

A LOCAL LAW

To amend the administrative code of the city of  
New York, in relation to the noise control code

Be it enacted by the Council as follows:

1           Section 1. Section 24-202 of the administrative code of the city of New York, as  
2 amended by local law 22 for the year 2002, is amended to read as follows:

3           §24-202 Declaration of policy. It is hereby declared to be the public policy of the  
4 city to reduce the ambient [noise] sound level in the city, so as to preserve, protect and promote  
5 the public health, safety and welfare, and the peace and quiet of the inhabitants of the city,  
6 prevent injury to human, plant and animal life and property, foster the convenience and comfort  
7 of its inhabitants, and facilitate the enjoyment of the natural attractions of the city. It is the public  
8 policy of the city that every person is entitled to ambient [noise] sound levels that are not  
9 detrimental to life, health and enjoyment of his or her property. It is hereby declared that the  
10 making, creation or maintenance of excessive and unreasonable noises within the city affects and  
11 is a menace to public health, comfort, convenience, safety, welfare and the prosperity of the  
12 people of the city. For the purpose of controlling and reducing such noises, it is hereby declared  
13 to be the policy of the city to set the unreasonable and prohibited noise standards and decibel  
14 levels contained herein and to consolidate certain of its noise control legislation into this code.  
15 The necessity for legislation by enactment of the provisions of this chapter is hereby declared as  
16 matter of legislative determination. This code shall be liberally construed so as to effectuate the  
17 purposes described in this section. Nothing herein shall be construed to abridge the emergency  
18 powers of the board of health or the right of the department of health and mental hygiene to  
19 engage in any of its necessary or proper activities. [Nothing herein shall abridge the powers and

1 responsibilities of the] It is the intent of the Council that the police department [to] as well as  
2 other agencies of the city designated by the commissioner of the department of environmental  
3 protection shall have the authority to enforce the provisions of this code and that police officers  
4 and designated employees of the department of environmental protection and of such other city  
5 agencies shall have the power to issue summonses, appearance tickets and notices of violation  
6 for violations of this code.

7 §2. Section 24-203 of such code is amended to read as follows:

8 §24-203 General definitions. When used in the New York city noise control  
9 code the following terms shall have the following meanings:

10 [(a)] (1) “A” level means the [total] sound level [of all noise] as measured with a  
11 sound level meter using the “A” weighting network. The unit of measurement is the db(A). This  
12 frequency weighting network for the measurement of sound levels shall comply with standards  
13 established by the American National Standards Institute specifications for sound level meters  
14 S1.4-1971, as amended or S1.4-1983, as amended.

15 [(b)] (2) Activity means any act or combination of acts which actually results in  
16 the production of sound.

17 [(c)] (3) Air compressor means a device which draws in air or gas, compresses it,  
18 and delivers it at a higher pressure.

19 [(d) Aircraft means any device that is used or intended to be used for flight in the  
20 air but does not include any such device used only in the service of a government or political  
21 subdivision thereof unless such device is engaged in carrying persons or property for commercial  
22 purposes. Aircraft includes but is not limited to:

23 1. subsonic transport aircraft;

- 1                   2. subsonic turbojet-powered aircraft;
- 2                   3. aircraft capable of flying at supersonic speeds;
- 3                   4. rotorcraft;
- 4                   5. vertical take-off and landing aircraft (VTOL aircraft);
- 5                   6. short take-off and landing aircraft (STOL aircraft); and
- 6                   7. aircraft capable of landing or taking off on water.]

7                   [(e)] (4) Air horn means a device intended to produce a sound signal by means of  
8 compressed air or gas or exhaust gas.

9                   [(f)] (5) Airport means an area of land or water that is used or intended to be used  
10 for the landing and take off of aircraft, and includes its buildings and facilities, if any.

11                   [(g)] (6) Ambient [noise] sound means [the all-encompassing noise associated  
12 with a given environment, being usually a composite of sounds from many sources near and far]  
13 the sound level at a given location that exists as a result of the combined contribution in that  
14 location of all sound sources, excluding the contribution of a source or sources under  
15 investigation for violation of this code and excluding the contribution of extraneous sound  
16 sources. For purposes of the enforcement of this code, the ambient sound level of a given  
17 location may be determined based upon measurements taken at a comparable site in the nearby  
18 area.

19                   [(h)] (7) Apparatus means any mechanism which prevents, controls, detects,  
20 measures or records the production of sound.

21                   (8) Audible status indicator means any sound reproduction device on a motor  
22 vehicle that emits or causes to be emitted any continuous or near continuous sound (exceeding 5  
23 seconds if tonal in nature or any duration if verbal in nature) for the purpose of warning that an

1 audible burglar alarm has been installed on such motor vehicle and is operational or for creating  
2 the appearance that such an alarm has been installed on such motor vehicle and is operational.

3 [(i)] (9) Authorized emergency vehicle means [every ambulance and every  
4 vehicle operated by a police department, fire department, fire patrol, chief or assistant chief of a  
5 fire department, county or deputy county fire coordinator, county or assistant county fire  
6 marshal, sheriff, or by a chief, assistant chief or deputy chief of a police department, a regular  
7 paid deputy sheriff or a motor vehicle of the New York city housing authority when engaged in  
8 the performance of duty as a peace officer, or by an authorized public utility company when on  
9 emergency calls, every state-owned vehicle operated by a law enforcement officer of the  
10 conservation department when engaged in performance of duty in enforcement of the  
11 environmental conservation law, and every vehicle operated by a bridge authority or bridge and  
12 tunnel authority when on emergency calls] an authorized emergency vehicle as defined by  
13 section 101 of the vehicle and traffic law .

14 [(j)] (10) Board means the environmental control board of the city of New York.

15 [(k)] (11) Building means a building as defined in [article two of subchapter two  
16 of chapter one of title twenty-seven of the code] section 27-232 of the administrative code.

17 [(l)] (12) Building aperture means any designed opening in a building to which a  
18 person may reasonably have access including but not limited to any door, gate, window, skylight  
19 or hatch.

20 [(m)] (13) Burglar alarm means any sound signal device designed and intended to  
21 produce a sound signal upon unauthorized entrance by a person into a building or motor vehicle.

22 [(n)] (14) “C” level means the [total] sound level [of all noise] as measured with a  
23 sound level meter using the “C” weighting network. The unit of measurement is the db(C). This

1 frequency weighting network for the measurement of sound levels shall comply with standards  
2 established by the American National Standards Institute specifications for sound level meters  
3 S1.4-1971, as amended or S1.4-1983, as amended.

4 [(o)] (15) Certificate means an operating or temporary operating certificate.

5 [(p)] (16) Charter means the charter of the city of New York including all of its  
6 amendments.

7 [(q)] (17) Circulation device means any device which circulates a gas or fluid,  
8 including but not limited to any air conditioner, pump, cooling tower, fan or blower.

9 [(r)] (18) Claxon means any manually, mechanically, or electrically powered  
10 device, other than an emergency signal device, including but not limited to a motor vehicle horn,  
11 which is intended to, and when operated actually does, emit a sound signal.

12 [(s)] (19) This code means the New York city noise control code.

13 [(t)] (20) Commissioner means commissioner of environmental protection.

14 [(u)] (21) Construction or construction work means any or all activity[, except  
15 tunneling,] necessary or incidental to the erection, demolition, assembling, altering, installing or  
16 equipping of buildings, public or private highways, roads, premises, parks, utility lines including  
17 such lines in already-constructed tunnels, or other property, including land clearing, grading,  
18 excavating and filling.

19 [(v)] (22) Construction device means any device designed and intended for use in  
20 construction including, but not limited to any air compressor, pile driver, [manual tool]  
21 sledgehammer, bulldozer, pneumatic hammer, steam shovel, derrick, crane, steam or electric  
22 hoist, construction vehicle, pneumatic or electric tool.

1                    [(w)] (23) Construction material means any material, regardless of composition,  
2 designed and customarily used in construction including but not limited to any rails, pillars,  
3 columns, beams, bricks, flooring, wall, ceiling or roofing material, gravel, sand, cement or  
4 asphalt.

5                    [(x)] (24) Container means any receptacle, regardless of contents, manufactured  
6 from wood, metal, plastic, paper or any other material including but not limited to any barrel,  
7 basket, box, crate, tub, bottle, can or refuse container.

8                    [(y)] (25) Decibel[. The decibel is one-tenth of a bel. Thus, the decibel is a unit of  
9 level when the base of the logarithm is the tenth root of ten, and the quantities concerned are  
10 proportional to power.] means the practical unit of measurement for sound pressure level; the  
11 number of decibels of a measured sound is equal to 20 times the logarithm to the base 10 of the  
12 ratio of the sound pressure to the pressure of a reference sound (20 micropascals); abbreviated  
13 “dB”.

14                   [(z)] (26) Device means any mechanism which is intended to or which actually  
15 produces sound when operated or handled.

16                   [(aa)] (27) Department means the department of environmental protection.

17                   [(bb)] (28) Dwelling means any building occupied in whole or in part as the  
18 temporary or permanent residence of one or more natural persons.

19                   [(cc)] (29) Dynamic insertion loss means the difference between two sound  
20 pressure levels which are measured at the same point in space before and after a muffler is  
21 inserted between the measurement point and the sound source under operating conditions.

22                   [(dd)] (30) Emergency means a public calamity or an exposure of any person or  
23 property to imminent danger.

1            [(ee)] (31) Emergency signal device means any gong, siren whistle, or siren or  
2 any air horn or any similar device the use of which on authorized emergency vehicles is  
3 permitted by subdivision twenty-six of section three hundred seventy-five of the vehicle and  
4 traffic law.

5            [(ff)] (32) Exhaust source means a system which removes and transports air or gas  
6 from a device.

7            (33) Extraneous sound is sound that is intense, intermittent, not representative of  
8 the relatively steady sound levels at a given location and not attributable to a source or sources  
9 under investigation for violation of this code. Such sound includes but is not limited to sirens of  
10 passing emergency vehicles, unusually loud motor vehicle braking (screeching) or exhaust noise,  
11 people shouting, animal vocalization, passing aircraft, horn honking, car door slamming, passing  
12 trains. Notwithstanding the foregoing provision, sounds that are individually persistent or  
13 controlling of the sound level at a given location shall not be considered to be extraneous sounds  
14 if they constitute more than 50 percent of the duration of an ambient or total sound measurement  
15 such as for example the sound of a passing aircraft at a specific location if airplanes regularly  
16 pass over such location and the proximity of such passing aircraft to the location, its sound level,  
17 and the duration of such sound level, control the sound level at the given location at the time the  
18 sound source under investigation is being measured. For the purposes of the enforcement of this  
19 code, extraneous sounds are excluded when measuring the ambient sound level at a given  
20 location and when measuring the sound level of a source or sources under investigation for  
21 violation of this code except where such sounds are themselves under investigation for violation  
22 of this code.

1           (34) Impulsive sound is sound that is of short duration, where each peak of sound  
2 lasts 2 seconds or less. The sound is characterized by abrupt onset and rapid decay. As used in  
3 this code, the term impulsive sound shall not include music.

4           [(gg)] (35) Internal combustion engine means a device for the production of  
5 energy by means of the combustion under pressure of fossil fuel.

6           [(hh)] (36) Lawn care device means any device powered mechanically, by  
7 electricity, by gasoline, by diesel fuel or by any other fuel, which is intended to be used or is  
8 actually used for the mowing of grass, the cutting or chipping of trees, tree roots or tree branches,  
9 or the clearing of leaves or other vegetation from lawns, sidewalks, public streets or public  
10 highways and shall include, but not be limited to, such devices as lawn mowers and lawn mower  
11 attachments, lawn edgers, leaf blowers, leaf vacuums, mulchers and chippers.

12           (37) Lmax means the maximum measured sound level at any instant in time.

13           [(ii)] (38) Motor vehicle means any device which is propelled by an engine in or  
14 upon which a person or material may be transported on the ground and which is intended to be  
15 operated upon a public highway.

16           [(jj)] (39) Muffler means an apparatus generally consisting of but not limited to a  
17 series of chambers or baffles for the purpose of transmitting gases while reducing sound levels.

18           [(kk)] (40) Noise means [an erratic, intermittent, or statistically random  
19 oscillation] sound at levels prohibited by this code.

20           [(ll)] (41) Owner means and includes the owner of the freehold of the premises or  
21 lesser estate therein, or mortgagee thereof, a lessee or agent of any of the above persons, a lessee  
22 of a device or his or her agent, a tenant, operator, or any other person who has regular control of  
23 a device or an apparatus.

1            [(mm)] (42) Paving breaker means any powered construction device intended to  
2 cut or trench pavement, subbase macadam, gravel, concrete or hard ground.

3            [(nn)] (43) Person means any individual, partnership, company, corporation,  
4 association, firm, organization, governmental agency, administration or department, or any other  
5 group of individuals, or any officer or employee thereof.

6            (44) Personal audio device means a portable sound reproduction device as  
7 normally and customarily used for personal recreational purposes including but not limited to a  
8 personal radio, phonograph, television receiver, tape recorder or compact disc player. For the  
9 purposes of this definition such term shall include a sound reproduction device installed in or  
10 operated from a motor vehicle whether or not portable.

11            (45) Plainly audible sound means any sound for which any of the content of that  
12 sound, such as, but not limited to comprehensible musical rhythms, is communicated to a person  
13 using his or her unaided hearing faculties. For the purposes of the enforcement of this code, the  
14 detection of any component of music, including but not limited to the rhythmic bass by a person  
15 using his or her unaided hearing faculties is sufficient to verify plainly audible sound. It is not  
16 necessary for such person to determine the title, specific words or artist of such music. In the  
17 case of motor vehicles the detection of the sound of a muffler or of an exhaust by a person using  
18 his or her unaided hearing faculties is sufficient to verify plainly audible sound. Plainly audible  
19 sound does not require measurement with a sound level meter.

20            [(oo)] (46) Power tool means any device powered mechanically, by electricity, by  
21 gasoline, by diesel fuel or by any other fuel, which is intended to be used or is actually used for,  
22 but shall not be limited to, the performance of such functions as cutting, nailing, stapling,  
23 sawing, vacuuming or drilling.

1           (47) Public right-of-way means a public highway, road, street, avenue, alley,  
2 driveway, path, sidewalk, roadway or any other public place or public way.

3           [(pp)] (48) Railroad means a railroad, other than a rapid transit railroad or street  
4 railroad, operated for public use in the conveyance of persons or property for compensation, with  
5 all bridges, ferries, tunnels, equipment, switches, spurs, tracks, stations and terminal facilities  
6 used, operated or owned by or in connection therewith.

7           [(qq)] (49) Rapid transit railroad means a rapid transit railroad used for local  
8 service in the transportation of passengers as a common carrier for hire together with the  
9 appurtenances, facilities and equipment thereof.

10           (50) Receiving property means real property, including but not limited to  
11 buildings, grounds, offices and dwelling units, from which sound levels from sound sources  
12 outside such property may be measured. For the purposes of this definition, individual offices or  
13 dwelling units within a building may constitute a receiving property.

14           [(rr)] (51) Refuse compacting vehicle means a motor vehicle designed to compact  
15 and transport refuse.

16           [(ss)] (52) Sound means an oscillation in pressure, stress, particle displacement,  
17 particle velocity, etc., in a medium with internal forces (e.g., elastic, viscous), or the  
18 superposition of such propagated oscillation which evokes an auditory sensation.

19           [(tt)] (53) Sound level meter means any instrument including a microphone, an  
20 amplifier, an output meter, and frequency weighting networks for the measurement of noise and  
21 sound levels in a specified manner and which complies with standards established by the  
22 American National Standards Institute specifications for sound level meters S1.4-1971, as  
23 amended or S1.4-1983, as amended.

1            [(uu)] (54) Sound pressure level (decibels) [means a sound that is] is an  
2 expression of the acoustic pressure calculated as twenty times the logarithm to the base ten of the  
3 ratio of the root mean square of the pressure of the sound to the reference pressure, [2 x 10-4  
4 microbars] 20 micropascals.

5            [(vv)] (55) Sound reproduction device means a device intended primarily for the  
6 production or reproduction of sound, including but not limited to any musical instrument, radio  
7 receiver, television receiver, tape recorder, phonograph or electronic sound amplifying system.

8            [(ww)] (56) Sound signal means any sound produced by a sound signal device  
9 designed to transmit information.

10           [(xx)] (57) Sound signal device means a device designed to produce a sound  
11 signal when operated, including but not limited to any claxon, air horn, whistle, bell, gong, siren,  
12 but not an emergency signal device.

13           [(yy)] (58) Sound source means any activity or device [as herein defined] that  
14 emits sound.

15           [(zz)] (59) This code means the noise control code.

16           (60) Total sound level means that measured sound level that represents the  
17 combined sound level of the source or sources under investigation and the ambient sound level.

18 Total sound level measurements shall exclude extraneous sound sources.

19           [(aaa)] (61) Tunnel means an underground passage which is intended for use as a  
20 railway, aqueduct, road, sewer or major utility artery.

21           [(bbb)] (62) Tunneling means any activity necessary or incidental to the  
22 construction of any tunnel, including the sinking of shafts to tunnel or to an intermediate level  
23 and the surface activities required to sink the shafts and construct the tunnel.

1            [(ccc)] (63) Unreasonable noise means any excessive or unusually loud sound  
2            that disturbs the peace, comfort or repose of a reasonable person of normal sensitivities, injures  
3            or endangers the health or safety of a reasonable person of normal sensitivities or which causes  
4            injury to plant or animal life, or damage to property or business.

5            (64) VdB means a form of measurement for vibration decibels. All vibration  
6            levels in this code are referenced to  $1 \times 10^{-6}$  inches per second. Decibel notation is in common  
7            use for vibration level, defined as  $L_v = 20 \times \log_{10}(V/V_{ref})$ , where  $L_v$  is the velocity level in  
8            decibels, V is the rms velocity amplitude, and  $V_{ref}$  is the reference velocity amplitude. The root  
9            mean square of a vibration signal is the average of the squared amplitude of the signal over a  
10           given time period (usually 1 second). The rms velocity is described in inches per second.

11           (65) Vibration means an oscillatory motion of solid bodies of deterministic or  
12           random nature described by displacement, velocity or acceleration with respect to a given  
13           reference point.

14           [(ddd) Nursing home means a facility providing therein nursing care to sick,  
15           invalid, infirm, disabled, or convalescent persons in addition to lodging and board or health-  
16           related service, or any combination of the foregoing, and in addition thereto, providing nursing  
17           care and health-related service, or either of them, to persons who are not occupants of the  
18           facility.

19           (ddd) Zone means any zone as defined in the zoning resolution of the city of New  
20           York, except that zone shall not mean any ambient noise quality zone under subchapter five or  
21           subchapter six of this chapter of this code or any noise sensitive zone under subchapter four of  
22           this chapter of this code.

1 (eee) Audible status indicator means any sound reproduction device on a motor  
2 vehicle that emits or causes to be emitted any continuous or near continuous sound for the  
3 purpose of warning that an audible burglar alarm has been installed on such motor vehicle and is  
4 operational or for creating the appearance that such an alarm has been installed on such motor  
5 vehicle and is operational.]

6 §3 Sections 24-204, 24-205, 24-206 and 24-207 of the administrative code of the  
7 city of New York, sections 24-204, 24-205 and 24-207 as amended by local law 18 for the year  
8 1993, are amended to read as follows:

9 §24-204 General powers of the commissioner. (a) Subject to the provisions of  
10 this code, the commissioner may take such action as may be necessary to abate a sound source  
11 which causes or may cause, by itself or in combination with any other sound source or sources,  
12 an unreasonable or prohibited noise. The commissioner may exercise or delegate any of the  
13 functions, powers and duties vested in him or her or in the department by this code.

14 (b) The commissioner may promulgate such rules as he or she may deem  
15 necessary to effectuate the purposes of this code, including, without limitation, rules setting forth  
16 specifications for the operation, installation, best available technology, or manufacture of sound  
17 generating equipment or devices, or sound mitigation equipment or devices.

18 (c) The commissioner may promulgate such rules as he or she may deem  
19 necessary with regard to standards and procedures to be followed in the measurement of sound  
20 pressure levels governed by the provisions of this code, provided that such standards and  
21 procedures are substantially in compliance with any similar standards and procedures  
22 promulgated by the American National Standards Institute, International Standards Organization,  
23 Society of Automotive Engineers, Compressed Air and Gas Institute, American Society of

1 Heating, Refrigeration, and Air Conditioning Engineers, American Refrigeration Institute or any  
2 generally recognized professional standard-setting organization.

3 §24-205 Investigations and studies by the commissioner. (a) The commissioner  
4 may make or cause to be made any investigation or study which in his or her opinion is desirable  
5 for the purpose of enforcing this code or controlling or abating an unreasonable or prohibited  
6 noise. For such purposes, the commissioner may make tests, conduct hearings, compel the  
7 attendance of witnesses, and take their testimony under oath and may compel the production of  
8 books, papers and other things reasonably necessary to the matter under consideration.

9 (b) The commissioner shall study and propose strategies to control and/or reduce  
10 sound levels associated with airports, rapid transit and railroad operations. Within twenty-four  
11 months after the effective date of this subdivision he or she shall report to the mayor his or her  
12 findings and recommendations, specifically identifying those that may only be implemented  
13 through state or federal legislation or rules.

14 (c) The commissioner, in conjunction with the police department, shall study  
15 noise abatement strategies for audible motor vehicle burglar alarms and shall report his or her  
16 findings and recommendations to the mayor.

17 (d) The commissioner shall study the impact of motor vehicle back-up warning  
18 devices installed on motor vehicles on ambient sound levels and shall report his or her findings  
19 and recommendations to the mayor, specifically identifying those recommendations that may  
20 only be implemented through state or federal legislation.

21 §24-206 Testing by order of the commissioner. (a) If the commissioner has  
22 reasonable cause to believe that any device is in violation of this code, the commissioner may  
23 order the owner of the device to conduct such tests as are necessary in the opinion of the

1 commissioner to determine whether the device or its operation is in violation of this code and to  
2 submit the test results to the commissioner within ten days after the tests are completed.

3 (b) Such tests shall be conducted in a manner approved by the commissioner. If  
4 any part of the test is conducted at a place other than the site where the device is located, that  
5 part of the test shall be certified by a laboratory acceptable to the commissioner. The  
6 commissioner may require that the entire test results shall be reviewed and certified by (i) a  
7 professional engineer with acoustical experience as specified in the rules of the department or (ii)  
8 a noise consultant with qualifications of education and/or acoustical experience as set forth in the  
9 rules of the department.

10 (c) [The owner shall notify the commissioner of the time and place of a test at  
11 least seven days before the commencement of such test. Reasonable facilities shall be made  
12 available for the commissioner to witness the test.

13 (d)] If in the opinion of the commissioner, tests by the department are necessary,  
14 the commissioner may order the owner to provide such access to the device as the commissioner  
15 may reasonably request, to provide a power source suitable to the points of testing, and to  
16 provide allied facilities, exclusive of sound level meter. These provisions shall be made at the  
17 expense of the owner of the device. The owner shall be furnished with copies of the analytical  
18 results of the data collected.

19 [(e)] (d) If after the analysis of such testing, it is determined by the commissioner  
20 that such device or devices generate sound levels that exceed the limits of this code, the  
21 commissioner may make recommendations for modifications and/or mitigation measures to  
22 bring such device or devices into compliance.

1           (e) The commissioner may issue a separate notice of violation for every 24-hour  
2 period of noncompliance with the orders of the commissioner issued pursuant to this section.

3           §24-207 Inspection. (a) The department may inspect at any reasonable time and in  
4 a reasonable manner any device which creates or may create unreasonable or prohibited noise  
5 including but not limited to the premises where the device is used.

6           (b) The department may inspect at any reasonable time and in a reasonable  
7 manner any record relating to a use of a device which creates or may create unreasonable or  
8 prohibited noise.

9           (c) No person shall refuse entry or access into the public areas of a multiple  
10 dwelling or a place or business to an authorized employee of the department or other authorized  
11 city employee who presents appropriate credentials, nor shall any person refuse entry or access  
12 into any other portion of a premise to an authorized employee of the department or other  
13 authorized city employee who presents appropriate credentials and a [search] warrant for such  
14 inspection.

15           (d) No person shall refuse to allow an authorized employee of the department or  
16 other authorized city employee who presents appropriate credentials to perform sound testing on  
17 any device or devices, including but not limited to requiring the temporary shutting down of said  
18 device or devices for the purposes of such testing.

19           §4. Subdivision (a) of section 24-208 of such code is amended to read as follows:

20           (a) The commissioner may require the written registration of air compressors,  
21 paving breakers, refuse compacting vehicles and rapid transit railroads, including but not limited  
22 to its rolling stock, track and track beds, passenger stations, circulation devices rated 300,000  
23 BTUs or higher, tunnels, elevated structures, yards, depots and garages. A period of sixty days

1 shall be allowed for the filing of such registration. However, in cases of emergency, the  
2 commissioner may designate a shorter period of time.

3 §5. Section 24-211 of such code is amended to read as follows:

4 §24-211 Display of permits[,] and certificates [and other notices; removal or  
5 mutilation prohibited]. Any tunneling permit or certificate required by this code shall be  
6 displayed in the vicinity of the device on the premises designated on the tunneling permit or  
7 certificate or in the vicinity of the place where the device will be operated or supervised.

8 §6. Paragraph (1) of subdivision (b) of section 24-213 of such code is amended to  
9 read as follows:

10 (1) Either by mailing the notice, order or decision directed to the person at his or  
11 her principal place of business or home address, or

12 §7. Section 24-217 of such code is amended to read as follows:

13 §24-217 Exemptions. The provisions of this code shall not apply to the operation  
14 or use of any organ, bell, chimes or other similar instrument [by] from on or within any church,  
15 synagogue, mosque or [school] other house of worship.

16 §8. Such code is amended by adding a new section 24-217.1 to read as follows:

17 §24-217.1 Measurements. Unless otherwise specifically provided, all sound  
18 level measurements under this code shall be taken in Lmax with the sound level meter set to  
19 slow response.

20 §9. Section 24-218 of such code, as amended by local law 18 for the year 1993, is  
21 amended to read as follows:

22 §24-218 General prohibitions. (a) No person shall make, continue or cause or  
23 permit to be made or continued any unreasonable noise[, except that this section shall not apply

1 to any sound from any source where the decibel level of such sound is within the limits  
2 prescribed by another section of this title and where there is compliance with all other applicable  
3 requirements of law with respect to such sound].

4 (b) Unreasonable noise shall include but shall not be limited to sound, attributable  
5 to any device, that exceeds the following prohibited noise levels:

6 (1) Sound, other than impulsive sound, attributable to the source, measured at a  
7 level of 7 dB(A) or more above the ambient sound level at or after 10:00 p.m. and before 7:00  
8 a.m., as measured at any point within a receiving property or as measured at a distance of 15 feet  
9 or more from the source on a public right-of-way.

10 (2) Sound, other than impulsive sound, attributable to the source, measured at a  
11 level of 10 dB(A) or more above the ambient sound level at or after 7:00 a.m. and before 10:00  
12 p.m., as measured at any point within a receiving property or as measured at a distance of 15 feet  
13 or more from the source on a public right-of-way.

14 (3) Impulsive sound, attributable to the source, measured at a level of 15 dB(A)  
15 or more above the ambient sound level, as measured at any point within a receiving property or  
16 as measured at a distance of 15 feet or more from the source on a public right-of-way. Impulsive  
17 sound levels shall be measured in the A-weighting network with the sound level meter set to fast  
18 response. The ambient sound level shall be taken in the A-weighting network with the sound  
19 level meter set to slow response.

20 (c) Notwithstanding the foregoing provisions, where a particular sound source or  
21 device is subject to decibel level limits and requirements specifically prescribed for such source  
22 or device elsewhere in this code, the decibel level limits set forth in this section shall not apply to  
23 such sound source or device.



1           (14) power tools.

2           (15) tunneling machines.

3           (16) construction devices with internal combustion engines.

4           (17) construction devices that emit impulsive sound.

5           (18) construction devices that create vibration.

6           (19) any other construction devices or activities specified in such rules

7           (b) Such rules shall include but shall not be limited to:

8           (1) The use of perimeter fences with acoustical insulation, where appropriate.

9           (2) The use of portable barriers with acoustical insulation, where appropriate.

10          (3) The use of acoustical blanket insulation, where appropriate.

11          (4) Testing of exhaust mufflers and certification, in a form and manner to be  
12 specified in the rules, that mufflers meet factory specifications for noise emissions at maximum  
13 loading at the commencement of construction at the site.

14           §24-220 Noise mitigation plan. (a) Each person, corporation or other business  
15 entity performing construction work in the city shall adopt and implement a noise mitigation plan  
16 for each construction site in accordance with the provisions of this subchapter and such rules  
17 whenever any one or more of the construction devices or activities listed above or in the  
18 departments rules are employed or performed at the site.

19           (b) Such plan shall be adopted prior to the commencement of construction at the  
20 site or, with respect to emergency work, as defined in the department's rules, within three days  
21 thereafter, and shall apply to all work at the site throughout the construction process. The plan  
22 shall provide in detail the noise mitigation strategies, methods, procedures and technology, as  
23 prescribed in the rules of the department or specifically approved by the commissioner in

1 accordance with section 24-221 of this code, for each device or activity employed or performed  
2 at the site. Each person performing construction work at the site shall be aware of the plan and  
3 shall be responsible for complying with those provisions that affect his or her work.

4 (c) A copy of the plan shall be kept at the construction site and shall be made  
5 available for inspection upon the request of persons authorized to enforce the provisions of this  
6 code.

7 (d) The plan shall be amended whenever additional devices or activities  
8 unforeseen at the commencement of construction are employed at the site or at the direction of  
9 the commissioner in accordance with section 24-223 of this subchapter.

10 (e) A plan need not be filed with or approved by the department prior to the  
11 commencement of construction if it conforms in all respects to the rules of the department with  
12 respect to construction devices and activities employed or performed at the construction site. A  
13 plan that deviates in any respect from such rules shall be subject to the prior approval of the  
14 commissioner in accordance with section 24-221 of this code.

15 (f) This section shall not apply to construction work in connection with the  
16 alteration or repair of an existing one or two family owner-occupied dwelling classified in  
17 occupancy group J-3 or a convent or rectory.

18 §24-221 Alternative noise mitigation plan. (a) Upon application, the  
19 commissioner may approve an alternative noise mitigation plan for a particular construction site  
20 that deviates from strict compliance with the noise mitigation rules. Application for approval of  
21 such plan shall be submitted to the department at least ten business days prior to the  
22 commencement of construction in a form and manner and accompanied by such information and

1 documentation as shall be set forth in the rules of the department. The commissioner may  
2 approve such alternative noise mitigation plan if he or she finds that:

3 (1) strict compliance with the noise mitigation rules would not be possible or  
4 would create an undue hardship because of the location or unique characteristics of the site or of  
5 the construction devices or activities to be employed or performed at the site; and

6 (2) the alternative noise mitigation strategies, methods, procedures or equipment  
7 proposed are consistent with the purposes and policies of this code.

8 (b) Notwithstanding the foregoing provisions, with respect to construction sites  
9 where construction is performed pursuant to a permit issued prior to the effective date of this  
10 section or in the case of construction by or on behalf of a city agency where construction is  
11 performed under a contract bid out prior to the effective date of this section, application for  
12 approval of an alternative noise mitigation plan may be submitted within 60 days after the  
13 effective date of this section. The commissioner may approve such plan if he or she finds that:

14 (1) strict compliance with the noise mitigation rules would not be possible or  
15 would create an undue hardship because of the location or unique characteristics of the site or of  
16 the construction devices or activities employed or performed at the site ,or

17 (2) strict compliance with such rules would be unreasonable or unduly  
18 burdensome with respect to construction work that is imminent or ongoing on the effective date  
19 of this section, or

20 (3) with respect to city construction projects, the implementation of contract  
21 modifications to achieve strict compliance with such rules would result in unreasonable delay  
22 and/or increased expenditure for a necessary public improvement, and

1           (4) the alternative noise mitigation strategies, methods, procedures or equipment  
2 proposed are consistent with the purposes and policies of this code.

3           (c) Where the commissioner rejects an alternative plan, an applicant may appeal  
4 such rejection in accordance with the rules of the department. An alternative plan shall not be in  
5 effect unless and until it has been approved by the commissioner except that where a timely  
6 alternative plan has been filed with the commissioner for approval, a construction site shall be  
7 deemed to be in compliance with this section unless and until such plan is rejected by the  
8 commissioner.

9           §24-222 After hours and weekend limits on construction work. Except as  
10 otherwise provided in this subchapter, it shall be unlawful to engage in or to cause or permit any  
11 person to engage in construction work other than on weekdays between the hours of 7 a.m. and 6  
12 p.m.. A person may however perform construction work in connection with the alteration or  
13 repair of an existing one or two family owner-occupied dwelling classified in occupancy group J-  
14 3 or a convent or rectory on Saturdays and Sundays between the hours of 10 a.m. and 4 p.m.  
15 provided that such dwelling is located more than 300 feet from a house of worship.

16           §24-223 After hours work authorization. (a) Notwithstanding section 24-222 of  
17 this subchapter, an agency authorized to issue permits for construction work may, along with  
18 such permit, issue an after hours work authorization for the work site. Such after hours  
19 authorization may permit construction work to be performed at the site before 7 a.m. or after 6  
20 p.m. on weekdays and/or on Saturdays and/or Sundays subject to the conditions and restrictions  
21 set forth in this section.

1           (b) The agency issuing such authorization must obtain a certification from its  
2 permittee that the permittee has developed a noise mitigation plan for the site in accordance with  
3 this subchapter and that such plan is in compliance with the noise mitigation rules.

4           (c) If after hours work at the site is not being performed in compliance with such  
5 plan or where no plan is in effect, the agency issuing such authorization, at the request of the  
6 commissioner or on its own account, may take appropriate action, including but not limited to  
7 the refusal to renew such after hours authorization.

8           (d) Where there is full compliance with the noise mitigation plan yet nevertheless  
9 aggregate sound levels from the site where an after hours authorization is in effect exceed  
10 8dB(A) above the ambient sound level as measured in any residential receiving property  
11 dwelling unit (with windows and doors that may affect the measurement closed), the  
12 commissioner may request the person performing the work to confer with representatives of the  
13 department regarding additional noise mitigation measures that may be employed at the site to  
14 reduce aggregate sound levels. After such conference the commissioner may direct amendment  
15 of the noise mitigation plan for the site. Failure to respond to a request for a conference or to  
16 amend the noise mitigation plan within the time prescribed in a notice issued by the department  
17 shall be a violation of this code.

18           (e) Authorization for after hours construction work may only be issued in the  
19 following circumstances:

20           (1) Emergency work. Agencies may authorize such after hours construction  
21 work for emergency conditions, inside or outside the property line, involving an imminent threat  
22 to public safety or causing or likely to cause the imminent interruption of service required by law  
23 contract or franchise. An emergency authorization issued pursuant to this paragraph shall expire

1 on the ninetieth day after its issuance but shall be renewable in accordance with agency  
2 procedures while the emergency continues.

3 (2) Work outside the property line. Agencies may authorize such after hours  
4 work outside the property line where the agency determines that the work cannot reasonably or  
5 practicably be performed on weekdays between the hours of 7 a.m. and 6 p.m. because of traffic  
6 congestion and/or concern for worker safety. An authorization issued pursuant to this paragraph  
7 for work outside the property line shall expire on the ninetieth day after its issuance but shall be  
8 renewable in accordance with agency procedures.

9 (3) City construction projects. Agencies may authorize after hours work by or on  
10 behalf of city agencies for projects that are judicially mandated or the subject of consent orders  
11 and/or where a project is necessary in the public interest including but not limited to facilities,  
12 equipment, and infrastructure for the provision of water, sewerage, sanitation, transportation and  
13 other services necessary for the health or safety of the public. An authorization issued pursuant  
14 to this paragraph for a city construction project shall remain in effect for the duration of the  
15 project.

16 §24-224 It shall be unlawful to perform work at any construction site in the city  
17 that is not in compliance with a noise mitigation plan where such plan is required pursuant to this  
18 subchapter and with the noise mitigation rules adopted pursuant to this subchapter.  
19 Notwithstanding any other provision of this code, construction work performed in accordance  
20 with a noise mitigation plan that is in full compliance with this subchapter and such rules shall be  
21 deemed to be in compliance with all decibel level limits set forth in other subchapters of this  
22 code. The provisions of this subchapter shall supercede all other provisions of this code relating  
23 to construction activities or devices that are inconsistent with or in conflict therewith.



1 window or terrace door open at a point three feet from the open portion of the window or terrace  
2 door.

3 (b) Where one or more circulation devices is installed on any building lot on or  
4 after the effective date of this section, the sound level limit of 42 dB(A) referred to in subdivision  
5 a of this section shall apply to the cumulative sound from all of the circulation devices on such  
6 building lot, when measured as specified in such subdivision a.

7 (c) With respect to circulation devices installed on any building lot prior to the  
8 effective date of this section, the sound level limit of 42 dB(A) referred to in subdivision a of this  
9 section shall apply to each individual device except that if the cumulative sound from all such  
10 devices on such lot exceeds 50 dB(A), when measured as specified in such subdivision a, the  
11 building owner and/or the owner or owners of the circulation devices must achieve a 5 dB(A)  
12 reduction in such cumulative sound level within 12 months after the effective date of this section.  
13 Notwithstanding the forgoing provisions, until two years after the effective date of this section,  
14 subdivision b of this section shall not apply to the replacement of a circulation device that was  
15 installed on any building lot prior to the effective date of this section by a device of comparable  
16 capacity.

17 §24-228 Construction devices and exhausts. (a) No person shall operate or use or  
18 cause to be operated or used a construction device or combination of devices in such a way as to  
19 create an unreasonable noise.

20 (b) No person shall cause or permit discharge into the open air of the exhaust of  
21 any device, including but not limited to any steam engine, diesel engine, internal combustion  
22 engine, power tools, compressors or turbine engine, so as to create an unreasonable noise.

1           (c) For the purposes of subdivisions a and b of this section unreasonable noise  
2 shall include but shall not be limited to sound that exceeds the following prohibited noise levels:

3           (1) Sound, other than impulsive sound, attributable to the source or sources, that  
4 exceeds 85 dB(A) as measured 50 or more feet from the source or sources at a point outside the  
5 property line where the source or sources are located or as measured 50 or more feet from the  
6 source or sources on a public right-of-way.

7           (2) Impulsive sound, attributable to the source, that is 15 dB(A) or more above  
8 the ambient sound level as measured at any point within a receiving property or as measured at a  
9 distance of 15 feet or more from the source on a public right-of-way. Impulsive sound levels  
10 shall be measured in the A-weighting network with the sound level meter set to fast response.  
11 The ambient sound level shall be taken in the A-weighting network with the sound level meter  
12 set to slow response.

13           (d) Where a particular sound source or device is subject to decibel level limits and  
14 requirements specifically prescribed for such source or device elsewhere in this code, such  
15 specific decibel limits shall apply to such device or source. However, if aggregate sound levels  
16 from a construction site exceed the limits set forth in this section, compliance with such specific  
17 decibel limits shall not be a defense in any proceeding relating to a violation of this section.

18           §24-229 Containers and construction material. (a) No person shall handle or  
19 transport or cause to be handled or transported in any public right-of-way any container or any  
20 construction material in such a way as to create an unreasonable noise.

21           (b) For the purposes of this section unreasonable noise shall include but shall not  
22 be limited to the following prohibited noise levels:

1           (1) Sound, other than impulsive sound, attributable to the source measured at a  
2 level of 7 dB(A) or more above the ambient sound level at or after 10:00 p.m. and before 7:00  
3 a.m., as measured at any point within a receiving property or as measured at a distance of 15 feet  
4 or more from the source on a public right-of-way.

5           (2) Sound, other than impulsive sound, attributable to the source measured at a  
6 level of 10 dB(A) or more above the ambient sound level at or after 7:00 a.m. and before 10:00  
7 p.m., as measured at any point within a receiving property or as measured at a distance of 15 feet  
8 or more from the source on a public right-of-way.

9           (3) Impulsive sound, attributable to the source, measured at a level of 15 dB(A)  
10 or more above the ambient sound level, as measured at any point within a receiving property or  
11 as measured at a distance of 15 feet or more from the source on a public right-of-way.  
12 Impulsive sound levels shall be measured in the A-weighting network with the sound level meter  
13 set to fast response. The ambient sound level shall be taken in the A-weighting network with the  
14 sound level meter set to slow response.

15           §24-230 Paving breakers. (a) No person shall operate or cause to be operated a  
16 paving breaker, other than one operated electrically or hydraulically, unless a pneumatic  
17 discharge muffler certified by the manufacturer of such muffler to provide a dynamic insertion  
18 loss of 5 dB(A) of the sound released from the air discharge of such paving breaker is installed  
19 on such air discharge.

20           (b) No person shall sell, offer for sale for use within the city of New York, operate  
21 or permit to be operated a paving breaker that when operated produces a maximum sound level  
22 that exceeds 95 dB(A), when measured at a distance of one meter or more from a face of such  
23 paving breaker.

1           §24-231 Commercial music. (a) No person shall make or cause or permit to be  
2 made or caused any music originating from or in connection with the operation of any  
3 commercial establishment or enterprise when the level of sound attributable to such music, as  
4 measured inside any receiving property dwelling unit:

5           (i) is in excess of 42 dB(A) as measured with a sound level meter; or

6           (ii) is in excess of 45 dB in any one-third octave band having a center frequency  
7 between 63 hertz and 500 hertz (ANSI bands numbers 18 through 27, Inclusive), in accordance  
8 with American National Standards Institute standard S1.6-1984, or

9           (iii) causes a 6 dB(C) or more increase in the total sound level above the ambient  
10 sound level as measured in decibels in the "C" weighting network.

11           (b) No person shall make or cause or permit to be made or caused any music  
12 originating from or in connection with the operation of any commercial premises or  
13 establishment that is plainly audible on any public right-of-way at a distance of 15 feet or more  
14 from the building line of the premises in which the source is located except for incidental music  
15 emanating from the premises for no more than 20 seconds due to the temporary opening or  
16 closing of an entrance or exit door when patrons are entering or leaving the premises. For the  
17 purposes of this subdivision the term building line means a boundary line created by the outside  
18 surface of any exterior wall of a premises. Nothing in this subdivision shall be construed to  
19 permit the use of any sound reproduction device in connection with a commercial establishment  
20 or enterprise where such use would otherwise be prohibited pursuant to section 10-108 or 24-244  
21 of the administrative code.

22           (c) No person shall make or cause or permit to be made or caused any music  
23 originating from or in connection with the operation of any commercial establishment or

1 enterprise when the level of vibration attributable to such music exceeds 75 VdB as measured in  
2 any receiving property dwelling unit.

3 (d) (1) The commissioner may recommend to the environmental control board  
4 that there shall be no civil penalty imposed for a first violation of this section if, within 30 days  
5 after the issuance of such violation or, if applicable, within the time granted by the commissioner  
6 pursuant to paragraph two of this subdivision, the respondent admits liability for the violation  
7 and files a certification with the department in a form and manner and containing such  
8 information and documentation as shall be prescribed in the department's rules that (i)  
9 permanent improvements or modifications have been made to the establishment, including but  
10 not limited to the installation of appropriate sound insulation, isolators, suspension mounting  
11 and/or sound mitigation devices or materials and (ii) appropriate sound and/or vibration  
12 measurements taken in accordance with the department's rules substantiate that the establishment  
13 is in full compliance with the sound and vibration levels set forth in this section. If the  
14 commissioner accepts such certification of compliance, he or she shall recommend to the board  
15 that no civil penalty shall be imposed for the violation. Such violation may nevertheless serve as  
16 a predicate for purposes of imposing penalties for subsequent violations of this section.

17 (2) Where the completion of appropriate permanent improvements or  
18 modifications and testing within 30 days after the issuance of the violation would cause the  
19 respondent undue hardship, the respondent may apply to the commissioner for additional time to  
20 submit an appropriate certification of compliance, but not more than 30 days. Application for  
21 such additional time must be submitted to the commissioner within 30 days after the issuance of  
22 the violation along with an admission of liability and appropriate documents in support of the  
23 claim of undue hardship.

1           (3) Nothing in this subdivision shall be construed to prohibit enforcement  
 2 personnel from issuing additional notices of violation, summonses or appearance tickets where  
 3 sound or vibration levels exceed the limits set forth in subdivisions a, b and /or c of this section  
 4 during the periods of time set forth in paragraphs one and two of this subdivision for submission  
 5 of a certification of compliance for a first violation.

6           §24-232 Allowable decibel levels-octave band measurement. (a) No person shall  
 7 cause or permit a sound source operating in connection with any commercial or business  
 8 enterprise to exceed the decibel levels in the designated octave bands shown below as measured  
 9 within a receiving property as specified therein.

10

<u>Octave Band</u>	<u>Maximum Sound Pressure Levels (dB) as measured within a receiving property as specified below</u>	
<u>Frequency (Hz)</u>	<u>Residential receiving property for mixed use buildings and residential buildings (as measured within any room of the residential portion of the building with windows open, if possible).</u>	<u>Commercial receiving property (as measured within any room containing offices within the building with windows open, if possible).</u>
<u>31.5</u>	<u>70</u>	<u>74</u>
<u>63</u>	<u>61</u>	<u>64</u>
<u>125</u>	<u>53</u>	<u>56</u>
<u>250</u>	<u>46</u>	<u>50</u>
<u>500</u>	<u>40</u>	<u>45</u>
<u>1000</u>	<u>36</u>	<u>41</u>
<u>2000</u>	<u>34</u>	<u>39</u>
<u>4000</u>	<u>33</u>	<u>38</u>
<u>8000</u>	<u>32</u>	<u>37</u>

11

12           (b) All sources that are within the A-scale limits prescribed by any other section  
 13 of this code must also comply with the octave band decibel levels as specified herein.

1 Compliance with this section does not constitute a defense to violation of decibel limits set by  
2 any other section of this code.

3 (c) Measurements performed on residential property shall not be taken in non-  
4 living areas such as closets and crawlspaces.

5 (d) This section shall not apply to impulsive sound or to music.

6 (e) Where a notice of violation is issued with respect to a sound source regulated  
7 by this section, no additional notice of violation either of this section or of any other section of  
8 this code shall be issued for the same sound source for 24-hours thereafter and any additional  
9 notice of violation issued inadvertently within such 24 hour period shall be void.

10 SUBCHAPTER 6

11  
12 SPECIFIC NOISE SOURCES  
13 PLAINLY AUDIBLE AND OTHER STANDARDS

14  
15 §24-233 Personal audio devices. (a) No person shall operate or use or cause to  
16 be operated or used any personal audio device in such a manner as to create an unreasonable  
17 noise.

18 (b) For the purposes of this section unreasonable noise shall include but shall not  
19 be limited to:

20 (1) the operation or use of a personal audio device on or in any public right-of-  
21 way so that sound emanating from such device is plainly audible to another individual at a  
22 distance of 25 feet or more from the source.

23 (2) the operation or use of a personal audio device from on or inside a motor  
24 vehicle, whether moving, parked, stopped or standing, on or in any public right-of-way so that

1 sound emanating from such device is plainly audible to another individual outside of such motor  
2 vehicle at a distance of 25 feet or more from the source.

3 (c) Nothing in this section shall be construed to permit the operation or use of a  
4 personal audio device where such operation or use would otherwise be prohibited pursuant to  
5 section 10-108 or 24-244 of the administrative code.

6 §24-234 Operation or use of sound reproduction device in or on rapid transit  
7 railroad, omnibus or ferry. It shall be unlawful to operate or use a sound reproduction device in  
8 or on any rapid transit railroad, omnibus or ferry, other than a personal audio device with  
9 personal earphones such that sound from such earphones is not plainly audible to another  
10 individual at a distance of 5 feet or more from the source.

11 §24-235 Animals. No person having charge, care, custody, or control of any  
12 animal shall cause or permit such animal to emit any sound that is plainly audible at any location  
13 within any residential receiving property as set forth below:

14 (a) At or after 7 a.m. and before 10 p.m., continuously for a period of 10 minutes  
15 or more.

16 (b) At or after 10 p.m. and before 7 a.m., continuously for a period of 5 minutes or  
17 more.

18 §24-236 Motor vehicles. (a) Motor vehicles, other than motorcycles, with a gross  
19 weight of 10,000 lbs or less. No person shall cause or permit any motor vehicle, other than a  
20 motorcycle, with a gross weight of 10,000 lbs. or less to operate on a public right-of-way where  
21 the muffler or exhaust generates a sound that is plainly audible to another individual at a distance  
22 of 100 feet or more from the motor vehicle.

1           (b) Motorcycles. No person shall cause or permit any motorcycle to operate on a  
2 public right-of-way where the muffler or exhaust generates a sound that is plainly audible to  
3 another individual at a distance of 200 feet or more from the motorcycle.

4           (c) Motor vehicles with a gross weight greater than 10,000 lbs. No person shall  
5 cause or permit any motor vehicle with a gross weight greater than 10,000 lbs. to operate on a  
6 public right-of-way where the muffler or exhaust generates a sound that is plainly audible to  
7 another individual at a distance of 200 feet or more from the motor vehicle, except when  
8 compression brake systems are used in an emergency to stop the vehicle.

9           (d) (1) No person operating a motor vehicle containing a compression brake  
10 system or systems shall apply such compression brake system or systems except when such  
11 system or systems are used in an emergency to stop the vehicle.

12           (2) The department is authorized to post signs at every entry point of the city  
13 containing the following information: THE USE OF COMPRESSION BRAKE SYSTEMS IS  
14 PROHIBITED ON STREETS WITHIN NEW YORK CITY WHERE THE SPEED LIMIT IS 35  
15 MILES PER HOUR OR LESS EXCEPT IN CASE OF AN EMERGENCY.

16           (e) No person shall cause or permit the total sound from a motor vehicle  
17 operating on any public right-of-way to exceed the sound level set forth in section 386 of the  
18 vehicle and traffic law and the rules adopted pursuant to such section.

19           (f) Subdivisions a, b, c and paragraph one of subdivision d of this section may  
20 only be enforced on streets where the speed limit is 35 miles per hour or less.

21           §24-237 Sound signal devices. (a) No person shall operate or use or cause to be  
22 operated or used any claxon installed on a motor vehicle, except as a sound signal of imminent

1 danger or in connection with use as an audible motor vehicle burglar alarm as provided in section  
2 24-238 of this code.

3 (b) No person shall operate or use or cause to be operated or used an air horn or  
4 gong installed on any motor vehicle other than as provided in section 24-241 of this code.

5 (c) No person shall operate or use or cause to be operated or used any steam  
6 whistle attached to any stationary boiler, except to give notice of the time to start and stop work  
7 or as a sound signal of imminent danger.

8 (d) On and after the effective date of this section and prior to January 1, 2006 no  
9 person shall operate or use or cause to be operated or used on any public right-of-way any  
10 electrically operated or electronic sound signal device (other than a safety device, such as but not  
11 limited to a car horn or back up signal, that is actually used for its intended purpose) attached to,  
12 on or in a motor vehicle, wagon or manually propelled cart from which food or any other items  
13 are sold or offered for sale that is plainly audible at a distance greater than 50 feet from the  
14 source. On and after January 1, 2006 no person shall operate or use or cause to be operated or  
15 used on any public right-of-way any electrically operated or electronic sound signal device (other  
16 than a safety device, such as but not limited to a car horn or back up signal that is actually used  
17 for its intended purpose) attached to, on or in a motor vehicle, wagon or manually propelled cart  
18 from which food or any other items are sold or offered for sale.

19 §24-238 Audible burglar alarm and audible status indicator. (a) No owner of a  
20 building or of a motor vehicle shall have in operation an audible burglar alarm thereon unless  
21 such burglar alarm shall be capable of and shall automatically terminate its operation within  
22 fifteen minutes of its being activated in the case of a building, and three minutes of its being

1 activated in the case of a motor vehicle. No audible burglar alarm on a motor vehicle shall be  
2 capable of being activated except by

3 (i) direct physical contact with that motor vehicle or

4 (ii) through the use of an individual remote activation device, that is activated  
5 from no further than 15 feet away from such vehicle and, that is designed to be used with the  
6 audible burglar alarm system of a particular vehicle which alarm shall be capable of and shall  
7 terminate its audible response within three minutes of its being activated.

8 (b) No owner of a motor vehicle shall have in operation an audible status indicator  
9 on such motor vehicle.

10 §24-239 Audible burglar alarm or audible status indicator may be disconnected.

11 (a) Notwithstanding the provisions of section 24-238, any member of the police department of  
12 the city of New York shall have the right to take such steps as may be reasonable and necessary  
13 to disconnect any audible burglar alarm or audible status indicator that is installed on a motor  
14 vehicle at any time during the period of its activation.

15 (b) The operator of any motor vehicle on which an audible burglar alarm or  
16 audible status indicator has been installed shall when parked on a public highway or parking lot  
17 open to the public, prominently display the number and telephone number of the owner's local  
18 police precinct where information shall be on file to permit communication with the owner of  
19 such vehicle.

20 §24-240 Removal of vehicle with audible burglar alarm or audible status  
21 indicator. (a) Notwithstanding the provisions of section 24-239, any member of the police  
22 department may arrange for the removal of a motor vehicle from a public highway or parking lot  
23 open to the public, when

1           (i) an audible burglar alarm installed on such vehicle is operated in violation of  
2 this code or an audible status indicator is operated on such vehicle and

3           (ii) all reasonable and necessary steps to disconnect such alarm or audible status  
4 indicator have been taken without success. Authorized personnel of the department or the  
5 department of transportation may request a member of the police department to arrange for  
6 removal of such vehicle. When such removal is requested, the notice of violation for operation of  
7 an audible burglar alarm in violation of this section or for operation of an audible status indicator  
8 shall state that a member of the police department took all reasonable and necessary steps to  
9 disconnect such alarm or such audible status indicator without success. Such removal may be  
10 accomplished by utilizing any existing city-operated tow-program, rotation tow program  
11 established pursuant to section 20-519 of the code or such other procedures as may be  
12 established. The cost of towing and storage of such motor vehicle shall be the responsibility of  
13 the owner or other person who claims such vehicle.

14           (b) An opportunity for a hearing before the environmental control board shall be  
15 provided to the owner of a motor vehicle removed pursuant to this section within five business  
16 days after a request for a hearing is made to determine whether there was a basis for such  
17 removal. The environmental control board shall render a decision within two business days  
18 following the conclusion of the hearing. If it is determined that there was no basis for removal of  
19 a vehicle pursuant to this section, the owner of such vehicle may recover from the city any  
20 amounts paid by such owner for towing and storage.

21           §24-241 Emergency signal devices. (a) No person shall operate or use or cause to  
22 be operated or used any emergency signal device, except on an authorized emergency vehicle  
23 when such vehicle is in the act of responding to an emergency; provided that such device shall

1 not be operated for a period of time longer than is necessary to respond to such emergency.  
2 Notwithstanding the foregoing such a device on a motor vehicle shall be lawful if designed and  
3 used solely as an audible motor vehicle burglar alarm in accordance with section 24-238 and a  
4 device attached to a vehicle for the purpose of providing an audible warning when the vehicle is  
5 backing up shall be permitted even though the audible warning may consist of a gong or bell  
6 sound.

7 (b) No person shall operate or permit to be operated an emergency signal device  
8 installed on an authorized emergency vehicle that when operated at the maximum level creates a  
9 sound level in excess of 90 dB(A) when measured at a distance of fifty feet from the center of  
10 the forward face of such vehicle. Within one year after the effective date of this subdivision and  
11 every two years thereafter, emergency signal devices installed on authorized emergency vehicles  
12 shall be tested and certification shall be submitted, in a form approved by the department, that  
13 such devices meet the standard set forth in this subdivision for operation at maximum level.  
14 Notwithstanding the foregoing provisions, where compliance with the provisions of this  
15 subdivision would create an undue hardship, the owner or operator of an authorized emergency  
16 vehicle may submit a plan to the commissioner for emergency signal devices to meet the  
17 standard set forth in this subdivision within two years after the effective date of this subdivision.  
18 Such plan shall be submitted within one year after the effective date of this subdivision in lieu of  
19 the required certification. This subdivision shall not apply to authorized emergency vehicles of  
20 the New York city police department or to authorized emergency vehicles of the New York city  
21 fire department.

22 §24-242 Lawn care devices. (a) No person shall operate or use or cause to be  
23 operated or used any lawn care device:

1           (i) On weekdays before eight a.m. and after seven p.m. or sunset, whichever  
2 occurs later; or

3           (ii) On weekends and New York state and federal holidays before nine a.m. and  
4 after six p.m.; or

5           (iii) At any time in such a way as to create an unreasonable noise. For the  
6 purposes of this section unreasonable noise shall include but shall not be limited to an aggregate  
7 sound level of 75 dB(A) or more, attributable to the source or sources, as measured at any point  
8 within a receiving property. The provisions of paragraph (i) of subdivision a of this section shall  
9 not apply to an employee of the department of parks and recreation or an agent or contractor of  
10 the department of parks and recreation who operates or uses or causes to be operated or used any  
11 lawn care device between the hours of seven a.m. and eight a.m. in any location more than three  
12 hundred feet from any building that is lawfully occupied for residential use. The distance of  
13 three hundred feet shall be measured in a straight line from the point on the exterior wall of such  
14 building nearest to any point in the location at which such lawn care device is operated or used or  
15 caused to be operated or used.

16           (c) No person shall operate or use or cause to be operated or used any leaf blower  
17 not equipped with a functioning muffler.

18           §24-243 Snow blowers. The provisions of this code shall not apply to the  
19 operation of a snow blower for the purpose of complying with subdivision a of section 16-123 of  
20 the administrative code.

21           §24-244 Sound reproduction devices. (a) Except as otherwise provided in  
22 section 10-108 of the code, no person shall operate or use or cause to be operated or used any  
23 sound reproduction device in such a manner as to create unreasonable noise.

1           (b) No person shall operate or use or cause to be operated or used any sound  
2 reproduction device, for commercial or business advertising purposes or for the purpose of  
3 attracting attention to any performance, show, sale or display of merchandise, in connection with  
4 any commercial or business enterprise (including those engaged in the sale of radios, television  
5 sets, compact discs or tapes), (i) outside or in front of any building, place or premises or in or  
6 through any aperture of such building, place or premises, abutting on or adjacent to a public  
7 street, park or place; (ii) in or upon any vehicle operated, standing or being in or on any public  
8 street, park or place; (iii) from any stand, platform or other structure; (iv) from any airplane or  
9 other device used for flying, flying over the city; (v) from any boat on the waters within the  
10 jurisdiction of the city; or (vi) anywhere on the public streets, public sidewalks, parks or places  
11 where sound from such sound reproduction device may be heard upon any public street,  
12 sidewalk, park or place. Nothing in this section is intended to prohibit incidental sounds  
13 emanating from a sporting or an entertainment or a public event for which a permit under section  
14 10-108 of the code has been issued.

15           §11. The first unnumbered paragraph of subdivision (b) of section 24-257 of such  
16 code is amended to read as follows:

17           The board may, upon notice pursuant to section 24-259 of this code, and after a  
18 hearing pursuant to[ section 24-263 of this code, or in default thereof pursuant to section 24-264  
19 of this code] the rules of the board:

20           §12. Paragraph (5) of subdivision (b) of section 24-257 of such code is amended  
21 to read as follows:

22                           (5) Impose a civil penalty in each instance in an amount as set out in table  
23 [V] I against any person who violates a provision of this code, or of any order, rule or regulation

1 promulgated by the commissioner or the board. Each day during which such violation continues  
 2 shall constitute a separate violation. The board may in whole or in part, remit such a civil penalty  
 3 if, at the conclusion of the hearing or at the time of the board determination [under section 24-  
 4 266 of this code] the respondent is no longer in violation of a provision of this code, or of any  
 5 order, rule or regulation promulgated by the commissioner or the board;

6 §13. Table V following paragraph (5) of section 24-257 of such code is  
 7 REPEALED and a new table I is added following such paragraph (5) to read as follows:

TABLE I

<u>Violations</u>  <u>related to</u> <u>section and</u> <u>subdivision</u>	<u>Civil Penalties</u>					
	<u>First Violation</u>		<u>Second Violation*</u>		<u>Third and Subsequent Violations*</u>	
	<u>Maxi- mum</u>	<u>Mini- mum</u>	<u>Maxi- mum</u>	<u>Mini- mum</u>	<u>Maxi- mum</u>	<u>Mini- mum</u>
<u>24-216 (d)</u>	<u>2,625</u>	<u>650</u>	<u>5,250</u>	<u>1,300</u>	<u>7,875</u>	<u>1,950</u>
<u>24-218</u>	<u>1,000</u>	<u>350</u>	<u>2,000</u>	<u>700</u>	<u>3,000</u>	<u>1,050</u>
<u>24-218.1</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>
<u>24-220</u>	<u>1,400</u>	<u>440</u>	<u>2,800</u>	<u>880</u>	<u>4,200</u>	<u>1,320</u>
<u>24-222</u>	<u>3,500</u>	<u>875</u>	<u>7,000</u>	<u>1,750</u>	<u>10,500</u>	<u>2,625</u>
<u>24-223</u>	<u>3,500</u>	<u>875</u>	<u>7,000</u>	<u>1,750</u>	<u>10,500</u>	<u>2,625</u>
<u>24-224</u>	<u>3,500</u>	<u>875</u>	<u>7,000</u>	<u>1,750</u>	<u>10,500</u>	<u>2,625</u>
<u>24-225</u>	<u>1,400</u>	<u>440</u>	<u>2,800</u>	<u>880</u>	<u>4,200</u>	<u>1,320</u>
<u>24-226</u>	<u>1,400</u>	<u>440</u>	<u>2,800</u>	<u>880</u>	<u>4,200</u>	<u>1,320</u>
<u>24-227</u>	<u>875</u>	<u>220</u>	<u>1,750</u>	<u>440</u>	<u>2,625</u>	<u>660</u>
<u>24-228</u>	<u>1,400</u>	<u>440</u>	<u>2,800</u>	<u>880</u>	<u>4,200</u>	<u>1,320</u>
<u>24-229</u>	<u>1,400</u>	<u>440</u>	<u>2,800</u>	<u>880</u>	<u>4,200</u>	<u>1,320</u>
<u>24-230</u>	<u>1,400</u>	<u>440</u>	<u>2,800</u>	<u>880</u>	<u>4,200</u>	<u>1,320</u>
<u>24-231 (a)</u>	<u>8,000</u>	<u>2,000</u>	<u>16,000</u>	<u>4,000</u>	<u>24,000</u>	<u>6,000</u>
<u>24-231 (b)</u>	<u>1,750</u>	<u>440</u>	<u>3,500</u>	<u>880</u>	<u>5,250</u>	<u>1,320</u>
<u>24-231 (c)</u>	<u>875</u>	<u>350</u>	<u>1,750</u>	<u>700</u>	<u>2,625</u>	<u>1,050</u>
<u>24-232</u>	<u>1,400</u>	<u>440</u>	<u>2,800</u>	<u>880</u>	<u>4,200</u>	<u>1,320</u>
<u>24-233 (a)</u>	<u>175</u>	<u>50</u>	<u>350</u>	<u>100</u>	<u>525</u>	<u>150</u>
<u>24-233 (b) (1)</u>	<u>175</u>	<u>50</u>	<u>350</u>	<u>100</u>	<u>525</u>	<u>150</u>
<u>24-233 (b) (2)</u>	<u>350</u>	<u>100</u>	<u>700</u>	<u>200</u>	<u>1,050</u>	<u>300</u>
<u>24-234</u>	<u>175</u>	<u>50</u>	<u>350</u>	<u>100</u>	<u>525</u>	<u>150</u>
<u>24-235</u>	<u>175</u>	<u>50</u>	<u>350</u>	<u>100</u>	<u>525</u>	<u>150</u>

<u>24-236 (a)</u>	<u>525</u>	<u>150</u>	<u>1050</u>	<u>300</u>	<u>1,575</u>	<u>450</u>
<u>24-236 (b) (c) (d)</u>	<u>1,440</u>	<u>440</u>	<u>2,800</u>	<u>880</u>	<u>4,200</u>	<u>1,320</u>
<u>24-237 (a)</u>	<u>1,000</u>	<u>150</u>	<u>2,000</u>	<u>300</u>	<u>3,000</u>	<u>450</u>
<u>24-237 (b)</u>	<u>875</u>	<u>220</u>	<u>1,750</u>	<u>440</u>	<u>2,625</u>	<u>660</u>
<u>24-237 (c)</u>	<u>875</u>	<u>220</u>	<u>1,750</u>	<u>440</u>	<u>2,625</u>	<u>660</u>
<u>24-237 (d)</u>	<u>1,000</u>	<u>350</u>	<u>2,000</u>	<u>700</u>	<u>3,000</u>	<u>1,050</u>
<u>24-238</u>	<u>875</u>	<u>220</u>	<u>1,750</u>	<u>440</u>	<u>2,625</u>	<u>660</u>
<u>24-239 (b)</u>	<u>350</u>	<u>100</u>	<u>700</u>	<u>200</u>	<u>1,050</u>	<u>300</u>
<u>24-241</u>	<u>1,400</u>	<u>440</u>	<u>2,800</u>	<u>880</u>	<u>4,200</u>	<u>1,320</u>
<u>24-242</u>	<u>875</u>	<u>220</u>	<u>1,750</u>	<u>440</u>	<u>2,625</u>	<u>660</u>
<u>24-244</u>	<u>1,750</u>	<u>440</u>	<u>3,500</u>	<u>880</u>	<u>5,250</u>	<u>1,320</u>
<u>24-245</u>	<u>2,625</u>	<u>660</u>	<u>5,250</u>	<u>1,320</u>	<u>7,875</u>	<u>1,980</u>
<u>All remaining sections and subdivisions</u>	<u>875</u>	<u>220</u>	<u>1,750</u>	<u>440</u>	<u>2,625</u>	<u>660</u>

\* By the same respondent of the same provision of law, order, rule or regulation and, if the respondent is the owner, agent, lessee or other person in control of the premises with respect to which the violation occurred, at the same premises (all violations committed within two years).

1

2 §14. Paragraph (3) of subdivision (c) of section 24-257 of such code is amended  
3 to read as follows:

4 (3) order any person not in possession of [a variance] an after hours work  
5 authorization issued pursuant to [subdivision (b) of section 24-224 ] section 24-223 of this code  
6 to cease and desist from construction activities other than during the permissible hours specified  
7 in [subdivision (a) of section 24-224] section 24-222 of this code and the board may also seal  
8 any device used in such construction activities;

9 §15. Subdivision (f) of section 24-257 of such code is amended to read as  
10 follows:

11 (f) [(1)] The board may order any person to cease and desist from an  
12 activity which it reasonably believes causes unreasonable noise which creates imminent peril to  
13 the public health and well being, or to cease and desist from an activity which it reasonably  
14 believes constitutes a willful or continued violation of any provision of this code or order or

1 regulation, promulgated by the commissioner or board. Such order shall be effective upon  
2 service thereof. Any party affected by such an order may request a hearing on written notice, and  
3 he or she shall be afforded a hearing, within twenty-four hours after service of such request,  
4 pursuant to [section 24-263 of this code] the rules of the board. If such an accelerated hearing is  
5 not requested, then a hearing shall be afforded within ten days of the issuance of the order. The  
6 board shall issue its final decision and order thereon within three days from the conclusion of a  
7 hearing held pursuant to this subdivision.

8           [(2) The board may rescind in whole or in part a variance issued by an agency of  
9 the city of New York pursuant to subdivision (b) of section 24-224 of this code. Such order  
10 shall be effective upon service thereof upon such agency and upon the person to whom such  
11 variance was issued.]

12           §16. Section 24-258 of such code is amended to read as follows:

13           §. 24-258 The board. (a) The board shall be convened by the chairperson or in  
14 the chairperson's absence the assistant commissioner of [air resources] environmental  
15 compliance, or at the request of any three members thereof.

16           (b) [ If a member of the board has presided over the initial hearing, he or she shall  
17 not be disqualified from reviewing the hearing.

18           (c)] Five members of the board, at least two of who shall not be city officials,  
19 shall constitute a quorum.

20           §17. Paragraphs (4) and (5) of subdivision (c) of section 24-259 of such code are  
21 amended to read as follows:

22           (4) [Require a written response that conforms to section 24-260 of this code; and

1                   (5)] Require such person or owner of a device, unless a hearing is not required by  
2 section 24-257 of this code, to answer the allegations in the notice of violation at a time and  
3 place designated either in or with the notice of violation or in a subsequent notice to such person  
4 or owner.

5                   §18. Sections 24-260, 24-261, 24-263, 24-264, 24-265 and 24-266 of such code  
6 are REPEALED.

7                   §19. Section 24-262 of such code is amended to read as follows:

8                   §24-262 Settlement of proceedings. The board may settle any proceeding by  
9 stipulation and may exercise any or all of its powers under section 24-257 of this code thereby, at  
10 any time prior to the issuance of a decision pursuant to [section 24-266 of the code] the rules of  
11 the board.

12                   §20. On or prior to December 31, 2004 the commissioner of environmental  
13 protection shall promulgate noise mitigation rules in accordance with section 24-219 of the  
14 administrative code, as added by section 10 of this local law.

15                   §21. This local law shall take effect on July 1, 2005 provided that prior to such  
16 effective date agencies may promulgate rules or take other administrative actions necessary for  
17 the timely implementation of this local law and provided further that section 20 of this local law  
18 all take effect immediately upon its enactment into law.