

Village of Canajoharie

Be it enacted by the Village Board of the Village of Canajoharie, Montgomery County, New York as follows:

SECTION ONE: NAME

This local law shall be entitled "Local Law No.2-2024"

SECTION TWO: PURPOSE

It is the purpose of this law to protect and promote the health, safety and general welfare of the residents of the Village of Canajoharie by modernizing sections of the Village Code to address various ongoing issues within the Village and prepare for the reinstallation of the historic Dummy Light.

SECTION THREE: DEFINITIONS

(RESERVED)

SECTION FOUR: CODE UPDATES

The following are the language changes, new codes, and their respective changes being proposed:

1. §53-3 Dogs, Unlawful acts
 - A. Paragraph F is replaced with:

“No person shall keep, suffer, permit, or allow any dog to engage in habitual loud howling, barking, crying or whining that is continuous and exceeds 15 minutes or allowing the dog to conduct itself in such a manner so as to unreasonably and habitually disturb the comfort or repose of any person other than the owner of such dog.”

2. §145-31 Schedule II: One-Way Streets

Schedule II is amended to remove:

 - A. Cliff Street, West, 7:00 a.m. to 12:00 noon/Sundays, From Otsego Street to Shaper Avenue
 - B. Walnut Street, South, 7:00 a.m. to 12:00 noon/Sundays, From Cliff Street to Wheeler Street

3. §145-36 Schedule VII: No Parking Any Time

Schedule VII is amended to add:

 - A. Church Street, West Side, Between Mohawk Street and Rock Street

4. §145-39 Schedule X: Trucks over Certain Weights Excluded

Schedule X is replaced as follows:

- A. In accordance with the provisions of § 145-25 and Local Law No. 1 of the year 1986, trucks in excess of the weights indicated are hereby excluded from the following streets or parts of streets:
- 1) Any motor vehicle of more than 18,000 pounds' gross vehicle weight shall not turn from Church Street (NY Route 10) onto East Main Street or West Main Street (NY Route 5S), nor shall any such vehicle turn from East Main Street or West Main Street (NY Route 5S) onto Church Street (NY Route 10) in the Village of Canajoharie at any time.
 - 2) Any motor vehicle of more than 18,000 pounds' gross vehicle weight shall not turn from Church Street (NY Route 10) onto Montgomery Street, Mohawk Street, or Little Mohawk Street, nor shall any such vehicle turn from Montgomery Street or Mohawk Street onto Church Street (NY Route 10) in the Village of Canajoharie at any time.
 - 3) Any motor vehicle of more than 30,000 pounds' gross vehicle weight (except for local deliveries) shall not be operated on Cunningham Road from Montgomery St to the Village limits, on Montgomery Street from Moyer Street to Cunningham Road, on Maple Avenue from Front Street to Carlisle Road, and Front Street along its entire length.
- B. A violation of this section shall be a traffic infraction, punishable as provided by §1800 of the Vehicle and Traffic Law.

5. §99 Peace and Good Order, Article II Noise
Is replaced as follows:

§ 99-7 PURPOSE

A. The Village Board finds that:

- 1) Unnecessary noise degrades the environment of the Village to a degree which:
 - a. Is harmful and detrimental to the health, welfare and safety of its inhabitants.
 - b. Interferes with the comfortable enjoyment of life, property and recreation and with the conduct and operation of business and industry.
 - c. Causes nuisances.
- 2) No one has any right to create unnecessary noise.
- 3) Effective control and elimination of unnecessary noise is essential to the furtherance of the health and welfare of the Village's inhabitants and to the conduct of the normal pursuits of life, recreation, commerce and industrial activity.

B. The Village Board recognizes that some inhabitants of the Village of Canajoharie must sleep during the daylight hours in order that they may be employed in the nighttime and that infants, invalids and illness require that unnecessary noise be eliminated; and the Board is

mindful of the fact that a busy Village creates sufficient noise by its own activity which cannot be eliminated. Therefore, it is in the public interest that unnecessary noise, especially unnecessary recreational noise, be eliminated within the corporate limits.

- C. It shall be an expression of the legislative intent of this Board that the proliferation of portable radios and tape players being played outside of dwellings, upon the public way, on public sidewalks and in parks and plaza areas and on porches and steps of buildings be discouraged. Individuals that find it necessary to operate these devices out of doors at loud levels should operate them with headsets or headphones attached so that the persons who desire to listen to these devices may enjoy them in comfort and that they not be permitted to create a nuisance in the neighborhood. It is also an expression of the legislative intent of this Board that commercial establishments which provide live entertainment or jukebox entertainment or entertainment through some sound amplification system be discouraged from having such entertainment audible outside of said premises and on the public ways and streets and be specifically discouraged from loud or noisy entertainment being conducted with their doors open to the public way, unless properly permitted.
- D. It shall also be an expression of the legislative intent of this Board to discourage the use of any horn or signaling device on any automobile, motorcycle or other vehicle, except as a danger warning, especially to discourage the use of a vehicle horn in closely settled neighborhoods to signal a resident to come down or out of a building, except in a situation where the driver of the vehicle, due to disability, is incapable of leaving the vehicle to go to the door of the residence to be addressed.

§ 99-8 PROHIBITED ACTS; EXCEPTIONS; PERMITS

- A. It shall be unlawful for any person within the Village of Canajoharie 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 Village.
- B. The following acts are declared to be loud, disturbing and unnecessary noises in violation of this section:
 - 1) Vehicles.
 - a) Horns and signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle or any other vehicle within the Village limits, 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 an 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. 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.

- b) Engine exhausts. The discharge into the open air within the Village 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.
 - c) Vehicles (trucks/trailers) equipped with combustion-engine-powered refrigeration units. While recognizing that the operation of said units is required to protect the contents of perishable cargo during transportation and delivery, the operation of said units for any purpose other than transportation and delivery is prohibited. Transportation is defined as a vehicle operating in traffic on a public road or highway. Delivery is defined as loading/unloading. Delivery processes shall be limited to a period of time not to exceed two hours. This section does not apply to property located in an industrial park or when refrigeration is needed on a temporary basis due to power outages or repair to a refrigeration system but not for a period of greater than seven days.
- 2) The construction or repairing of buildings. The creation of noise associated with an excavation, demolition, alteration or repair of any building within the Village, other than between the hours of 7:00 a.m. and 9:00 p.m., except in the case of urgent necessity or the interest of public health and safety, and then only with a permit from the Code Enforcement Officer, which permit may be renewed for periods of three days while the emergency continues.
 - 3) Loudspeakers, amplifiers, paging systems, portable radios and portable tape players; sound on the streets. The playing, using or operating or permitting to be played, used or operated of any radio receiver, phonograph, loudspeakers, 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 Village. Permits for the operation of these devices may be obtained for the conduct of any approved event or celebration. Practice sessions by school bands or loudspeakers used at organizational, athletic or scholastic events are exempt from the operation of this chapter.
 - 4) Radios and phonographs: use on private property. Playing, using, operating or permitting to be played, used or operated any radio receiving set, phonograph, tape player, television receiving set or other machine or device for the producing or reproducing of sound is prohibited if such sound is loud enough to be clearly heard 25 feet from the boundary of the property on which the sound is produced or reproduced.

- 5) Yelling and shouting. Yelling, shouting, loudly conversing, hooting or singing on the public streets of the Village 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 Village.

C. Permits.

The permits authorized by this chapter may be obtained from the office of the Village Clerk, who shall promulgate the necessary regulations relating thereto.

§99-9 Standards for determining violations.

- A. It shall be unlawful for any person to willfully make or continue or cause to be made or continued any loud or unnecessary or unusual noises, hereinabove defined, which disturb the peace and quiet of any neighborhood or which cause discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.
- B. The standard which may be considered in determining whether a violation of the provisions of this section exist may include but not be limited to the following:
 - 1) The level of the noise.
 - 2) Whether the nature of the noise is usual or unusual.
 - 3) Whether the origin of the noise is natural or unnatural.
 - 4) The level and intensity of the background noise, if any.
 - 5) The proximity of the noise to residential sleeping facilities.
 - 6) The nature and zoning of the area within which the noise emanates.
 - 7) The density of the inhabitation of the area within which the noise emanates.
 - 8) The time of day and night the noise occurs.
 - 9) The duration of the noise.
 - 10) Whether the noise is recurrent, intermittent or constant.

§ 99-10 Penalties for offenses.

Any person, firm or corporation who violates any provision of this article is liable to a sentence that may be imposed by the Penal Law of the State of New York for a violation. The sentence for a violation can be a maximum of 15 days in jail, or a maximum fine of \$250, or a combination of such jail and fine. Nothing herein contained shall preclude a court of competent jurisdiction, as justice may require, to impose a disposition of unconditional discharge, conditional discharge or adjournment in contemplation of dismissal as all defined in the Penal Law and Criminal Procedure Law.

6. Creation of new Chapter: §100 WEAPONS

§100-1 Discharge of Firearms and other weapons restricted

- A. No person shall, other than in the discharge of official duty or upon a properly constructed shooting gallery or target range, discharge any species of firearms, air rifles, bows, crossbows, or other weapons within the Village limits.
- B. This section shall not prohibit the discharge of firearms at theatrical performances, athletic events or special occasions where permission to do so has been applied for and granted by the Chief of Police.

§100-2 Penalties for offenses

Any person who violates any provision of this article is liable to a sentence that may be imposed by the Penal Law of the State of New York for a violation. The sentence for a violation can be a maximum of 15 days in jail, or a maximum fine of \$250, or a combination of such jail and fine. Nothing herein contained shall preclude a court of competent jurisdiction, as justice may require, to impose a disposition of unconditional discharge, conditional discharge or adjournment in contemplation of dismissal as all defined in the Penal Law and Criminal Procedure Law.

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