

By Alderperson : COUNCIL AS A WHOLE

Seconded by Alderperson : \_\_\_\_\_

**A RESOLUTION TO APPROVE PROPOSED LOCAL LAW NO. 7 OF 2021  
(PROHIBITED NOISE) AS TO FORM AND SCHEDULING A PUBLIC HEARING  
THEREON**

**WHEREAS**, the City of Rensselaer is desirous of establishing a Local Law to Amend Section 131-1 of the City Code relative to Prohibited Noise so as to include non-emergency use of compression brakes on vehicles; and

**WHEREAS**, the Common Council has reviewed proposed Local Law No.7 of the year 2021, attached hereto; and

**WHEREAS**, such Local Law appears appropriate as to form and it appearing appropriate for a Public Hearing to be scheduled so as to consider public comments on such proposed Local Law.


**NOW, THEREFORE BE IS RESOLVED**, that proposed Local Law No.7 of the year 2021 is hereby approved as to form; and

**BE IT FURTHER RESOLVED**, that a Public Hearing will be held at 6:30 pm on June 16, 2021, at the City Hall of the City of Rensselaer located at 62 Washington Street, Rensselaer, New York, so as to the allow the Common Council to hear Public Comment on proposed Local Law No. 7 of 2021; and

**BE IT FURTHER RESOLVED**, that the City Clerk is hereby authorized and directed to issue appropriate Public Notice of the Public Hearing scheduled herein.

James Van Vorst	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Dave Gardner	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Bryan Leahey	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
James Casey	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input checked="" type="checkbox"/> Absent
Eric Endres	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Margaret Van Dyke	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
John DeFrancesco	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Vote Totals	6 Aye	0 No	Abstain	Absent
Result	passed			

Approved as to form and sufficiency  
this 2 day of June, 2021

  
Corporation Counsel

SO APPROVED!

  
Mayor

**CITY OF RENSSELAER**

**LOCAL LAW NO. 7 OF THE YEAR 2021.**

**A Local Law to Amend Section 131-1  
of the Code of the City of Rensselaer,  
New York, Relative to Prohibited  
Noise**

**Be it enacted by the Common Council of the City of Rensselaer as follows:**

**ARTICLE I. INTENT**

This Local Law shall be known as Local Law No. 7 of 2021, and shall amend Section 131-1 of the Code of the City of Rensselaer, New York, relating to Prohibited Noise. This Local Law amends and supersedes all previously adopted Local Laws concerning such Section of the Code of the City of Rensselaer. The purpose of this Local Law is to update such Section of the City Code so as to prohibit the use of compression brakes on vehicles except in the case of an emergency.

**ARTICLE II. LEGISLATIVE ACTION**

The Common Council of the City of Rensselaer, New York, hereby amends Section 131-1 of the Code of the City of Rensselaer, New York, so as to read as follows:

**§ 131-1. Prohibited noise.**

- A. It shall be unlawful for any person within the City of Rensselaer to make, continue or cause to be made or continued any loud, unnecessary or unusual noise which either annoys, disturbs or endangers the comfort, repose, health, peace or safety of others within the limits of the City.
- B. The following acts are declared to be loud, disturbing and unnecessary noises in violation of this section:
  - (1) Vehicles: horns, signaling devices, car radios, tape players, compact disc players, amplifiers and loud speakers; the sounding of any horn or signaling device on any automobile, motorcycle or any other vehicle on any street or public place in the City, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound, the sounding of any such device for any unnecessary and

unreasonable period of time, the use of any horn, whistle or other device operated by engine exhaust and the use of any such signaling device when traffic is for any reason held up; and the playing, using, operating or permitting to be played, used or operated of any radio, tape player, compact disc player, amplifier, loud speaker or other machine or device for the producing or reproducing of any sound which is cast upon the public streets, sidewalks, parks, plaza or any other public areas of the City. Authorized emergency vehicles may use warning sounds. Weddings, parades and other organized events which customarily use motor vehicles and sound their horns during the event are excepted from the operation of this chapter.

(a) No person shall use compression brakes while operating a motor vehicle upon any street where signs prohibit the use of compression brakes, except as such use is necessary in an emergency.

(b) Definitions.

(i) "Compression brakes" means a device which, when manually activated, retards the forward motion of a motor vehicle by the direct and sole use of the compression of the engine of the vehicle.

(ii) An "emergency" contemplates that an immediate stoppage or slowing of the vehicle is necessary in order to prevent injury to persons or damage to property or to remedy an injury that has already occurred, and that friction brakes are either not available or would not have been as effective in bring the vehicle to a stop or slowing it down.

(c) This subparagraph shall not apply to vehicles of a municipal fire department, whether or not responding to an emergency, participating in an exercise in emergency management, or rendering assistance under a mutual aid agreement.

- (2) Engine exhausts: the discharge into the open air within the City of the exhaust of any steam engine, gasoline engine, stationary internal-combustion engine or any other type of engine, motorboat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (3) The construction or repairing of buildings: the creation of noise associated with an excavation, demolition, alteration or repair of any building within the City other than between the hours of 6:00 a.m. and 9:00 p.m. except in the case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Inspector, which permit may be renewed for periods of three days while the emergency continues.
- (4) Loudspeakers, amplifiers, paging systems, portable radios, portable tape and compact disc players and sound on the streets: the playing, using or operating or permitting to be played, used or operated of any radio receiver, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of any sound which is cast upon the public streets, sidewalks, parks, plaza areas or any public areas of the City. Practice sessions by school bands are exempt from the operation of this chapter.
- (5) Radios and phonographs, use on private property: Playing, using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, tape or compact disc player, television receiving set or other machine or device for the producing or reproducing of sound, including but not limited to machines or devices in motor vehicles, is prohibited if such sound is loud enough to disturb the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.
- (6) Yelling and shouting: yelling, shouting, hooting or singing on the public streets of the City or at any time or place so as to annoy the peace, quiet, comfort or repose of persons in any office or in any dwelling or any other type of residence or of persons within the vicinity, within the limits of the City.

- (7) Animals: No person shall keep, permit or maintain any animal under his control that causes unreasonable or unnecessary noise by continued barking, howling or other animal noises.

### ARTICLE III. EFFECTIVE DATE

This Law shall take effect immediately upon its filing with the Office of the New York State Secretary of State.

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as Local Law No. \_\_\_\_ of 2021 of the City of Rensselaer was duly passed by the Common Council on \_\_\_\_\_, 2021, in accordance with the applicable provisions of law.

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as Local Law No. \_\_\_\_ of 2021 of the City of Rensselaer was duly passed by the Common Council on \_\_\_\_\_, 2021, and was (approved)(not approved) (repassed after disapproval) by the Elective Chief Executive Officer\*, Mayor Michael Stammel, and was deemed duly adopted on \_\_\_\_\_, 2021.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as Local Law No. \_\_\_\_ of 202\_\_ of the City of Rensselaer was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 200\_\_, and was (approved)(not approved)(repassed after disapproval) by the Elective Chief Executive Officer\*, \_\_\_\_\_ on \_\_\_\_\_, 200\_\_. Such Local Law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_, 200\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as Local Law No. \_\_\_\_ of 202\_\_ of the City of Rensselaer was duly passed by the Common Council on \_\_\_\_\_, 202\_\_, and was (approved)(not approved)(repassed after disapproval) by the Elective Chief Officer\*, Mayor Michael Stammel, on \_\_\_\_\_, 202\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_, 202\_\_0, in accordance with the applicable provisions of law.

**§ 131-3. Penalties for offenses.**

Any person, firm or corporation violating any provision of this chapter shall be fined not less than \$50 nor more than \$500 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. The Police Department may, in its discretion, confiscate the offending device at the scene of the offense, and the return of said device shall be in the sound discretion of the court.