

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 1996**

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**No. 13**

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Introduced by Council Members Eristoff, Malave-Dilan, Linares, Pagan, Rivera,  
O'Donovan, Leffler, Freed, Henry, Rosado, Fossella, Warden, Miller and Eisland.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation  
to the regulation of sound devices or apparatus.**

*Be it enacted by the Council as follows:*

Section 1. Declaration of legislative findings and intent. It is hereby declared that the use and operation of sound amplification devices and apparatus in proximity to residential buildings disturb the peace, quiet and comfort of the inhabitants of those buildings. Further regulation of sound amplification devices and apparatus used and operated in proximity to residential buildings is necessary to ensure that residents may enjoy the normal activities associated with the morning and evening hours affected by this legislation, such as the quiet enjoyment of one's home. It is the intention of the Council to protect the health, well-being, privacy and comfort of the inhabitants of residential buildings by limiting the unwelcome noise caused by the use and operation of sound amplification devices and apparatus when their use and operation occurs within fifty feet of such buildings. Nevertheless, the police commissioner would be authorized to issue permits for the use and operation of sound amplification devices and apparatus within fifty feet of residential buildings for at least eleven hours per day on weekdays and at least ten hours per day on weekends and public holidays.

§2. Subdivision b of section 10-108 of the administrative code of the city of New York is amended by renumbering paragraphs 1 and 2 as paragraphs 2 and 3, respectively, and by adding a new paragraph 1 to read as follows:

*1. The term "public holidays" shall mean those days expressly set forth in section twenty-four of the general construction law.*

§3. Paragraphs 4 and 5 of subdivision g of section 10-108 of the administrative code of the city of New York are amended to read as follows:

4. In or on any vehicle or other device while it is in transit; [or]

5. Between the hours of ten p.m. and nine a.m.; *or*

§4. Subdivision g of section 10-108 of the administrative code of the city of New York is amended by adding a new paragraph 6 to read as follows:

*6. Between the hours of eight p.m. or sunset, whichever is later, and nine a.m. on weekdays and between the hours of eight p.m. or sunset, whichever is later, and ten a.m. on weekends and public holidays, in any location within fifty feet of any building that is lawfully occupied for residential use. The distance of fifty feet shall be measured in a*

straight line from the point on the exterior wall of such building nearest to any point in the location for which the permit is sought.

§5. Subdivision j of section 10-108 of the administrative code of the city of New York is amended to read as follows:

j. Violations. 1. Any person who shall violate any provision of this section, upon conviction thereof, shall be punished by a fine of not more than [twenty-five] *one hundred* dollars or imprisonment for thirty days, or both.

2. *Any person who shall violate any provision of this section, any rule promulgated pursuant thereto or the terms of a permit issued pursuant to subdivision f of this section, shall be liable for a civil penalty recoverable in a civil action brought in the name of the police commissioner or the commissioner of environmental protection or in a proceeding before the environmental control board in an amount of two hundred fifty dollars for the first violation, five hundred dollars for the second violation and seven hundred fifty dollars for the third and each subsequent violation. However, any person who commits a fourth and any subsequent violation within a period of six months shall be classified as a persistent violator and shall be liable for a civil penalty of one thousand dollars for each such violation.*

§6. Subdivision k of section 10-108 of the administrative code of the city of New York is amended to read as follows:

(k) Rules [and regulations]. The police commissioner shall have the power to make such rules [and regulations] as may be necessary to carry out the provisions of this section.

§7. Section 10-108 of the administrative code of the city of New York is amended by adding a new subdivision l to read as follows:

(l) *The police department and the department of environmental protection shall have the authority to enforce the provisions of this section.*

§8. This local law shall take effect immediately.

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 February 6, 1996, and approved by the Mayor on February 20, 1996.

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 13 of 1996, Council Int. No. 416-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on February 6, 1996: 50 for, 0 against.

Was approved by the Mayor on February 20, 1996.

Was returned to the City Clerk on February 21, 1996.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel