village Mayor, Chief of Police and Building Inspector. The permit shall be issued by the Village Clerk. The Village shall have the power to impose restrictions and conditions upon any sound source site.

(2) Applicants must file a permit application with the Village Clerk prior to January 1 of each year. The permit shall be valid for one calendar year.

(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.

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

D. 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 apply best practical noise control measures, if appropriate.

(4) The number of previous noise complaints received in connection with the operation of any sound source at the subject property.

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

F. Noise permit regulations.

(1) The permit shall allow a commercial establishment to operate any amplified or nonamplified sound production device outdoors.

(2) The permit shall be posted in a conspicuous location within the commercial establishment.

(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.

G. Revocation of permit. The permit may be immediately revoked by the Building Inspector, Chief of Police and/or Village Mayor 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.

H. If the Village determines that any commercial establishment has received three summonses for any violation of this Chapter in any permit year, the Village Board shall hold a public hearing to determine whether or not to suspend, revoke, modify, or limit the permit.

(1) Written notice of the public hearing shall be served on the permit holder personally or by certified mail, return receipt requested, addressed to the place of business of the permit holder as set forth in the most recent permit application, at least 10 days prior to the hearing. The commercial facility shall not operate, place, or permit the operation or playing of any sound production device outdoors upon receipt of the notice described herein.

(2) The permit holder will be notified of the determination of the Village Council, in writing, within 15 days of the close of the hearing. Such determination will remain on file in the Office of the Village Clerk.

I. Any commercial establishment whose permit is revoked may be classified as disorderly pursuant to the New York State Alcoholic Beverage Control Law.

§ 30-8. Permits for private or public events; certain construction projects.

A. For purposes of this section, the following sound sources shall require permit approval from the Village of Goshen:

(1) Private or public events. Any person seeking to hold a public or private celebration which may violate provisions of this chapter may apply for a permit which will allow the event to exceed the restrictions within this chapter, subject to the restrictions set forth in said permit. A separate noise permit will not be required where the applicant is required to obtain a permit in connection with any special event permit defined in § 211-13.2.

(2) Construction projects outside of permissible hours.

B. Noise permit application procedures.

(1) Applications for permits shall be made to the Village Clerk and shall be reviewed and approved by the Village Mayor, Chief of Police and Building Inspector. The permit shall be issued by the Village Clerk. 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 location of the noise source for which such application is made.

(c) The nature and intensity of noise that will occur during the period of the permit

(d) Applications for after-hours construction permits shall also include an explanation as to why the construction could not be completed during regular hours, as well as a presentation of adequate proof that compliance with this chapter would impose an arbitrary or unreasonable hardship upon the applicant without equal or greater benefit to the public.

(4) 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.

(5) The permit shall be posed conspicuously within the facility.

(6) No permit issued under the provisions of this chapter may be transferred or assigned from one owner to another owner or from one establishment to another establishment.

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

C. The following factors shall be taken into consideration when determining 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 apply best practical noise control measures, if appropriate.

(4) The number of permits previously issued to the applicant.

(5) The number of permits issued permitting sound source operations at the subject property.

(6) The number of previous noise complaints received in connection with the operation of any sound source at the subject property.

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

E. Revocation of permit. The permit may be immediately revoked by the Building Inspector, Chief of Police and/or Village Mayor if:

(1) There is a violation of one or more conditions of the permit, including but not limited to sound level limits specified in the permit; or

(2) There is a material misrepresentation of fact in the permit application; or

(3) There is a material change in any of the circumstances relied upon in granting the permit.

§ 30-9. Enforcement.

The Code Enforcement Officer, the Building Inspector of the Village of Goshen or the Village of Goshen 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.

§ 30-10. Penalties for offenses.

Any violation of any provision of this chapter or violation of a lawful abatement order shall constitute an offense.

A. For a first offense, a fine of $500 shall be imposed.

B. For a second offense occurring within one year of the first offense, a fine of up to $750 may be imposed for each such additional violation.

C. For a third or further offense, a fine of no more than $1,000, and/or a Class B misdemeanor punishable by imprisonment for up to 30 days.

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 are separately liable for a violation of this chapter.

SECTION 4: SEVERABILITY

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered, and the remaining provisions shall remain in full force and effect.

SECTION 5: SEQRA

It is hereby determined by the Village of Goshen Village Board, the lead agency, and pursuant to the provision of the State Environmental Quality Review Act ("SEQRA"), 8 NYECL Section 0101 et seq. and its implementing regulations, Part 617 of 6 NYCRR, that this Local Law will not have a significant impact on the environment and that no further environmental review or action is required. local law constitutes an Unlisted Action under the State Environmental Quality Review Act.

SECTION 6: EFFECTIVE DATE

This Local Law shall take effect immediately upon its filing with the Secretary of State in accordance with New York Municipal Home Rule Law.