



CLOSE WINDOW

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MAYOR MICHAEL R. BLOOMBERG AND ENVIRONMENTAL PROTECTION COMMISSIONER CHRISTOPHER O. WARD ANNOUNCE LEGISLATION TO OVERHAUL NOISE CODE

Overhaul will Address One of New York's Most Vexing Problems

Mayor Michael R. Bloomberg and Department of Environmental Protection (DEP) Commissioner Christopher O. Ward today proposed legislation, which would provide the first comprehensive overhaul of the New York City Noise Code in over 30 years. The announcement was made at in Astoria Park in Queens, where Mayor Bloomberg launched the quality of life initiative *Operation Silent Night*, in October, 2002. Noise is the number one complaint to the City's 311 citizen service hotline currently averaging nearly 1,000 calls a day. The proposal provides a flexible rationale to keep New York's businesses thriving while addressing the number one quality of life complaint in New York. The Mayor was joined by Council Speaker Gifford Miller, Police Commissioner Raymond W. Kelly, Councilmember Peter Vallone Jr., Councilmember James F. Gennaro, Nancy Nadler, Director of Development, League for the Hard of Hearing, Bob Zuckerman, Executive Director, New York Nightlife Association, Frances X. McArdle, Managing Directing, The General Contractors Association of New York, and Steven Spinola, President, Real Estate Board of New York.

"This new proposal is the first overhaul of the Noise Code in over thirty years and will maintain our City's vibrancy by balancing the need for construction, development and an exciting nightlife with New Yorkers well deserved right to peace and quiet," said Mayor Bloomberg. "Building on the success of our enforcement initiative, Operation Silent Night, we are proposing a comprehensive revision to the noise code that will make New York quieter and more livable without stifling growth. This legislation is the result of a tremendous collaboration. DEP worked not only it's partners within government but with all interested parties including the construction, real estate and nightlife industries. I thank all those who contributed to this important piece of legislation."

The new Noise Code will remove outdated code sections and replace them with ones that use the latest acoustic technology and will provide for flexible and reasonable enforcement.

The legislation focuses on five areas:

- **Reducing sound resulting from construction:** The new code provides updated and sensible means of limiting noise from construction sites located near residential neighborhoods. By establishing uniform best management practices for all work sites, using greater discretion in granting permits for night and weekend work and mandating "noise management plans" that include portable sound barriers, noise jackets for jackhammers at all construction sites the code will decrease noise pollution.
- **More practical regulation of sound from commercial music sources:** The existing noise code prohibits sound from commercial music establishments such as bars, clubs and cabarets, louder than 45 decibels as measured in a residence. That standard fails to capture intrusive bass-level music and vibrations, which cannot be captured by a conventional decibel scale. The new code establishes a more flexible standard and enforcement schedule for music sources that includes no penalties for first offenses if compliance is achieved as well as a new standard to measure bass-level and vibrational sound.
- **Closing a loophole in current code provisions governing air conditioning and air circulating devices:** Air conditioning units on buildings, particularly clusters of them, are a growing source of noise complaints. Although the current code has a standard for air

conditioning units of 45 decibels, it has been interpreted to apply only to a single unit. Because of this loophole, a cluster of air conditioning units could be generating 60 decibels of sounds, but there would be no violation unless a single unit is creating more than 45 decibels. The updated code will create a uniform standard of 45 decibels for all installation of air conditioning units and mandate that existing units that exceed 50 decibels in the aggregate reduce their output by five decibels.

- **Simplify enforcement by using a “plainly audible” standard instead of conventional decibel limits, which require use of a noise meter:** The existing code requires use of handheld decibel meters to issue many summonses. Although decibel meters are useful at obtaining acoustic measurements, they require frequent calibration, have a three decibels plus-or-minus margin of error, and the Police Officers, who are often responsible for enforcing the noise code, do not always have them available or have received the training necessary to operate them. The code adopts a standard of “plainly audible” at specified distances. Police Officers and DEP noise inspectors will be allowed to issue summonses for a multitude of violations including car stereo, loud music, barking animals and loud mufflers using a common-sense standard and without a noise meter. This standard has been used and upheld by courts in many other states.
- **Increase enforcement effectiveness by limiting the Code’s use of a standard of “Unreasonable to a person of normal sensitivities:”** The existing code prohibits ‘noise that is unreasonable to a person of normal sensitivities.’ This standard is too vague to be consistently defensible. The new code replaces it with more specific and defensible standards. For areas not specifically covered in the code, sound is prohibited from any source that increases the ambient noise in a residence by ten decibels during the day and seven decibels at night.

“Every New Yorker knows that noise is a serious problem in our City. It affects our schools, our jobs and our daily quality-of-life,” said Speaker Miller. “The bottom line is we have to do a better job controlling noise pollution, because while New York may be the City that never sleeps, that doesn’t mean New Yorkers don’t deserve a little peace and quiet.”

“Today the City is proposing a comprehensive change to our urban environment which not only marks a new law but demonstrates that government and business can reach mutual goals for the quality of life for all who live and work in this great City,” said Commissioner Ward. “A new noise code will signify that New York can be the environmental leader for the whole country.”

“Noise is the biggest source of complaints to my district office—from motorcycles to car alarms to loud music, and I am happy to have been able to work with the Mayor to send an even louder message, it will no longer be tolerated,” said Councilmember Vallone.

“The League for the Hard of Hearing applauds Mayor Bloomberg and his administration for developing this proposed Noise Code that will both meet the needs of the people of New York, and preserve those things that we love about this vibrant City,” said Nancy Nadler of the League for the Hard of Hearing. “Noise has consistently been the leading quality of life issue in New York and we are proud to have been part of what has turned out to be an unprecedented example of community groups, professional organizations and city agencies working together to improve the quality of life of the citizens of New York.”

“The New York Nightlife Association applauds the administration’s efforts to work with the nightlife industry on this proposal,” said Bob Zuckerman of the Nightlife Association. “Working with the Department of Environmental Protection has been a major step toward regulatory reform. We appreciate that the proposal seeks a balance between the concerns of our neighbors and the needs of this vital industry in New York City”

“We applaud the Administration’s efforts to include the construction industry in the development and consideration of the new noise code standard,” said Frances McArdle of the General Contractors Association. “We will work towards a reasoned approach to controlling noise in our City”

“The Real Estate Board of New York has been working with the City towards rational requirements relating to noise that will permit us to continue to grow while making the City more livable,” said Steven Spinola of the Real Estate Board of New York.

The new code will augment the highly successful anti-noise initiative, *Operation Silent Night*. *Silent Night* targeted 24 high-noise neighborhoods throughout the City with intensive enforcement

measures. Since its inception in late 2002, using sound meters, towing of vehicles, seizure of audio equipment, summonses, fines, and arrests, the initiative resulted in the issuance of 3,706 noise summonses, 80,056 parking violations, 40,779 moving violations, 33,996 Criminal Court summonses, and 252 DEP noise violations. The Police Department is currently identifying new neighborhoods to be targeted for noise control under *Operation Silent Night*.

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