



Town of Chester Police Department

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Chief Daniel J. Doellinger, NA

TO: Town of Chester Town Board

FROM: Chief Dan Doellinger

DATE: November 8, 2019

RE: Proposed Local Law adding Chapter 66 entitled "Noise Pollution Control"

The following suggestions are offered as comments for the Public Hearing to be held on November 13th on the proposed Local Law adding Chapter 66 entitled "Noise Pollution Control". These are all related to Section 3 of the proposed law.

§66-5 A as written may create an issue for farms that are adjacent to residential areas and/or for residents who live in AR zones where certain animals are permitted by zoning. It is possible that all complaints of this nature can be negated under the Unreasonable Noise definition standards so this may be a non-issue, but I wanted to call it to your attention. Cows mooing or a rooster crowing in an agricultural zone that permits these animals probably shouldn't be a violation of the noise pollution control law.

I was originally concerned about the training, administration and use of the decibel meter but it appears that the only section (**§66-5 C**) which includes a decibel limit is on construction which also has specific time limits. The use of the decibel meter will likely be much smaller than anticipated and may fall more on the Code Enforcement Officer than the Police Department.

§66-5 D prohibits the use of power tools and lawn/garden equipment on legal holidays. I think this may be more fairly written to include a time limit (maybe similar to the weekend time limit). Many residents like to mow their lawn in the morning before their Labor Day party or clear their leaves while they are off for Election Day.

I am also concerned about the time limits on snowblower use set by this section. Many of our residents often use their snowblowers several times during a large snowstorm to keep their driveways passable for emergency vehicles and to avoid an accumulation of snow that their machine can't handle. Often some of these passes are made

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overnight. Additionally, many residents also begin their snow removal before 8am, especially on days when it snowed a few inches overnight and school or work is just delayed in the morning but people still need to get out to work. In the past, the snow removal company hired by the Windridge complex property management company has utilized snowblowers as well, often working throughout the night.

§66-5 E may have an undesirable effect on any homeowners or businesses who have properly set up and placed personal firearms ranges on their property. It may also affect any contractor, including quarries, which use explosives for site preparation or rock mining.

It also may effectively outlaw any fireworks displays in the town that aren't town-sponsored. There are currently a few businesses in town who employ licensed fireworks companies to put on displays.

Finally, as written it may also prohibit any hunting within the town. As written, this law could affect not only the legal personal hunter who is out during hunting season, but also any of the local farmers who receive nuisance permits from the state DEC to allow hunting outside of regular seasons for animals who are causing crop damage.

§66-9 B It appears that this section requires the issuance of a written compliance order before an appearance ticket can be issued. The police department currently does not have a system in place to issue compliance orders as this is usually a Code Enforcement function. It also does not include a specified period for the condition or activity to be remedied before an appearance ticket can be issued.

§66-9 D Although not completely clear, I think the last sentence of this section implies that someone can only be charged once a day for an offense. If this is correct, then if we were to issue someone an appearance ticket for loud music at 9pm that night, they could keep the music loud until 11:59pm and couldn't be charged again.