



**Environmental  
Protection**

# NEW YORK CITY NOISE CODE

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July 2012

# Have You Heard?

The law states that:

- ❖ “the making, creation or maintenance of excessive and unreasonable and prohibited noises within the city affects and is a menace to the public health, comfort, convenience, safety, welfare and the prosperity of the people of the city.”

# Five Key Changes To The Noise Code

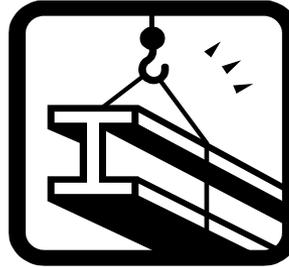
- ❖ Construction Activities
- ❖ Circulation Devices
- ❖ Commercial Music
- ❖ Refuse Compacting Vehicles
- ❖ Vending Vehicles



Here are some familiar sounds and their decibel levels measured at varying distances:



❖ Whisper	30 dB
❖ Normal Conversation (Laughter)	50-65 dB
❖ Vacuum Cleaner (at 10 feet)	70 dB
❖ Washing Machine (Dishwasher)	78 dB
❖ Midtown Manhattan Traffic	70-85 dB
❖ Motorcycle	88 dB+
❖ Lawnmower	85-90 dB
❖ Train	100 dB
❖ Jackhammer/Power Saw	110 dB
❖ Thunderclap	120 dB
❖ Stereo/Boom Box	110-120 dB
❖ Nearby Jet Takeoff	130 dB



- ❖ The Commissioner adopted rules that identify noise mitigation strategies for certain devices and activities.
- ❖ Any person, corporation or business doing construction in the city must adopt a plan to mitigate noise before construction begins, or within three days for emergency work.

- ❖ Construction may occur between 7AM and 6PM on Weekdays.
- ❖ Also, if the after hours construction causes the sound to rise 8dB(A) above the ambient in a residence, additional mitigation is required.
- ❖ It is unlawful to perform work at a construction site that is not in compliance with a construction noise mitigation plan.



- Conspicuously posted plan, readily available for inspection.
- Plan need not be filed with the DEP, as long as it complies with the requirements set forth in Chapter 28 of Title 15 of the RCNY. Alternative Noise Plans shall be filed with the DEP.



# Mitigation Measures

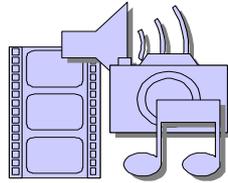
- ❖ If equipment exceeds level as specified in the Appendix of the Rules, a five day cure period is allowed to:
  - perform maintenance;
  - replace equipment;
  - file an Alternative Noise Mitigation Plan.
- ❖ All equipment shall be equipped with the appropriate manufacturer's noise reduction device and be free from defects.
- ❖ Engines, Compressors and Pumps shall be covered with insulating fabric covers.
- ❖ Construction fences or barriers, when required, shall be used within 200 feet of a receptor.
- ❖ Projects with a duration of 15 days or less and within 75 feet of a residential receptor, require a temporary barrier be used.
- ❖ Upon inspection, a finding of non-compliance with the plan, a three day cure period will be permitted before a violation is issued.



- ❖ Portable noise barriers free from gaps and holes shall achieve a STC 30 or greater rating.
- ❖ A free standing barrier shall be constructed with an overall height of 15 feet.
- ❖ Noise Barriers shall completely block the line of sight between the device and any indoor receptor within 200 feet and at a maximum of 20 feet above grade level.

- ❖ Sets 42 dB(A) as the maximum sound level for a single circulation device.
- ❖ Creates a 45 dB(A) standard for multiple devices as measured within a residence.
- ❖ An aggregate standard of 50 dB(A) is established for multiple devices installed on any building lot prior to the effective date.





- ❖ Prohibits unreasonable noise generated from commercial music establishments from exceeding any of the following limits:
  - ❖ 42 dB(A) as measured in a residence or
  - ❖ 7 dB(A) above the ambient at night within a receiving property or 15 feet from a public right away;
  - ❖ 10 dB(A) above the ambient during the day within a receiving property or 15 feet from a public right away.

- ❖ Creates a zero civil penalty for a first violation, when measured in a residence, if liability is admitted and the respondent certified to the commissioner's satisfaction that the establishment has been brought into compliance.



# Zero Penalty Form-Insert



## Extension to File Compliance Certification

This form is to be submitted **ONLY** by respondents who have received a Notice of Violation (NOV) for section 24-231(a) of the Noise Control Code for loud music from a commercial establishment, and who wish to apply for mitigation of the penalty from \$3200 to \$0.

This form should be submitted when it is not possible to complete the work needed to bring the establishment into compliance with the Noise Control Code within 30 days of the issuance of the NOV.

Please provide the following information:

NAME OF RESPONDENT \_\_\_\_\_

PREMISES ADDRESS \_\_\_\_\_

VIOLATION NUMBER \_\_\_\_\_

ECB HEARING DATE: \_\_\_\_\_

NAME AND PHONE # OF CONTACT PERSON \_\_\_\_\_

In order for this application to be considered, you **MUST** admit liability. Please sign the statement below:

On behalf of \_\_\_\_\_, I hereby admit liability for NOV #  
(respondent)  
\_\_\_\_\_. I understand that if the penalty for the NOV is not mitigated, a  
\$3200 penalty will be imposed.

\_\_\_\_\_ Signature

\_\_\_\_\_ Print Name

\_\_\_\_\_ Relationship to Respondent

In addition, you must attach proof that you have retained a noise consultant. A letter on the consultant's letterhead indicating that they have been retained and giving an estimated date for the completion of corrective work **MUST** be attached to this form.

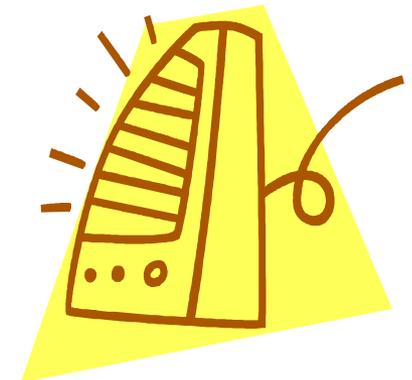
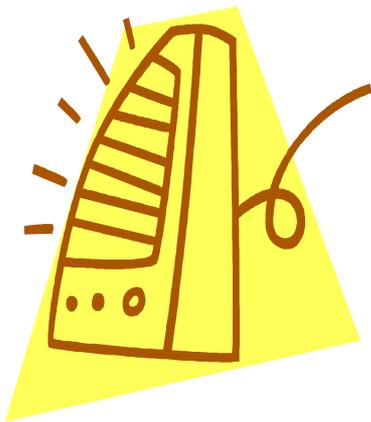
If this request is granted, you will receive a letter indicating the date by which all corrective work must be completed in order for the fine to be mitigated to zero. Please note that you will still have to go to ECB on the hearing date specified on the NOV in order to admit the violation in front of a hearing officer.

Please send this form along with the requested information to:

Charles Shamoon  
Bureau of Environmental Compliance  
9<sup>th</sup> Floor  
59-17 Junction Boulevard  
Flushing, NY 11373

# Sound Reproduction Devices

- ❖ It is unlawful to operate or use any sound reproduction device for commercial or business advertising purposes to attract attention to any performance, show, sale, or display of merchandise....



- ❖ The below link contains a list that is intended to provide owners of nightclubs, restaurants, bars and cafes who play music with information on a range of acoustical products, vendors, and professional services available to help control sound and vibration in their establishments and buildings. When applied properly, these acoustical tools may be helpful in reducing sound and vibration, and in achieving compliance with the New York City Noise Code, rules and regulations.
- ❖ [http://www.nyc.gov/html/dep/pdf/noise\\_control\\_guide\\_comm.pdf](http://www.nyc.gov/html/dep/pdf/noise_control_guide_comm.pdf)

# Vending Vehicles

- ❖ The use of electrically-operated or electrical sound signals attached to motor vehicles etc. that vend food may not play when the vehicle is stopped.



# Refuse Compacting Vehicles

- ❖ The permissible sound level is 80 dB(A) at 35 feet, prior to compaction.
- ❖ After 11PM and before 7AM, refuse collection vehicles within 50 feet of a residence shall not exceed 80 db(A) commencing July 1<sup>st</sup> 2012, (currently it is 85 dB(A)) at a distance of 35 feet.



# Questions?

- <http://www.nyc.gov/html/dep/html/airnoise.html>
- **SPEAK UP!**