

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 1997**

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**No. 84**

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Introduced by Council Members Miller, Michels, Duane, Eldridge, Freed, Pagan, Eisland, Leffler, Marshall and Eristoff (in conjunction with the Mayor); also Council Members Albanese, Linares and Stabile.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to civil penalties for second, third and subsequent violations of the noise control code.**

*Be it enacted by the Council as follows:*

Section 1. Legislative Intent. Twenty-five years ago, when the comprehensive New York City Noise Control Code was enacted, it was declared as the public policy of the City that “. . . every person is entitled to ambient noise levels that are not detrimental to life, health and enjoyment of his or her property . . .” and that “. . . the making, creation or maintenance of excessive and unreasonable noises within the city affects and is a menace to public health, comfort, convenience, safety, welfare and the prosperity of the people of the city.” The ability of the City’s residents, workers and visitors to secure a minimum level of quiet and freedom from noise is critical to the quality of life and the enjoyment of their homes, workplaces, places of recreation and the exterior environment.

It is axiomatic that strong enforcement is essential to the effectiveness of any regulatory program and a significant component of such enforcement is the penalty to be imposed for a violation of the law. Strong civil penalty provisions serve as a deterrent to violations of the Noise Control Code and preserve and advance the public policy reflected therein. However, it is the view of the Council that the existing civil penalties no longer serve as an adequate deterrent. This bill strengthens enforcement by establishing two new tiers of civil penalties in which those penalties are substantially increased for a second violation of the same provision of the Noise Control Code by the same person and for third and subsequent violations of the same provision of the Noise Control Code by the same person.

The Council also declares that nothing in this legislation is intended to limit the authority of the Environmental Control Board to issue “cease and desist” orders under existing provisions of the Noise Control Code.

§2. Table V of paragraph 5 of subdivision (b) of section 24-257 of the administrative code of the city of New York is amended to read as follows:

TABLE V  
Violations related to section  
and subdivision

	Civil Penalties					
	<i>First Violation</i>		<i>Second Violation*</i>		<i>Third and Subsequent Violations*</i>	
	Maxi- mum	Mini- mum	Maxi- mum	Mini- mum	Maxi- mum	Mini- mum
24-216 (d)	\$2,625	650	5,250	1,300	7,875	1,950
24-218	875	220	1,750	440	2,625	660
24-220 (a)	350	90	700	180	1,050	270
24-220 (b)	1,750	440	3,500	880	5,250	1,320
24-220 (c)	175	45	350	90	525	135
24-220 (d)	3,500	875				
24-221 (a)	875	220	1,750	440	2,625	660
24-221 (b), (c), (d), (e), (j)	700	175	1,400	350	2,100	525
24-221 (g)	250	100	500	200	750	300
24-222	175	45	350	90	525	135
24-223	875	220	1,750	440	2,625	660
24-224	3,500	875	7,000	1,750	10,500	2,625
24-225	1,400	350	2,800	700	4,200	1,050
24-226	1,400	350	2,800	700	4,200	1,050
24-227	1,400	440	2,800	880	4,200	1,320
24-227.1	875	100	1,750	200	2,625	300
24-227.2	875	220	1,750	440	2,625	660
24-228	875	220	1,750	440	2,625	660
24-229	1,400	440	2,800	880	4,200	1,320
24-232, except that this \$440-\$1,400 civil penalty shall apply only to a violation by a person operating motor vehicles listed in subdivisions one and two of Column I, and subdivisions one and two of Column II, of Table 1 and except that this \$880-\$2,800 civil penalty shall apply only to a second violation by a person operating such motor vehicles and except that this \$1,320-\$4,200 civil penalty shall apply only to a third or subsequent violation by a person operating such motor vehicles	1,400	440	2,800	880	4,200	1,320
24-232, except that this \$130-\$525 civil penalty shall apply only to a violation by a person operating motor vehicles listed in subdivision three of Column I, and subdivi-	525	130	1,050	260	1,575	390

vision three of Column II, of Table 1 and except that this \$260-\$1,050 civil penalty shall apply only to a second violation by a person operating such motor vehicles and except that this \$390-\$1,575 civil penalty shall apply only to a third or subsequent violation by a person operating such motor vehicles

24-234	2,625	660	5,250	1,320	7,875	1,980
24-236	1,400	440	2,800	880	4,200	1,320
24-237, except that this \$440-\$1,400 civil penalty shall apply only to a violation [by a person operating] of section 24-237 with respect to a circulation device with a rated capacity equal to or greater than fifty thousand British thermal units per hour or its equivalent and except that this \$880-\$2,800 civil penalty shall apply only to a second violation of section 24-237 with respect to such a circulation device and except that this \$1,320-\$4,200 civil penalty shall apply only to a third or subsequent violation of section 24-237 with respect to such a circulation device	1,400	440	2,800	880	4,200	1,320
24-237, except that this \$130-\$525 civil penalty shall apply only to a violation [by a person operating] of section 24-237 with respect to a circulation device with a rated capacity of less than fifty thousand British thermal units per hour or its equivalent and except that this \$260-\$1,050 civil penalty shall apply only to a second violation of section 24-237 with respect to such a circulation device and except that this \$390-\$1,575 civil penalty shall apply only to a third or subsequent violation of section 24-237 with respect to a such a circulation device	525	130	1,050	260	1,575	390

24-238	1,400	440	2,800	880	4,200	1,320
24-239	525	130	1,050	260	1,575	390
24-240	1,400	440	2,800	880	4,200	1,320
24-241	1,400	440	2,800	880	4,200	1,320
24-241.1	8,000	2,000	16,000	4,000	24,000	6,000
24-243	2,625	660	5,250	1,320	7,875	1,980
24-244	1,750	440	3,500	880	5,250	1,320
24-245	2,625	660	5,250	1,320	7,875	1,980
All remaining sections and subdivisions	875	220	1,750	440	2,625	660

\* *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).*

§ 3. This local law shall take effect on the sixtieth day after it shall have become law; provided, however, that this law shall apply only to notices of violation issued on or after the effective date of this law.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on October 14, 1997, and approved by the Mayor on October 31, 1997.

CARLOS CUEVAS, City Clerk, Clerk of the Council

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW § 27

Pursuant to the provisions of Municipal Home Rule Law § 27, I hereby certify that the enclosed local law (Local Law 84 of 1997, Council Int. No. 837-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on October 14, 1997: 44 FOR, 4 AGAINST, 1 NOT VOTING.

Was approved by the Mayor on October 31, 1997.

Was returned to the City Clerk on October 31, 1997.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel