

Bond Case Briefs

Municipal Finance Law Since 1971

MUNICIPAL ORDINANCE - NEW YORK

People v. Stephens

Court of Appeals of New York - November 21, 2016 - N.E.3d - 2016 WL 6825633 - 2016 N.Y. Slip Op. 07819

Defendant was convicted, after a bench trial of third-degree criminal possession of a controlled substance, fifth-degree criminal possession of a controlled substance, and sound reproduction in violation of city's noise control ordinance. Defendant appealed.

The Supreme Court, Appellate Division, affirmed. Leave to appeal was granted.

The Court of Appeals held that city's noise control ordinance, prohibiting the creation of "unnecessary noise," was not unconstitutionally vague under due process principles, as applied to defendant.

City's noise control ordinance, prohibiting the creation of "unnecessary noise," was not unconstitutionally vague under due process principles, as applied to defendant. Ordinance defined "unnecessary noise" based on an objective standard involving a reasonable person of normal sensibilities, ordinance was tailored to specific context of creating unnecessary noise by playing a car radio or similar device that could be heard at least 50 feet away when being operated in a motor vehicle on a public highway, and it had become common knowledge what was usual noise in operating a car radio or other sound production device.