



Legislation Text

File #: Int 0296-2010, **Version:** *

Preconsidered Int. No. 296

By Council Members Vallone, Fidler and Mealy (by request of the Mayor)

A Local Law to amend the administrative code of the city of New York, in relation to sound permits.

Be it enacted by the Council as follows:

Section 1. Subdivision g of section 10-108 of the administrative code of the city of New York, as amended by local law 13 for the year 1996, is amended to read as follows:

g. Special restrictions. The police commissioner shall not issue any permit for the use of a sound device or apparatus:

1. In any location within five hundred feet of a school, courthouse or church, during the hours of school, court or worship, respectively, or within five hundred feet of any hospital or similar institution, provided, however, that applicants seeking permits in relation to a sound device or apparatus located in a fixed open air structure such as a band shell, amphitheater, stadium or similar permanent structure used for performances or events, shall not be subject to the special restrictions of this subparagraph 1 when such applicant certifies that the sound attributable to such sound device or apparatus shall not exceed a level of 10 dB(A) or more above the ambient sound level as measured at a distance of 15 feet from the point on the perimeter of the property upon which the structure is located that is closest to the sound device or apparatus;

2. In any location where the commissioner, upon investigation, shall determine that the conditions of vehicular or pedestrian traffic or both are such that the use of such a device or apparatus will constitute a threat to the safety of pedestrians or vehicular operators;

3. In any location where the commissioner, upon investigation, shall determine that conditions of

overcrowding or of street repair or other physical conditions are such that the use of a sound device or apparatus will deprive the public of the right to the safe, comfortable, convenient and peaceful enjoyment of any public street, park or place for street, park or other public purposes, or will constitute a threat to the safety of pedestrians or vehicle operators;

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

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

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.

§2. This local law shall take effect immediately and shall expire 90 days after enactment.

6/25/10