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### RESOLUTION 34 of 2025

#### **RESOLUTION OF THE TOWN OF FALLSBURG RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF FALLSBURG OF LOCAL LAW NO. 2 OF 2025, A LOCAL LAW TO AMEND THE TOWN OF FALLSBURG NOISE CONTROL LOCAL LAW**

**WHEREAS**, an introductory Local Law entitled "A Local Law to Amend the Town of Fallsburg "Noise Control Local Law" was introduced before the Town Board of the Town of Fallsburg on February 4, 2025, and upon notice duly published and posted, a hearing was held on February 25, 2025, before the Town Board;

**WHEREAS**, a public hearing was duly held on February 25, 2025, wherein all interested members of the public were heard;

**RESOLVED**, that the Town Board of the Town of Fallsburg hereby adopts said Local Law No. 2 of 2025 – A Local Law to Amend the "Town of Fallsburg Noise Control Local Law", a copy of which is attached hereto and made part of this resolution, and be it further

**RESOLVED**, that the Town Clerk be and is hereby directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Fallsburg, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

### **LOCAL LAW 2 OF 2025**

#### **A Local Law to Amend the Town of Fallsburg Noise Control Local Law**

**BE IT ENACTED** by the Town Board of the Town of Fallsburg as follows:

§ 197-1        Title.

This chapter shall be known as the "Town of Fallsburg Noise Control Local Law."

§ 197-2        Purpose.

The proliferation of unreasonably loud noises in the Town of Fallsburg of such character, intensity, duration or repetition as to be detrimental to the life, health or safety of any individual or of the public has reached such proportions that the Town, pursuant to the authority granted to it in state enabling statutes and in the New York Constitution, Article 9, § 2, to preserve, protect and promote the public health, safety and welfare, has adopted this noise control chapter which pursuant to the standards hereinafter set forth shall delineate permitted and prohibited noise levels within the Town.

§ 197-3      Definitions.

For the purposes of this chapter, the terms used herein shall be defined as follows:

**A-WEIGHTED SOUND LEVEL**

The frequency-weighted sound pressure level (in decibels) measured on a sound level meter with an A-weighted scale as specified in the American National Standards Institute (ANSI) Specifications for Sound Level Meters (ANSI No. 4-1971).

**AIR COMPRESSOR**

A machine or device that draws in air and compresses it for delivery at a higher pressure.

**AMBIENT NOISE**

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

**ANSI**

The American National Standards Institute or its successor bodies.

**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 lines or other property, including but not limited to related activities such as land clearing, grading, earthmoving, excavating, blasting, filling and landscaping.

**CONSTRUCTION SITE**

Any location, including land and water, where construction takes place.

**DECIBEL**

A unit for measuring the volume of sound equal to 20 times the logarithm to the base of 10 of the ratio of the pressure of the sound measured to the reference pressure which is 20 micro pascals (20 microneutons per square meter).

**EMERGENCY**

A public calamity or the exposure of any person or property to imminent danger.

**EMERGENCY WORK**

Work or activity that is necessary to prevent or recover from an emergency, including but not limited to work to repair electric, gas, water, sewerage and telephone services.

L10

The A-weighted sound level measured with slow response that is exceeded 10% of the time.

L50

The A-weighted sound level measured with slow response that is exceeded 50% of the time.

L90

The A-weighted sound level measured with slow response that is exceeded 90% of the time.

LEVEL

The logarithm of the ratio of a quantity to a reference of the same kind. The base of the logarithm is 10. The kind of level and the reference must be specified.

MAXIMUM GROSS WEIGHT

The weight of the vehicle unladen, plus the weight of the maximum load to be carried by such vehicle during the registration period or the maximum gross weight for which the vehicle is registered, whichever is greater (New York State Vehicle and Traffic Law).

MOTOR VEHICLE

Every vehicle operated or driven upon a public highway which is propelled by any power other than muscular power (New York State Vehicle and Traffic Law).

MOTORCYCLE

Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor (New York State Vehicle and Traffic Law).

MUFFLER

A device for abating the sound of escaping gases of an internal combustion engine or other sound source.

NOISE OF A PERIODIC CHARACTER

A sound of short duration punctuated by pauses of indefinite duration; for example, a power saw.

NOISE OF AN IMPULSIVE CHARACTER

Bursts of sound usually of less than one second's duration; for example, explosions and gunshots, which significantly exceed the ambient sound level of the area.

NOISE-SENSITIVE ZONE

An area adjacent to a site, including but not limited to any authorized school, church, senior citizen center, day-care center or hospital, which requires specific noise limitations.

#### OWNER

Any person who has regular control of a device or site, including but not limited to the owner of a freehold of the premises or lesser estate therein or mortgages thereof or an agent or lessee of such person.

#### PERSON

Any individual, partnership, company, public or private corporation, association, firm, organization, political subdivision, governmental agency, administration or department, municipality, trust estate, group of individuals or any other legal entity whatsoever.

#### PUBLIC HIGHWAY

Any highway, road, street, avenue, alley, public place, public driveway or any other public way (New York State Vehicle and Traffic Law).

#### RAILROAD

A railroad operated for public use for conveying people or property for compensation, and includes all material and facilities used therewith.

#### RECREATIONAL VEHICLE

Any vehicle which is propelled by any power other than muscular power that is designated for or capable of cross-country travel, such as a motorcycle, trail bike or minibike, but not a snowmobile. A recreational vehicle is also classed as a motor vehicle when such recreational vehicle is operated or driven upon a public highway.

#### REFUSE-COMPACTING/COLLECTING VEHICLE

Any vehicle which is designated to be used or is actually used to compact and transfer refuse, recyclables, garbage or trash.

#### SNOWMOBILE

Any self-propelled vehicle designed for travel on snow or ice, steered by skis or runners and supported in whole or in part by one or more skis, belts or cleats.

#### SOUND

An oscillation in pressure, stress, particle displacement or other physical parameter, in a medium with internal forces (American National Standards Institute terminology).

#### SOUND LEVEL

The quantity in decibels measured by a sound level meter satisfying the requirements of American National Standards Specifications for Sound Level Meters, S1.4-1971. This publication is available from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018, Sound level is the frequency-weighted sound pressure level obtained with the standardized dynamic characteristic fast or slow and weighting A, B or C; unless indicated otherwise, the A-weighting with a slow response is understood.

#### SOUND LEVEL METER

An instrument, including a microphone, an amplifier, an output meter and frequency-weighing network for the measurement of sound levels. Sound level meters shall conform to the requirements of ANSI Specifications for Sound Level Meters, S1.4-1971, Types 1, 2, S1A or S2A.

#### SOUND PRESSURE LEVEL

Twenty times the logarithm to the base 10 of the ratio of the root mean squared pressure of a sound to a reference pressure of 20 micro pascals. The unit applied to this measure shall be the decibel (dB).

#### SOUND REPRODUCTIVE 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 musical instrument, radio, television, tape recorder, phonograph or any other sound-amplifying equipment.

#### SOUND SOURCE

Any activity or device that produces sound.

#### TOWN

The Town of Fallsburg, Sullivan County, New York.

#### TOWN CLERK

The Clerk of the Town of Fallsburg, Sullivan County, New York.

#### TOWN CODE

The Code of the Town of Fallsburg, Sullivan County, New York.

#### UNREASONABLE NOISE

Any excessive or unusually loud sound which injures or endangers the repose, health, peace or safety of a reasonable person or which causes injury to animal life or damages to a person's property or business.

#### § 197-4 Factors in determining reasonableness or necessity of noise.

A. The factors which will be used to determine that noise is unreasonable to a reasonable person are:

- (1) The noise occurs at night between 10:00 p.m. and 7:00 a.m., rather than during the day;
- (2) The source of the sound is permanent, rather than temporary;
- (3) The noise is of a periodic or impulsive character, rather than continual and steady;
- (4) The noise intrudes into a residential zoning district or an area with sleeping facilities, including residences, apartments, motels, hotels or college dormitories;
- (5) The duration of the noise is prolonged, rather than short;
- (6) The noise is reoccurring on an intermittent basis, rather than continual and steady;
- (7) The noise is louder and more intense than the volume and intensity of the background noise in the area; and
- (8) The noise is unnatural, rather than sound normally occurring in nature.

B. Unreasonable noise shall be measured or determined at the adjoining property line or, in the case of a multiple residence or multiple dwelling, within adjoining or adjacent apartments or hallways.

C. The zoning district within which a particular premises is situated shall be as indicated by the Zoning Code of the Town then in effect.[1]

[1] Editor's Note: See Ch. 310, Zoning.

**§ 197-5 Objective standards for determination of reasonableness or necessity of noise.**

It shall be *prima facie* that an act is a violation of this chapter when a sound level meter indicates that the decibel level of a particular activity is in excess of the standards hereinafter set forth. All measurements will be made on the A-weighted sound level of a sound level meter with a slow response.

**§ 197-6 On-premises volume control.**

Any person producing noise by horn, whistle or other similar device must have the ability to control the volume of said device from the property or structure which is producing the noise or must have the capability to change volume settings remotely, if volume is controlled other than on-premises.

**§ 197-7 Prohibitions; enumeration of unreasonable noises.**

A. No person shall make or continue or cause or permit to be made or continued any unreasonable noise. Noncommercial public speaking and public assembly activities conducted in any public space shall be exempt from the operation of this section.

B. The following acts and the causing thereof are declared to be in violation of this chapter and are prohibited in the Town, but any enumeration herein shall not be deemed to be exclusive:

- (1) Horns, signaling devices, etc.: the sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public place of the Town, except as a danger warning; or the

use of any signaling device or the use of any horn, whistle or other device operated by engine exhaust, except when such device is used to give notice of the time to stop and start work or school.

(2) Radios, phonographs, televisions, etc.: the using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph or other machine or device for the producing, reproducing, or amplification of sound in such a manner as to unreasonably disturb the peace, quiet and comfort of the neighborhood inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device in such a manner as to be plainly audible at a distance of 50 feet from the source of the noise shall be *prima facie* evidence of a violation of this section.

(3) Loudspeakers and amplifiers: the using, operating or permitting to be played, used or operated of any radio receiving set, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound on the outside of a building or structure, except where authorized by special permit to be issued by the Chief of Police, who shall make reasonable rules and regulations therefor.

(4) Yelling, shouting, hooting, whistling or singing at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel or other type of residence or of any persons in the vicinity. Yelling and shouting clearly audible at a distance of 50 feet from the source of the noise shall be *prima facie* evidence of a violation of this section.

(5) Animals, birds, etc.: the keeping of any animal or bird which, by causing frequent or long-continued noise, disturbs the peace, quiet and comfort of the neighborhood inhabitants. Animal or bird noises audible at a distance of 50 feet from the source of the noise shall be *prima facie* evidence of a violation of this section.

(6) Air conditioning, air-handling devices and refrigeration units, including those on trucks, audible at a distance of 50 feet.

(7) Exhausts: the discharge into the open air of the exhaust of any steam engine, internal combustion engine or other motor, motorboat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(8) Defect in vehicle or load: the use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise.

(9) Loading/unloading of vehicles or opening boxes: the creation of any unreasonably loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.

(10) Construction or repairing of buildings: the erection (including excavation), demolition, alteration or repair of any building, including the use of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other equipment, the use of which is attended by loud or unusual noise, other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in case of urgent necessity in the interest of public health and safety and then only with a permit as provided for in Chapter 96 of the Town Code.

(11) Schools, courts, houses of worship and hospitals: unless a permit has been issued pursuant to § 197-20, the creation of any excessive noise on any street adjacent to any school, institution of learning, house of worship or court while the same is in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution or which disturbs or unduly annoys patients in the hospital, provided that conspicuous signs are displayed in such street indicating that the same is a school, hospital or court.

(12) Hawkers and peddlers: the shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood. Shouting and crying at an audible distance of 50 feet from the source of the noise shall be *prima facie* evidence of a violation of this section.

(13) Musical instruments: The use of any musical instrument or device for the purpose of attracting attention by the creation of noise to any performance, show or sale audible at a distance of 50 feet from the source of the noise shall be *prima facie* evidence of a violation of this section.

(14) Transportation of metal rails, pillars and columns: the transportation of rails, pillars or columns or iron, steel or other material over and along streets and other public places upon carts, trays, cars, trucks or in any other manner so loaded as to be audible at a distance of 50 feet from the source of the noise.

(15) Testing of car alarms: The testing of automobile alarms through the sounding of the alarm at an establishment for the installation or repair of automobile alarms located within 100 feet of a residential zoning district shall be prohibited, unless said testing occurs within a building in an area within said building which has no open windows or doors during the time of testing or unless a muffler has been attached to said car alarm so as to prevent the emanation of unreasonable noise which would disturb the quiet and comfort of the neighborhood inhabitants. Noise audible at a distance of 50 feet from the source of the noise shall constitute *prima facie* evidence of a violation of this section.

(16) The operation of any electric-powered motor or device, the operation of which causes unreasonable noise so as to disturb the peace, quiet and comfort of the neighborhood inhabitants. Noise audible at a distance of 50 feet from the source of the noise shall constitute *prima facie* evidence of a violation of this section.

#### § 197-8        Operational noise limits for motor vehicles.

A. It shall be unlawful for any person to operate or cause to be operated on a public highway any motor vehicle or combination of vehicles at any time, under any condition of grade, load, acceleration or deceleration, in such a manner as to exceed the applicable A-weighted sound level set forth in this section. The maximum allowable sound levels are based on a sound level measured at a distance of 50 feet from the center of the lane in which the motor vehicle is traveling. These limits shall apply to the total sound level emitted.

B. This section shall not apply to authorized emergency vehicles.

#### Maximum Allowable A-Weighted Sound Levels

(Environmental Protection Agency Regulations)

Vehicle

35 mph or less

Greater than 35 mph

Any vehicle or combination of vehicles with a maximum gross weight in excess of 10,000 pounds

86 db(A)

90 db(A)

Any motorcycle

82 db(A)

86 db(A)

Any other motor vehicle or combination of vehicles

76 db(A)

82 db(A)

§ 197-9        Stationary noise limit for motor vehicles.

A.     It shall be unlawful for any person to operate or cause to be operated on a public highway any motor vehicle or combination of vehicles with a maximum gross weight in excess of 10,000 pounds and equipped with an engine speed governor which generates an A-weighted sound level in excess of 88 db(A), measured at a distance of 50 feet from the longitudinal center line of the vehicle, when its engine is accelerated from idle with a wide-open throttle to governed speed with the vehicle stationary, transmission in neutral and clutch engaged (Environmental Protection Agency regulations).

B.     This section shall not apply to authorized emergency vehicles.

§ 197-10       Refuse collection vehicles.

No person shall operate or permit to be operated a refuse-collecting vehicle which, when collecting or compacting, exceeds a sound level of 80 db(A) at a distance of 10 feet from any surface of the collecting or compacting unit.

§ 197-11       Recreational vehicles, including snowmobiles.

No person shall operate or permit to be operated any recreational vehicle off a public highway at any time, at any speed or under any condition of grade, load, acceleration or deceleration or in any manner whatsoever, as to exceed the sound level limits set forth in the following tables for the specified date of manufacture. The limits shall apply at a distance of 50 feet from such recreational vehicle.

Recreational Vehicles

Sound Level Limit

Date of Manufacture

Displacement less than 240 cc

Displacement greater than 240 cc

6/1/1970 to 5/31/1973

89 db(A)

92 db(A)

6/1/1973 to 5/31/1978

87 db(A)

90 db(A)

6/1/1978 to 5/31/1983

83 db(A)

86 db(A)

6/1/1983 and after

76 db(A)

77 db(A)

Snowmobiles

Date of Manufacture

Sound Level Limit\*

6/1/1972 to 5/31/1975

82 db(A)

6/1/1975 to 5/31/1978

78 db(A)

6/1/1978 and after

73 db(A)

\*

No distinctions made as above as to displacement.

§ 197-12 Operational noise limits for railroads.

No person shall operate or permit to be operated any railroad locomotive, cars, or any other rolling stock or equipment so as to cause a violation of the allowable sound levels adopted by the federal government.

§ 197-13 Operational noise limits for aircraft.

No person shall operate or permit to be operated any aircraft so as to cause a violation of the Federal Aviation Administration's certified noise levels as presented in Advisory Circular 36-1 and/or in all future revisions and publications.

§ 197-14 Air-conditioning and air-handling devices.

No person shall operate or permit to be operated an air-conditioning or air-handling device that exceeds the maximum sound-level limitations provided in this section.

A. In areas zoned residential, single-family or multiple-dwelling units, continuous sound in air which has crossed the property line shall not exceed 55 db(A) at any point.

B. The provisions of this section shall not apply if the sound from the air conditioner or air-handling device produces less than a five db(A) increase in the sound level that exists in the absence of such sound. (Provisions agree with recommendations of the Environmental Protection Agency and the Air Conditioning and Refrigeration Institute.)

§ 197-15 Air compressors.

No person shall operate or permit to be operated an air compressor unless a muffler certified by the manufacturer of such muffler to provide a dynamic insertion loss of not less than 20 db(A) of the sound emitted from the exhaust of such compressor is installed on such exhaust.

§ 197-16 Pavement breakers.

No person shall operate or permit to be operated a paving breaker manufactured prior to December 31, 1974, other than one operated electrically or hydraulically, unless a muffler certified by the manufacturer of such muffler to provide a dynamic insertion loss of five db(A) of the sound emitted from the air exhaust of such paving breaker is installed on such air exhaust.

§ 197-17 Places of public entertainment.

No person shall operate or permit to be operated a place of public entertainment, including but not limited to a restaurant, bar, cafe, discotheque, or dance hall, or similar venue in which the sound level is equal to or exceeds 95 db(A) for more than 30 seconds at the location of the spectators.

§ 197-18 Provisions to be kept current.

The sections and provisions of §§ 197-6 through 197-19 shall be revised or amended from time to time in order to be kept current with all updated federal and/or state noise level standards.

§ 197-19 Limitations in zoning districts, construction sites, and noise-sensitive zones.

No person shall operate or permit to be operated in a zoning district, as defined in the Town of Fallsburg Zoning Code,[1] any device or cause or permit any sounds that produce a sound level exceeding the limitations in this section. The measurement of any sound or noise shall be made with a sound level meter using an A-scale decibel level. The measurement shall be conducted at the property line on which such noise is generated or perceived, whichever is appropriate as determined by the Code Enforcement Officer, the Code Enforcement Officer's designee(s), or Town police officer, in a residential district, or at the boundary lines of the receiving zoning district. The provisions of this section shall not apply to areas of federal preemptions.

A. Residential zoning districts, including PUD, PRD and REC Districts.

- (1) During the hours of 8:00 a.m. to 10:00 p.m., noise levels within any residential zoning district shall not exceed 65 db(A) or an L10 in excess of 60 db(A).
- (2) During the hours of 8:00 p.m. to 10:00 a.m., noise levels within any residential zoning district shall not exceed 55 db(A) or an L10 in excess of 50 db(A).
- (3) The sound levels specified in Subsection A(1) and (2) shall be decreased by five decibels if the sound contains impulsive or discrete tone characteristics.

B. Other than industrial zoning districts. Noise levels within any nonresidential zoning districts shall not exceed 65 db(A) or an L10 of 60 db(A).

C. Industrial zoning districts.

- (1) Noise levels within any industrial zoning districts shall not exceed 70 db(A) for a duration of 24 hours per day.
- (2) At no point on the boundary of a residential zoning district shall the sound level of any industrial operation exceed the following levels:

District

Measured

Level

I

At residential district boundary

60 db(A)

- (3) At no point on the boundary of a nonresidential district shall the sound level of any industrial operation exceed the following levels:

District

Measured

Level

I

At commercial district boundary

65 db(A)

(4) Noise regulations for workers in manufacturing districts is regulated by the Occupational Safety and Health Act.[2]

[2] Editor's Note: See 29 U.S.C. § 651 et seq.

D. Construction sites. No person shall conduct or permit to be conducted activities, such as the erection, including excavation, demolition, alteration or repair, of any building and land disturbance other than between 7:00 a.m. and 6:00 p.m. on weekdays, except in the event of urgent necessity in the interest of safety and then only provided a permit in writing has been issued by the Building Department, in a manner as to produce a sound level exceeding the limitations in this section.

(1) Residential zoning districts. During the hours of 8:00 a.m. to 10:00 p.m. on weekdays, noise levels from a construction site shall not exceed an L10 of 70 db(A) when measured at a distance of 400 feet from the construction site; during the hours of 10:00 p.m. to 8:00 a.m., on weekends, noise levels shall not exceed an L10 of 55 db(A) when measured at a distance of 400 feet from the construction site.

(2) Nonresidential zoning districts. During normal business hours, noise levels shall not exceed an L10 of 75 db(A) when measured at a distance of 400 feet from the construction site; during other than normal business hours, noise levels shall not exceed an L10 of 80 db(A) when measured at a distance of 400 feet from the construction site.

(3) Industrial zoning district. During a twenty-four-hour period, noise levels shall not exceed 80 db(A) when measured at the construction site boundary.

E. Noise-sensitive zones. No person shall cause or permit the creation of any unnecessary noise exceeding 55 db(A) on any street, sidewalk or public place adjacent to any school, church, senior citizen center or authorized day-care center while in use or adjacent to any hospital at any time.

F. The decibel level restrictions in § 197-19 shall not supersede the noise or sound restrictions, limitations and regulations set forth in other sections of this chapter.

[1] Editor's Note: See Ch. 310, Zoning.

§ 197-20 Permits.

Applications for permits for relief from the noise level provisions of this chapter on the basis of undue hardship shall be made to the Code Enforcement Officer of the Town of Fallsburg. Any permit granted shall contain all conditions upon which said permit has been granted, shall specify a reasonable time that the permit shall be

effective and shall include a time schedule for the installation of noise abatement procedures or devices. In determining whether to grant a permit, the hardship of the applicant should be balanced against the adverse impact on the health, safety and welfare of the persons and property affected. A permit may be granted if it is found:

- A. That additional time is necessary for the applicant to alter or modify his activity or operation to comply with this chapter; or
- B. That no other reasonable alternative is available to the applicant; and
- C. The activity, operation or noise source will be of temporary duration and cannot be done in a manner that would comply with this chapter.

§ 197-21      Public hearing.

A public hearing may be held if there is sufficient public interest concerning an application for a permit.

§ 197-22      Enforcement.

The provisions of this chapter shall be enforced by the Town Code Enforcement Office and the Police Department of the Town of Fallsburg, and they shall have the power to:

- A. Order any person to cease and desist from any activity which causes, or is conducted so as to cause, a violation of any provision of this chapter;
- B. Seal any device, after obtaining the proper judicial order, which causes, or is maintained or operated so as to cause, a violation of any provision of this chapter; and
- C. Issue a notice of violation and/or appearance ticket to the individual or entity allegedly violating any provision of this chapter to appear before the Town of Fallsburg Justice Court.

§ 197-23      Penalties for offenses.

A. Any person violating any of the provisions of this chapter shall be deemed guilty of a violation and, upon conviction thereof, shall be fined in an amount not exceeding \$1,000 or be imprisoned for a period not exceeding 15 days, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. Further, the Town Board may seek civil monetary penalties and injunctive relief, as follows:

(1)      Penalties.

(a)      Any person who violates any provision of this chapter shall be liable to pay a civil penalty as follows:

- [1]      Two hundred fifty dollars for the first violation;
- [2]      Five hundred dollars for the second violation; and
- [3]      One thousand dollars minimum for any violation thereafter.

(b) The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of the Town of Fallsburg.

B. Injunctive relief. An action or proceeding may be instituted in the name of the Town of Fallsburg, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of this chapter, or any term or condition pursuant to any provision of this chapter. In particular, but not by way of limitation, where a violation of this chapter occurs, an action or proceeding may be commenced in the name of the Town of Fallsburg, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing compliance with this chapter or remediation of the condition in violation of such provisions.

§ 197-24 Severability.

If any clause, provision, section or part of this chapter is held to be unconstitutional or invalid by any court, the remaining clauses, provisions, sections, and parts of this chapter shall not be invalidated.

**Effective Date** This local law shall become effective immediately upon the filing in the office of the New York Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.

MOVED BY: Councilperson Jeff Wiener

SECONDED BY: Councilperson Nathan Steingart

	Yea	Nay	Abstain	Absent
Supervisor Michael Bensimon	x			
Councilmember Nathan Steingart	x			
Councilmember Miranda Behan			x	
Councilmember Sean Wall Carty			x	
Councilmember Jeff Wiener	x			

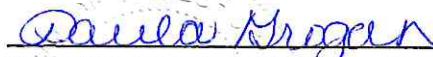
Adopted by the Town of Fallsburg Town Board on the 25th day of March 2025

The Resolution was thereupon duly adopted.

CERTIFIED TRUE COPY

I, Paula Grogan, Town Clerk of the Town of Fallsburg hereby certify that the foregoing is a full, true, and accurate copy of a resolution duly and regularly adopted by the governing body of the municipality, at a meeting duly and regularly held on March 25, 2025, at which quorum was present throughout, and the required majority of the governing body voted in favor of this resolution. I further certify that this resolution is still in full force and effect and has not been revoked or modified.

Dated: March 25, 2025

  
\_\_\_\_\_  
Paula Grogan, Town of Fallsburg Town Clerk  
(Town Seal)