

§ 143-11. Enforcement of violations.

A. Enforcement may be facilitated by, but shall not be dependent upon, complaint by a resident of the Village to a Town Law Enforcement Officer or county or other law enforcement officer. Any police officer shall have the authority to issue appearance tickets in connection with any violation of this chapter.

B. At the discretion of the Law Enforcement Officer, a decibel reading may be taken to confirm a noise violation. It shall be prima facie evidence that an act is in violation of this chapter when a decibel level of a particular noise is in excess of 70 dBA in business districts and 60 dBA in residential districts between the hours of 7:00 a.m. and 9:00 p.m. and in excess of 60dBA in business districts and 50 dBA in residential districts between the hours of 9:00 p.m. and 7:00 a.m., measured at a distance of 50 feet or more from the source of the noise. All measurements will be made on the A-weighted sound level of a sound meter with a slow response.

C. If the violation occurs on the premises of rental property, which is nonresident owned, then the owner must also be notified in writing that the violation has occurred within 72 hours or two business days of said violation.

D. If, when responding to a complaint, the enforcement officer, upon witnessing the activity or event, shall determine that, according to the standards and conditions of this chapter, a violation has not occurred,

(1) and the responding officer determines that the activity or event is well within the allowable limits of this chapter, the officer or the dispatcher shall advise the complainant of these conditions.

(2) but the responding officer determines that the activity or event is close enough to the limits and conditions of this chapter that the activity or event could become a violation if not moderated, the officer shall advise the person(s) involved that such a complaint was filed, that the person(s) are not in violation, that no action is being taken at that time, but that the activity or event is close enough to the limits and conditions of this chapter that it could become a violation if not moderated.

E. If an enforcement officer, upon witnessing an activity or event, shall determine that, according to the standards and conditions of this chapter, a violation has occurred, the violation shall be considered to be a minor violation if the violation is not the result of the purposeful, reckless or criminally negligent conduct of the violator.

F. Persons responsible. If the person or persons responsible for an activity which violates this chapter cannot be determined, the person in lawful custody and/or control of the premises, including but not limited to the owner, lessee or occupant of the property on which the activity is located, shall be deemed responsible for the violation.

G. Arrest. If the person or persons responsible for an activity or event which violates this chapter can be determined, any person or persons who violate this chapter may be

arrested without warrant, provided that the violation occurs in the presence or view of any officer authorized to serve criminal process, and

(1) the responding officer(s) shall determine that the activity or event is occurring in or on premises which are not under the lawful custody or control of the person(s) responsible for the event, or

(2) the conduct of the person(s) responsible is determined by the responding officer(s) to endanger the property at which the event or activity is occurring, or the neighboring or surrounding properties, or

(3) the conduct of the person(s) responsible is determined to be a threat to the health and safety of themselves or others participating in or affected by the activity or event, or

(4) the conduct of the person(s) responsible is determined to be a threat to the health and safety of the responding officers

(5) the conduct of the person(s) responsible is determined by the responding officer(s) to be criminal in nature

§ 143-12. Penalties for offenses; enforcement.

A. Fines.

1. If the violator(s)/person(s) responsible have not been the subject of an enforcement action for a violation of this Chapter within the immediately preceding 12 months, the enforcement officer shall issue the violator a written notice of violation and shall notify the violator that if he or she maintains compliance for a period of twelve (12) months, an authorized enforcement agency shall not seek to collect a civil penalty from the violator.

2. Each violation of this chapter, which either continues or is repeated more than 1/4 hour and less than 24 hours after the violator(s)/person(s) responsible shall have been issued such written notice of violation of this chapter and shall be a separate offense. In the case of repeated violations occurring more than 1/4 hour and less than 24 hours apart, the fourth such violation shall be deemed to be an act of disorderly conduct and the violator(s)/person(s) responsible shall be subject to arrest and shall be punished by the appropriate fine as stipulated below.

3. If a violation is deemed by the authorized enforcement officer to be a minor violation pursuant to § 143-11.E :

(a) The second such violation of this chapter, occurring less than twelve (12) months after the last violation, shall be punished by a fine of not less than \$50.

(b) The third such violation of this chapter, occurring less than twelve (12) months after the last violation, shall be punished by a fine of not less than \$100.

(c) The fourth such violation of this chapter, occurring less than twelve (12) months after the last violation, shall be punished by a fine of not less than \$200.

(d) The fifth such violation of this chapter, occurring less than twelve (12) months after the last violation, shall be punished by a fine of not less than \$400.

(e) Further such violations of this chapter, occurring less than twelve (12) months after the last violation, shall be punished by a fine of \$600.

4. If a violation is not deemed by the authorized enforcement officer to be a minor violation pursuant to § 143-11.E :

(a) The second such violation of this chapter, occurring less than twelve (12) months after the last violation, shall be punished by a fine of not less than \$100.

(b) The third such violation of this chapter, occurring less than twelve (12) months after the last violation, shall be punished by a fine of not less than \$200.

(c) The fourth such violation of this chapter, occurring less than twelve (12) months after the last violation, shall be punished by a fine of not less than \$400.

(d) The fifth such violation of this chapter, occurring less than twelve (12) months after the last violation, shall be punished by a fine of not less than \$600.

(e) Further such violations, occurring less than twelve (12) months after the last violation, shall be punished by a fine of \$1000.