



INC. VILLAGE OF SOUTH FLORAL PARK  
383 ROQUETTE AVENUE  
SOUTH FLORAL PARK, NEW YORK 11001  
[www.southfloralpark.org](http://www.southfloralpark.org)

## LEGAL NOTICE

PLEASE TAKE NOTICE THAT the Board of Trustees of the Village of South Floral Park will hold a PUBLIC HEARING on Thursday, **May 7, 2026 at 8:00 PM** in Conference Room 2, Elmont Public Library, 700 Hempstead Turnpike, Elmont, New York 11003, to consider the adoption of:

**Bill No. 2 of 2026**, a proposed local law amending the Code of the Village of South Floral Park to add Chapter 117, "Noise," to regulate unreasonable noise in the Village, including by establishing permitted hours for construction and landscaping activity.

The full text of Bill No. 2 of 2026 is available on-line, at the Village website, [www.southfloralpark.org](http://www.southfloralpark.org), and at Village Hall, 383 Roquette Avenue, South Floral Park, New York 11001, between 9:00 a.m. and 4:00 p.m.

All interested parties may attend at the aforementioned time and place or send written communication to the Village Office to be heard. Any individual requiring special assistance to attend should notify Village Clerk Mary Long, (516) 352-8047, at least 48 hours in advance of the hearing.

BY ORDER OF THE BOARD OF TRUSTEES

Mary Long,  
Village Clerk  
April 3, 2026

Local Law Filing

New York STATE DEPARTMENT OF STATE  
41 STATE STREET, ALBANY, NY 12231

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(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~  
~~City~~  
~~Town~~ of South Floral Park  
Village

Bill 2 of 2026

Local Law \_\_ of the year 202\_

*(Insert Title)*

A local law enacting Chapter 117, “Noise,” of the Code of the Village of South Floral Park, to regulate and control noise and its adverse impacts within the Village

Be it enacted by the Board of Trustees of the  
*(Name of Legislative Body)*

~~County~~  
~~City~~  
~~Town~~ of South Floral Park  
Village

**Section 1.** Legislative Findings. The Board of Trustees of the Incorporated Village of South Floral Park finds that the Code of the Village should be amended to include a Chapter to restrict certain noise disturbances within the Village, and to establish attributes of a reasonable person that are recognized by judicial decisions in the State of New York as appropriate in the context of establishing when noise disturbances should be regulated in order to protect the health, safety and welfare of Village residents. The Board finds that a sound that endangers health or safety, or endangers property, or disturbs a reasonable person of normal sensitivities should be restricted.

The Board finds that any noise, the type and/or volume of which is intolerable to a reasonable person of normal sensitivities is detrimental to the public health, comfort, convenience, safety, peace and repose of the residents of the Village. Therefore, appropriate restrictions and prohibitions are necessary and appropriate for the protection of the environment of the Village and for the safety, health and well-being of its residents.

The Board also finds that seasonal restrictions on the use of internal combustion engine-powered leaf blowers on weekends and holidays will allow use of such equipment at times when the intended functionality of leaf blowing equipment is enhanced by such

power sources, but prohibit use of same when such equipment can be reasonably effective using a power source that is less noisy. Such restrictions will enable Village residents to enjoy the outdoors during the warmer months with minimal intrusion from the noise of power equipment, which will further the health, safety and welfare of the Village and its residents.

The Board also finds that, in order to further the health, safety and welfare of the Village and its residents, the Noise Chapter should be adopted.

**Section 2.** The Code of the Village of South Floral Park is hereby amended to add thereto a new Chapter 117, “Noise,” to read in its entirety as follows:

“§ 117-1. Declaration of policy.

It is hereby declared to be the policy of the Village to prevent any noise of a type or volume, or both, as to be intolerable to a reasonable person of normal sensitivities. The Board of Trustees of the Incorporated Village of South Floral Park finds and declares that any noise, the type and/or volume of which is intolerable to a reasonable person of normal sensitivities is detrimental to the public health, comfort, convenience, safety, peace and repose of the residents of the Village. The restrictions and prohibitions contained in this Chapter are necessary and appropriate for the protection of the environment of the Village and for the safety, health and well-being of its residents.

§ 117-2. Definitions.

For the purposes of this chapter, the following terms shall have the meanings indicated:

AUDIO ENTERTAINMENT DEVICE

Any device, however powered, commonly used to play or stream audio content of any kind, whether alone or accompanied by video content, whether digital or analog, including, without limitation, music players, electronic devices, speakers, radios, phonographs, tape players, television receivers and compact and video disc players.”

DECIBEL

One tenth of a bel, and is a unit of a level when the base of a logarithm is the 10th root of 10, and the quantities concerned are proportional to power.

LEAF BLOWER

Any device powered by a gasoline, diesel or similar fuel engine which is used, designed or operated to produce a current of air for the purpose of pushing, propelling or blowing leaves, dirt, gardening and grass clippings and cuttings, refuse or debris; provided,

however, that the term "leaf blower" is not intended and shall not be deemed to include snow-blowing equipment to the extent the same was designed for and is being used for the purpose of pushing, propelling or blowing snow.

### NOISE DISTURBANCE

A. Any sound that:

- (1) Endangers the safety or health of any person, or
- (2) Disturbs a reasonable person of normal sensitivities; or
- (3) Endangers personal or real property; or
- (4) Is audible outside the real property boundary from which it originates and is loud, disturbing, unreasonable and/or unnecessary under the circumstances, as well as plainly audible in any other person's residence and the source of sound is discernible regardless of whether doors and windows are closed.

B. A noise disturbance may be substantiated by either of the following (neither of which are intended to be the exclusive means of substantiation):

- (1) Sworn affidavits from two or more residents who are in general agreement as to the times and durations of the noise and who reside in separate residences.
- (2) Direct observation by a Village official.

### PERSON

Includes any individual, firm, association, or corporation, whether the person is the owner, lessee or charterer, its servants, agents or employees.

### SOUND DEVICES OR APPARATUS

Any radio device, or any device or apparatus for the amplification of sounds from any radio, phonograph or other sound-making or sound-producing devices or any devices or apparatus for the reproduction or amplification of the human voice or other sounds.

### TO USE OR OPERATE ANY SOUND DEVICE OR APPARATUS IN, ON, NEAR OR ADJACENT TO ANY PUBLIC STREET, PARK OR PLACE

To use or operate or cause to be used or operated any sound device or apparatus in front of or outside of any building, place or premises or in or through any window, doorway or opening of such building, place or premises, abutting on or adjacent to any public street, park or place, or in or upon any vehicle operated, standing or being in or upon any public street, park or place, where the sounds therefrom may be heard upon any public street, park or place or from any stand, platform or other device used for flying, flying over the Village or anywhere in the public street, park or places.

### UNNECESSARY

That which is not required by usual circumstances, and which would be intolerable to a reasonable person of normal sensitivities.”

§ 117-3. Enumeration of Unreasonable Noises.

It shall be unlawful for any person to make or cause to be made any noise of a type or volume, or both, so as to be intolerable to a reasonable person of normal sensitivities, including, without limitation, any noise disturbance. It shall be unlawful for any owner, lessee or occupant of any parcel of real property in the Village to permit any person on such parcel to make any noise or cause to make noise which is of a type or volume, or both, so as to be intolerable to a reasonable person of normal sensitivities. The following acts are declared to be unreasonable noises in violation of this Chapter, but any enumeration herein shall not be deemed to be exclusive:

A. The operation of any audio entertainment device, or the use of any musical instrument in such manner or with such volume, so as to be intolerable to a reasonable person of normal sensitivities. For the purpose of this section, any sound made by any audio entertainment device that is audible beyond any property boundary line of the parcel on which such audio entertainment device is located for at least 15 minutes in any one-hour interval between 11:00 p.m. and 8:00 a.m. is deemed a noise disturbance.

B. Any sound made by any animal, including any bird, that is owned, possessed, controlled or harbored by the owner, tenant or other occupant of any parcel of real property within the Village, whether in a business or residential zone, that frequently or for continued duration creates a noise disturbance beyond the property boundary line of the parcel on which such animal or bird is located. For the purpose of this section, any sound made by any animal, including any bird, owned, possessed, controlled or harbored by the owner, tenant or other occupant of any parcel of real property within the Village that is audible beyond any property boundary line of the parcel on which such animal or bird is located for at least 15 minutes in any one-hour interval between 11:00 p.m. and 8:00 a.m. is deemed a noise disturbance.

C. The use of any automobile, motorcycle or vehicle so out of repair or so loaded or operated as to create noise which is intolerably loud and unnecessary to a reasonable person of normal sensitivities; provided, however, that this provision shall not be deemed to prohibit the use at any time other than between 11:00 p.m. and 8:00 a.m. of any such vehicle that is in operable condition, and is duly registered and insured and otherwise able to be operated in the State of New York, and is commonly known as a vintage vehicle or collector’s vehicle, the operation of which produces noise that exceeds the noise customarily produced by the operation of more recently manufactured vehicles in good repair.

D. The use of any drum, loud speakers or other instruments or devices for the purpose of attracting attention to any sales or displays of merchandise by the creation of noise at any time of day or night.

E. The sounding of any horn, siren, signal or other noise-making device on any automobile, motorcycle, bus or other vehicles except as a warning signal, or repeating such sounding for any period of time longer than necessary for the purpose of giving warning; provided, however, that this subsection shall not apply to police cars, fire engines, ambulances or emergency vehicles.

F. The use of any loud speaker or amplifier at a volume which would be intolerable to a reasonable person of normal sensitivities; or the use between 11:00 p.m. and 8:00 a.m. of any audio entertainment device so that the sound therefrom is projected beyond the property line of the property upon which the audio entertainment device is located. Nothing herein contained shall be construed to prevent the operation of an audio entertainment device used in a reasonable manner by any person within any building or structure, provided that said audio entertainment device is not so arranged so that the sound therefrom is projected beyond the property line of the property upon which it is located.

G. The operation of any machinery, equipment, pump, fan, exhaust fan, attic fan, air-conditioning apparatus or similar mechanical device in such a manner as to create any noise exceeding 60 decibels at the adjoining property line.

#### § 117-4. Prohibited Noise; exceptions.

A. The operation within the Village of (i) any lawnmower, leaf blower, power washer or other internal combustion engine-powered, or solar-powered, battery-powered, electric-powered or other similar power-operated gardening or home maintenance equipment shall be prohibited at all times except between 8:00 a.m. and 8:00 p.m. on weekdays, excluding holidays, and except between 9:30 a.m. and 1:30 p.m. on Saturdays, Sundays, and holidays, or (ii) any internal combustion engine-powered leaf blower shall be prohibited at all times on Saturdays, Sundays, and holidays during the period from June 1 through September 15.”

B. Discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle engine, lawn mower, leaf blower, chain saw or other landscaping equipment without a muffler or other device properly maintained to reduce noise to a minimum is prohibited.

C. All "work," as defined below in Subsection D, relating to any building or other structure on any property within the Village is prohibited at all times except between 8:00 a.m. and 6:00 p.m. on weekdays, excluding holidays, and except between 9:00 a.m. and 4:00 p.m. on Saturdays and holidays, except when authorized by the Building Inspector, the Mayor, or a Trustee of the Village in cases of an emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting the life, health, safety or property of residents or others within the Village requires immediate action which cannot, in the discretion of the Building Inspector, the Mayor, or a Trustee of the Village, await the continuation of the work at 8:00 a.m. on the next weekday that is not a holiday. Any equipment that is not in good working condition or is not equipped with a muffler or mufflers properly maintained to reduce noise to a reasonable minimum is prohibited.

D. Definition of "work."

(1) For purposes of this section, except as expressly provided to the contrary in this subsection and in Subsection E below, "work" shall be deemed to include, without limitation: construction, excavation, demolition, alteration or repair of any building or structure, or of any portion of any building or structure; delivery or transport of any machinery, materials, equipment, tools, ladders, vehicles, appliances, furniture and other personal property to or from any premises within the Village for use, or intended to be used, in connection with any work for which a building permit is required under Chapter 72, Building Construction, of the Code; the loading or unloading from or upon any truck or other vehicle of any machinery, materials, equipment, tools, ladders, vehicles, appliances, furniture and other personal property for use, or intended to be used, in connection with any work for which a building permit is required under Chapter 72, Building Construction, of the Code; the use of any machinery, materials, equipment, tool, ladder, pump, fan or other mechanical device which emits or causes to be emitted any sound or noise in any activity described in this definition; and all other, similar work-related activity of any kind or nature.

(2) Notwithstanding the foregoing, work that occurs entirely within the interior of any building or structure, and which does not involve the use of equipment powered by gasoline, diesel, natural gas, solar, battery, electric or other similar power sources, and which does not violate Subsection G of § 117-3 of this chapter, shall not be prohibited by this section.

E. Nothing in this section is intended or shall be deemed to prohibit the use or operation within the Village of:

(1) The equipment identified in Subsection A of this section, during the hours allowed for the use thereof as set forth in said Subsection A; or

(2) Any equipment necessary or appropriate to, and customarily used with respect to, the delivery of fuel to any premises within the Village, to be consumed in or on such premises for purposes consistent with the use for which such premises are lawfully used; or

(3) Any equipment necessary for medical and health purposes of any resident or other person lawfully in or upon any premises in the Village; or

(4) Any snowblower or similar equipment; or

(5) Any equipment necessary or appropriate to, and customarily used with respect to, the conducting or holding of parties, events or celebrations of a nature consistent with the use for which such premises are lawfully used, including, without limitation, cooking, catering, entertainment, video and audio recording.

(6) The operation within the Village of a generator for which a permit has been duly issued by the Village (i) as part of a periodic testing program recommended by the manufacturer thereof, or (ii) during any period in which electric service from the electric utility providing power to properties within the Village is not available to the property at which such generator is situated.”

#### § 106-5 Strict liability of property owners and tenants.

Each owner and tenant of any commercial or residential property within the Village shall be deemed guilty of a violation of this chapter with respect to each violation of any provision of this chapter that occurs within or upon such owner's or tenant's property within the Village. This section is intended and shall be construed to impose strict liability on owners and tenants for any violations of this chapter that occur on their property within the Village. It shall be an affirmative defense in any prosecution of a violation of this section that the person whose act is the basis of such violation, if other than the defendant, was not an agent, employee, independent contractor, subcontractor, tenant, guest or family member of the defendant, and was not otherwise acting with the defendant's consent or permission.

#### § 106-6 Use of radio devices or sound-amplification devices.

It is hereby declared that the use or operation of any radio device or apparatus or any device or apparatus for the amplification of sounds from any radio, phonograph or other sound-making or sound-producing device or any device or apparatus for the reproduction or amplification of the human voice or other sounds in front of or outside of any building, place or premises or in or through any window, doorway or opening of such building, place or premises, abutting on or adjacent to any public street, park or place or in or by

any vehicle operated, standing or being in any public street, park or place or from any stand, platform or other structure, or from any airplane or other device used for flying, flying over the Village or any way on or in the public streets, parks or places for commercial or business advertising purposes is detrimental to the health, welfare and safety of the inhabitants of the Village, in that such use or operation diverts the attention of pedestrians and vehicle operators in the public streets, parks and places, thus increasing traffic hazards and causing injury to life and limb. It is hereby further declared that such use or operation disturbs the public peace and comfort and the peaceful enjoyment by the people of their right to use the public streets, parks and places for streets, parks and other public purposes and disturbs the peace, quiet and comfort of the neighboring inhabitants. Therefore, it is hereby declared that the prohibition of such use or operation for commercial or business advertising purposes is essential to protect and to secure the health, welfare, safety, comfort and peaceful enjoyment by the inhabitants of this Village to their right to use the public streets, parks and places for street, parks and other public purposes and to secure the peace, quiet, enjoyment and comfort of the Village inhabitants.

§ 106-7 Commercial or business advertising purposes.

A. It shall be unlawful for any person to use or operate or cause to be used or operated any sound devices or apparatus in, on, near or adjacent to any public street, park or place for commercial or business purposes.

B. It shall be unlawful for any person to operate or drive, or to employ, procure or induce another to operate, drive, lend, lease or donate, any automobile, truck or type of vehicle or to operate or aviate or procure or induce another to operate, aviate, lend, lease or donate any airplane or other type of flying device for commercial or business advertising by means of any sound devices or apparatus in violation of this chapter.

C. The use of the name of any person or any proprietors, vendors or exhibitors or the use of any trade, business or corporate name in connection with such commercial or business advertising shall be presumptive evidence that such advertising was conducted by reason of employment, procurement or induction on the part of said person, proprietors, vendors, exhibitors or the person or persons represented by said trade, business or corporation name.

§ 106-8 Penalties for offenses.

A. The Board of Trustees may commence actions to enjoin violations of this chapter.

B. Each and every violation of, or failure to comply with, any provision of this Chapter shall constitute a violation, punishable as follows: for a conviction of a first

offense, by a fine not more than \$250, or imprisonment for a period not to exceed 15 days, or both such fine and imprisonment; for a conviction of a second offense, both of which were committed within a period of five years, by a fine not less than \$250, nor more than \$500, or imprisonment for a period not to exceed 15 days, or both such fine and imprisonment; and, for a conviction of a third or subsequent offense, all of which were committed within a period of five years, by a fine not less than \$500, nor more than \$1,000, or imprisonment for a period not to exceed 15 days, or both such fine and imprisonment. Each day's continued violation shall constitute a separate additional violation hereunder. For each and every violation hereunder, each of the owner, lessee, tenant or other occupant of any part of a building or premises in which part any such violation has been committed or shall exist, and each of the general agent, architect, builder, contractor, vendor, landscaper or any other person who knowingly commits, takes part or assists in any such violation, or who maintains any building or premises in which any such violation shall exist, shall be liable hereunder with respect to such violation.”

**Section 3.** Effective Date. This local law shall take effect immediately upon filing with the Secretary of State.