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Title: A Local Law to amend the administrative code of the city of New York, in relation to the noise standard for commercial establishments.

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Attachments: 1. Summary of Int. No. 186, 2. Committee Report 6/27/16, 3. Hearing Testimony 6/27/16, 4. Hearing Transcript 6/27/16

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Int. No. 186

By Council Members Constantinides, Cornegy, Koo, Rose, Koslowitz, Rodriguez, Deutsch, Kallos, Mendez and Ulrich

A Local Law to amend the administrative code of the city of New York, in relation to the noise standard for commercial establishments.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that the noise code should provide the basis for the issuance of violations to entertainment establishments. However, increasingly the department has not relied upon the statutorily mandated noise levels as a basis for issuance of tickets. Instead the department has issued tickets based on the “unreasonable noise” provision of the administrative code, as determined by an inspector. While it is important to address excessive noise from entertainment establishments, entertainment establishments be given more precise notice of the standards to which they will be held.

Therefore, the Council finds that it is in the best interests of the City to prohibit use of the “unreasonable noise” standard as a basis for the issuance of summonses to entertainment establishments, including bars and restaurants.

§ 2. Subdivision b of section 24-218 of the administrative code of the city of New York is amended to read as follows:

(b) [Unreasonable] For music originating from an interior space in connection with the operation of any commercial establishment or enterprise, unreasonable noise shall be defined as a sound that exceeds the prohibited noise levels set forth in this subdivision; and for all other sources of noise, unreasonable noise shall include but shall not be limited to sound, attributable to any device, that exceeds the [following] prohibited noise levels set forth in this subdivision:

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

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

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

§ 3. Section 24-244 of the administrative code of the city of New York is amended by adding a new

subdivision c to read as follows:

(c) This section shall not apply to music originating from an interior space in connection with the operation of any commercial establishment or enterprise.

§ 4. This local law shall take effect immediately.

LS 596
JB 3/19/14