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Int. No. 115

By Council Members Moskowitz, Clarke, Felder, Gentile, Gerson, McMahon, Monserrate, Nelson, Recchia, Reed, Weprin, Yassky, Katz, Quinn, James and Brewer

A Local Law to amend the administrative code of the city of New York, in relation to noise from audible burglar alarms on motor vehicles.

Be it enacted by the Council as follows:

Section 1. Subdivisions d through i of section 24-221 of the administrative code of the city of New York are amended and new subdivisions j through n are added to such section to read as follows:

(d) No owner of a building [or of a motor vehicle] shall have in operation an audible burglar alarm thereon unless such burglar alarm shall be capable of and shall automatically terminate its audible response within fifteen minutes of its being activated [in the case of a building, and three minutes of its being activated in the case of a motor vehicle. No audible burglar alarm on a motor vehicle shall be capable of being activated except by (i) direct physical contact with that motor vehicle or (ii) through the use of an individual remote

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activation device that is designed to be used with the audible burglar alarm system of a particular vehicle which alarm shall be capable of and shall terminate its audible response within three minutes of its being activated].

(e) No owner of a motor vehicle shall have in operation an audible burglar alarm or an audible status indicator on such motor vehicle.

(f) [Notwithstanding the provisions of subdivision (d) of this section, any] Any member of the police department of the city of New York shall have the right to take such steps as may be reasonable and necessary to disconnect any audible burglar alarm or audible status indicator which is installed on a motor vehicle at any time during the period of its activation.

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

[(h)](1) [Notwithstanding the provisions of subdivision (d) of this section, any] Any member of the police department may arrange for the removal of a motor vehicle from a public highway or parking lot open to the public, when (i) an audible burglar alarm [installed on such vehicle is operated in violation of this section] or an audible status indicator is operated on such vehicle and (ii) all reasonable and necessary steps to disconnect such alarm or audible status indicator have been taken without success. Authorized personnel of the department or the department of transportation may request a member of the police department to arrange for the removal of such vehicle. When such removal is requested, the notice of violation for operation of an audible burglar alarm [in violation of this section or for the operation of] or an audible status indicator shall state that a member of the police department took all reasonable and necessary steps to disconnect such alarm or such audible status indicator without success. Such removal may be accomplished by utilizing any existing city-operated tow program, the rotation tow program established pursuant to section 20-519 of the code or such other procedures as may be_established. The cost of towing and storage of such motor vehicle shall be the

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responsibility of the owner or other person who claims such motor vehicle.

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

[(i) The department, the police department and the department of transportation shall have the authority to enforce the provisions of this section.]

(h)(1) Any authorized member of the department, the police department, the department of sanitation or the department of transportation may issue a notice of violation for a violation of subdivision e of this section based upon a written statement of a complainant, which may be in electronic form, which shall include, but not be limited to, the name and telephone number of the complainant and the location, license plate number, make, model and color of the vehicle that has allegedly violated that subdivision.

(2) Where a notice of violation is issued in accordance with the provisions of paragraph one of this subdivision, the contents of such notice shall not be considered prima facie proof of the alleged violation.

(i) (1) It shall be unlawful for any person to sell or offer for sale or cause any other person to sell or offer for sale an audible burglar alarm on a motor vehicle.

(2) It shall be unlawful for any person, other than a manufacturer, to install or cause any person to install an audible burglar alarm on a motor vehicle. For the purpose of this section, “manufacturer” shall mean any person manufacturing or assembling motor vehicles.

(j)(1) Notwithstanding the provisions of subdivision i of this section, any dealer or any person engaged in the business of installing audible burglar alarms on motor vehicles who installed such an alarm on a motor vehicle prior to the effective date of this section and who, at the time the alarm was installed, provided a

warranty for the replacement or repair of such alarm that had not expired or become invalid as of the effective date of this section, shall be authorized to replace or repair such alarm in accordance with the terms of such warranty until such time as the warranty expires or becomes invalid. For the purpose of this section, "dealer" shall mean a person selling or leasing and distributing motor vehicles primarily to purchasers that in good faith purchase the vehicles other than for resale.

(2) Any dealer or any person engaged in the business of installing audible burglar alarms on motor vehicles to whom the provisions of paragraph one of this subdivision apply shall maintain a record of each repair or replacement of such alarm performed in accordance with the terms of any warranty. Such records shall include the effective date and expiration date of the warranty, the date on which such repair or replacement was performed and such other information as the commissioner shall require by rule. These records shall be retained for a period of seven years, or such longer period as the commissioner shall establish by rule.

(k) Any dealer who sells or offers for sale a motor vehicle for which the manufacturer has installed an audible burglar alarm during the manufacture of such motor vehicle shall maintain a record of the date on which the assembly of each such motor vehicle sold or offered for sale by such dealer was completed, the vehicle identification number of each such vehicle and such other records as the commissioner shall require by rule. These records shall be retained for a period of seven years, or such longer period as the commissioner shall establish by rule.

(l) Any person who violates subdivision i of this section shall be guilty of a misdemeanor.

(m) Each sale, offer for sale, or installation of an audible burglar alarm on a motor vehicle made or caused to be made in violation of subdivision i of this section shall be deemed a separate violation and a separate civil penalty shall be imposed for each such violation.

(n) The department, the police department, the department of sanitation and the department of transportation shall have the authority to enforce the provisions of this section and the department of consumer

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affairs shall have the authority to enforce subdivision i of this section.

§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:

24-221(b), (c), (d), (e), (j)(1)	700	175	1,400	350	2,100	525
[24-221(g)	250	100	500	200	750	300]
24-221(i)	1000	500	2,500	1,000	5,000	2,500
24-221(j)(2), (k)	250	100	500	200	750	300

§3. Section 24-269 of the administrative code of the city of New York is amended by adding thereto a new subdivision g to read as follows:

(g) Any person convicted of violating subdivision i of section 24-221 of this chapter shall be punished by a fine of not less than five hundred dollars and not more than one thousand dollars or by imprisonment for not more than ten days, or by both such fine and imprisonment, for a first offense; and by a fine of not less than one thousand dollars and not more than two thousand five hundred dollars or by imprisonment for not more than twenty days, or by both such fine and imprisonment, for a second offense; and by a fine of not less than two thousand five hundred dollars and not more than five thousand dollars or by imprisonment for not more than thirty days, or by both such fine and imprisonment for a third or subsequent offense.

§4. This local law shall take effect ninety days after it is enacted into law except that the Commissioners of Environmental Protection, Sanitation, Transportation, Consumer Affairs and the Police Commissioner shall take all actions necessary for its implementation immediately.

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