

## NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Notice of Public Hearing and Opportunity to Comment on Proposed Rules

**What are we proposing?** The Department of Environmental Protection is proposing to promulgate a rule to amend the Noise Code Penalty Schedule, codified in Chapter 47 of Title 15 of the Rules of the City of New York, to add penalties for excessive noise from motor vehicles.

**When and where is the hearing?** DEP will hold a public hearing on the proposed rule online. The public hearing will take place at 11 am on September 29, 2021. To participate in the public hearing, please follow these instructions:

Microsoft Teams meeting

**Join on your computer or mobile app**

[Click here to join the meeting](#)

**Or call in (audio only)**

[347-921-5612](tel:347-921-5612)

Phone Conference ID: 983 71595#

**How do I comment on the proposed rules?** Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to the DEP through the NYC rules web site at <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to [nycrules@dep.nyc.gov](mailto:nycrules@dep.nyc.gov).
- **Mail.** You can mail written comments to the DEP Bureau of Legal Affairs, 59-17 Junction Boulevard, 19th Floor, Flushing, NY 11373.
- **Fax.** You can fax written comments to the DEP Bureau of Legal Affairs, at 718-595-6543.

**By speaking at the hearing.** Anyone who wants to comment on the proposed rules at the public hearing must sign up to speak. You can sign up before the hearing by calling 718-595-6531. You can speak for up to three minutes.

**Is there a deadline to submit written comments?** Yes, you must submit written comments by September 29, 2021.

**What if I need assistance to participate in the hearing?** You must tell DEP's Bureau of Legal Affairs if you need a reasonable accommodation because of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 718-595-6531, or by

email at [nycrules@dep.nyc.gov](mailto:nycrules@dep.nyc.gov). Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by September 22, 2021.

**Can I review the comments made on the proposed rules?** You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at the Department's Bureau of Legal Affairs at the physical address given above or upon request by email [nycrules@dep.nyc.gov](mailto:nycrules@dep.nyc.gov).

**What authorizes the DEP to make this rule?** Section 1043 of the New York City Charter and sections 24-204, 24-236 and 24-257 of the Administrative Code of the City of New York authorize DEP to make this proposed rule. This proposed rule was included in DEP's regulatory agenda for this fiscal year.

**Where can I find DEP's rules?** DEP's rules are in Title 15 of the Rules of the City of New York.

**What rules govern the rulemaking process?** DEP must meet the requirements of Section 1043(c) of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

### **Statement of Basis and Purpose of Proposed Rules**

Chapter 47 of Title 15 of the Rules of the City of New York sets forth the penalties which may be imposed for violations of the Noise Control Code. This proposed rule would amend Subdivision b of Section 47-02 of Title 15 of the Rules of the City of New York to add penalties for violations of subdivision (e) of section 24-236 of the Administrative Code of the City of New York, which prohibits persons from causing or permitting the total sound from a motor vehicle operating on any public right-of-way from exceeding the sound levels set forth in section 386 of the New York State Vehicle and Traffic Law and the rules adopted pursuant to such section. This provision is proposed to be added to the Noise Code penalty schedule, as it was unintentionally omitted from such penalty schedule. This proposed rule change would help the City enforce the Noise Control Code and mitigate disruptive noise.

The proposed penalties are within the ranges established in the Noise Control Code, codified in section 24-257 of the Administrative Code of the City of New York.

New material is underlined.

Section 1. Subdivision (b) of Section 47-02 of Title 15 of the Rules of the City of New York is amended by adding a new entry to the Noise Code Penalty Schedule immediately following the entry for section 24-236(d) to read as follows:

Section of Law	Violation Description	Compliance	Offense	Penalty	Default P
24-236(e)	Causing or permitting the total sound from motor vehicle operating on a public right-of-way to exceed limits set forth in section 386 of the New York State Vehicle and Traffic Law and any applicable rules	Stop causing or permitting the total sound of a motor vehicle to exceed the limits set forth in section 386 of the New York State Vehicle and Traffic Law forthwith	1st	220	
			2nd	440	
			3rd	880	

**NEW YORK CITY LAW DEPARTMENT  
DIVISION OF LEGAL COUNSEL  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-356-4028**

**CERTIFICATION PURSUANT TO  
CHARTER §1043(d)**

**RULE TITLE:** Amendment of Noise Code Penalty Schedule

**REFERENCE NUMBER:** 2021 RG 065

**RULEMAKING AGENCY:** Department of Environmental Protection

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN  
Acting Corporation Counsel

Date: August 17, 2021

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10<sup>th</sup> FLOOR  
NEW YORK, NY 10007  
212-788-1400**

**CERTIFICATION / ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE: Amendment of Noise Code Penalty Schedule**

**REFERENCE NUMBER: DEP-85**

**RULEMAKING AGENCY: Department of Environmental Protection**

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because rule violations arise from completed events, the consequences of which are immediate, which makes a cure period impracticable under the circumstances.

/s/ Francisco Navarro  
Mayor's Office of Operations

August 17, 2021  
Date