



Legislation Text

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Int. No. 779

By Council Members Menin, Holden, Restler and Zhuang

A Local Law to amend the administrative code of the city of New York, in relation to construction noise complaints, noise mitigation plans, and citizen enforcement

Be it enacted by the Council as follows:

Section 1. Subdivision (e) of section 24-207 of the administrative code of the city of New York, as added by local law number 53 for the year 2018, is amended to read as follows:

(e) (1) The commissioner shall adopt rules prescribing specific time frames for inspections in response to after hours noise complaints received by the department in order to ensure that such inspections are most likely to occur at (i) a time that the alleged noise is continued from the time of the complaint or (ii) at a time when the alleged noise is likely to be repeated.

(2) Where the department receives 2 or more complaints for unreasonable noise within any 24-hour period regarding after hours or emergency construction work performed during such period, the department shall notify the responsible party at the work site. The department shall provide such notice no later than the business day immediately following the day on which the department receives the second of such complaints.

(3) The department shall inspect any construction work site for which the department receives 4 or more complaints for unreasonable noise within a 48-hour period regarding after hours or emergency construction work performed during such period. The department shall conduct such inspection no later than the business day immediately following the day on which the department receives the fourth of such reports.

§ 2. Subdivisions (b) and (c) of section 24-220 of the administrative code of the city of New York, as amended by local law number 10 for the year 2018, are amended to read as follows:

(b) Such plan shall be adopted prior to the commencement of construction at the site or, with respect to emergency work, as defined in the department's rules, within [three days] 1 day thereafter, and shall apply to all work at the site throughout the construction process. The plan shall provide in detail the noise mitigation strategies, methods, procedures and technology, as prescribed in the rules of the department or specifically approved by the commissioner in accordance with section 24-221 of this code, for each device or activity employed or performed at the site. Each permit holder or other person in charge of such construction site will be accountable for compliance with such rules and shall ensure that each person performing construction work at the site shall be aware of the plan and shall be responsible for complying with those provisions that affect his or her work.

(c) A copy of the plan shall be kept at the construction site and shall be displayed in a conspicuous manner on the exterior of the construction site and made accessible for inspection by the public and persons authorized to enforce the provisions of this code provided that where there are no exterior structures on the construction site such plan need only be kept at the site and made accessible for inspection by the public and persons authorized to enforce the provisions of this code. Where after hours construction work is performed, a notice to residents shall be posted containing information on how to report unreasonable noise and how to serve a citizen's complaint pursuant to section 24-261.

§ 3. Section 24-261 of the administrative code of the city of New York, subdivisions (d) and (e) of such section as amended by local law number 16 for the year 2024, is amended to read as follows:

(a) Any person other than personnel of the department and employees of the city of New York authorized by law to serve summonses for violation of the code may serve upon the department a complaint in a form prescribed by the commissioner alleging that a person has violated a provision of this code set forth in table VI, below, or an order or regulation promulgated under such provision together with evidence of such violation. The commissioner shall not accept evidence submitted pursuant to this section as sufficient basis for a complaint unless (i) the evidence is recorded in a manner prescribed by the rules of the department, and (ii)

the equipment model used to record the evidence has been approved by the department within 3 years prior to the observation.

TABLE VI

Violation related to section or subdivision and order or regulation thereunder
24-208
24-216
24-220 (b)
<u>24-222</u>
<u>24-223 (d)</u>
24-224
24-232, except that the provisions of this section 24-261 < https://codelibrary.amlegal.com/codes/newyorkcity/latest/NYCadmin/0-0-0-44522 > shall apply only to violations by persons operating motor vehicles listed in subdivisions one and two of column I, and subdivisions one and two of column II of Table 1. 24-234 24-236 24-237, except that the provisions of this section 24-261 shall apply only to a violation by a person operating a circulation device with a rated capacity in excess of fifty thousand British thermal units per hour or its equivalent.
24-238
24-240
24-241
24-244
24-245

(b) A person who has served a complaint pursuant to subdivision (a) of this section may serve upon the person allegedly in violation and upon the board a notice of violation in a form prescribed by the board, if within thirty days from service of such complaint:

(1) The department has failed to serve a notice of violation, pursuant to section 24-259 of this code, for the violation alleged in a complaint pursuant to subdivision (a) of this section; or

(2) The department fails to serve a written notice upon the complainant of its determination that his or her complaint is frivolous or duplicitous.

(c) A person commencing a proceeding before the board pursuant to this section, shall prosecute such proceeding at his or her own expense. The department may intervene in such a proceeding at any time.

(d) In any proceeding brought by the department after receiving a complaint pursuant to subdivision (a) of this section, the board shall award the complainant, out of the proceeds collected, fair and reasonable compensation, which shall not exceed 25 percent of the proceeds collected, for disclosure of information or evidence not in the possession of the department, which leads to the imposition of the civil penalty; provided that for any proceeding brought by the department after receiving a complaint pursuant to subdivision (a) of this section alleging a violation of subdivision (b) of section 24-244, the board shall award the complainant, out of the proceeds collected, compensation in the amount of \$5.

(e) In any proceeding brought by a complainant, the board shall award, out of the proceeds collected, 50 percent of any civil penalty as fair and reasonable compensation to such person; provided that for any proceeding brought by a complainant alleging a violation of subdivision (b) of section 24-244, the board shall award, out of the proceeds collected, compensation in the amount of \$10 to such person.

(f) The department shall publish on its website information related to best practices for filing complaints pursuant to this section. Such information shall include but need not be limited to guidance on procedures for filing such complaints and for gathering supporting documentation.

§ 4. This local law takes effect 180 days after it becomes law.

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