

## 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 promulgating rules that would establish penalties for violations of Title 24, Chapter 2 of the Administrative Code, also known as the Noise Control Code (Noise Code). The Office of Administrative Trials and Hearings (OATH) is proposing a companion rule removing the Noise Code Penalty Schedule from Title 48 of the Rules of the City of New York.

**When and where is the hearing?** The department will hold a public hearing on the proposed rule. The public hearing will take place at 10 a.m. on February 6, 2017. The hearing will be held in the 19<sup>th</sup> floor conference room at 59-17 Junction Boulevard, Flushing, New York.

This location is wheel chair accessible.

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

- **Website.** You can submit comments to the Department of Environmental Protection 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 Department of Environmental Protection, Bureau of Legal Affairs, 59-17 Junction Boulevard, 19<sup>th</sup> Floor, Flushing, NY 11373.
- **Fax.** You can fax written comments to the Department of Environmental Protection, Bureau of Legal Affairs, at 718-595-6543.
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling 718-595-6531. You can also sign up in the hearing room before the hearing begins on February 6, 2017. You can speak for up to three minutes.

**Is there a deadline to submit written comments?** Yes, you must submit written comments by February 6, 2017.

**Do you need assistance to participate in the hearing?** You must tell the Bureau of Legal Affairs if you need a reasonable accommodation of a disability at the hearing other than the one indicated above. 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. You must tell us by January 30, 2017.

**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 Bureau of Legal Affairs.

**What authorizes the department to make this rule?** Section 1043 of the City Charter and sections 24-257 and 24-204 of the Administrative Code authorize the department to make this proposed rule. This proposed rule was not included in the department's regulatory agenda for this fiscal year.

**Where can I find the department's rules?** The department's rules are in title 15 of the Rules of the City of New York.

**What rules govern the rulemaking process?** The department 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 Rule**

DEP is proposing a new rule to be found at Title 15 of the Rules of the City of New York (RCNY) Chapter 47, to establish penalties for violations of Title 24, Chapter 1 of the New York City Administrative Code, also known as the Noise Control Code (Noise Code) as amended by Local Law 72 of 2016 (LL 72), as well as violations of 15 RCNY Chapter 28, which governs noise from construction. The proposed rules are authorized by section 1043 of the Charter of the City of New York and sections 24-204 and 24-257 of the Noise Code.

LL 72 amends section 24-218 of the Noise Code by adding a new subdivision (a-1) applying to unreasonable noise violations committed in a commercial context or in certain cases by building owners. The law also amends section 24-257 to change the penalty range for a first offense of section 24-218(a) to \$75 to \$150, the civil penalty for a second offense within two years to \$150 to \$250, and the civil penalty for a third offense within two years to \$350 to \$500. The current penalties for unreasonable noise will now be applicable to violations of section 24-218(a-1).

The current Noise Code Penalty Schedule, which is located in the rules of the Office of Administrative Trials and Hearings (OATH) at 48 RCNY § 3-115, is not being changed, other than the changes required by LL 72 as described above. OATH will repeal the existing penalty schedule from its rules on the same day that this proposed rule takes effect.

Although OATH ECB is empowered to impose penalties under the New York City Charter and has promulgated penalty schedules, the enforcement agencies have the expertise to recommend appropriate penalties based on the severity of each violation and its effect on City residents. Moving the penalty schedule will also make it easier for the public to find the penalties, which will be located within the same chapter as the rules supporting the violations alleged in the summonses. Finally, the proposed rule relocation will speed up the rulemaking process by eliminating the need for board approval of penalties that have already been established by the legislature or that have already undergone the City Administrative Procedure Act (CAPA) process by the enforcement agency.

Working with the City’s rulemaking agencies, the Law Department, the Mayor’s Office of Management and Budget, and the Mayor’s Office of Operations conducted a retrospective rules review of the City’s existing rules, identifying those rules that will be repealed or modified to reduce regulatory burdens, increase equity, support small businesses, and simplify and update content to help support public understanding and compliance. The proposed repeal of 48 RCNY §3-115 was identified as meeting the criteria for this initiative.

Consistent with the above, DEP promulgates the following new Rule, to be found at 15 RCNY Chapter 47.

New text is underlined.

The text of the Rule follows.

Section 1. Title 15 of the Rules of the City of New York is amended by adding a new Chapter 47 to read as follows:

#### Chapter 47. Noise Code Penalty Schedule

##### §47-01 General

Whenever a respondent is found in violation of any of the following provisions of the New York City Administrative Code or Rules of the City of New York, any civil penalties recommended by a Hearing Officer pursuant to 48 RCNY §3-57(a) and/or any default penalties imposed pursuant to 48 RCNY §3-81(a) in accordance with §1049-a(d)(1)(d) of the Charter and/or any civil penalties imposed for admissions of violation(s) pursuant to 48 RCNY §3-32 or late admissions pursuant to 48 RCNY §3-81(b) will be imposed pursuant to the penalty schedules set forth below.

##### §47-02 Noise Code Penalty Schedule

All Citations are to the NYC Administrative Code unless otherwise indicated.

A stipulation penalty is imposed if there is a “Y” (Yes) in the Stipulation column in the Penalty Schedule rather than a “N” (No), and if a stipulation is offered and accepted at a hearing.

Definition of 2nd and/or 3rd and/or 4th offense: By the same respondent of the same provision of law, order, rule or regulation as the previous violation and, if the respondent is the owner, agent, lessee or other person in control of the premises with respect to which the violation occurred, at the same premises as the previous violation (all violations committed within two years).

Pursuant to 48 RCNY §3-81(b), a late admit fee of \$30.00 will be added to all the below listed penalties for a failure to submit a payment by mail, as per 48 RCNY §3-32, within 30 days of the mailing date of the default order issued against respondent.

Asterisk (\*): In connection with Section 24-231(a), a zero penalty may be imposed for admission of a first offense upon submission to DEP (within 30 days of NOV issuance unless extended by DEP) of acceptable certification of compliance as set forth in Section 24-231(b)(1).

(Mitigation: 0<sup>1</sup>) A zero penalty may be imposed for a first offense upon submission to DEP (within 45 days of the return date on the NOV) of acceptable certification of compliance and admission of liability by respondent.

<b><u>Section of Law</u></b>	<b><u>Violation Description</u></b>	<b><u>Compliance</u></b>	<b><u>Offense</u></b>	<b><u>Penalty</u></b>	<b><u>Default Penalty</u></b>	<b><u>Stipulation</u></b>
<u>10-108</u>	<u>Noise from sound device exceeding permit levels</u>	<u>Reduce noise to conform to permit forthwith.</u>	<u>1st</u>	<u>250</u>	<u>250</u>	<u>N</u>
			<u>2nd</u>	<u>500</u>	<u>500</u>	<u>N</u>
			<u>3rd</u>	<u>750</u>	<u>750</u>	<u>N</u>
			<u>4th</u>	<u>1000</u>	<u>1000</u>	<u>N</u>
<u>24-206(c)</u>	<u>Failed to Comply with Commissioner's Order to Provide Access for Testing</u>	<u>Allow access forthwith.</u>	<u>1st</u>	<u>220</u>	<u>875</u>	<u>N</u>
			<u>2nd</u>	<u>440</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>660</u>	<u>2625</u>	<u>N</u>
<u>24-207(c)</u>	<u>Refused DEP entry into public area(s) of premises</u>	<u>Allow entry forthwith.</u>	<u>1st</u>	<u>350</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>700</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1050</u>	<u>2625</u>	<u>N</u>
<u>24-207(d)</u>	<u>Refusal to allow authorized employee to perform sound testing</u>	<u>Allow sound testing forthwith.</u>	<u>1st</u>	<u>350</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>700</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1050</u>	<u>2625</u>	<u>N</u>

<u>24-208</u>	<u>Operating equipment without a valid registration</u>	<u>Obtain registration forthwith.</u>	<u>1st</u>	<u>350</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>700</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1050</u>	<u>2625</u>	<u>N</u>
<u>24-209</u>	<u>Interfering w/or obstructing DEP Personnel.</u>	<u>Cease interference with adm. personnel - forthwith</u>	<u>1st</u>	<u>350</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>700</u>	<u>1750</u>	<u>Y</u>
			<u>3rd</u>	<u>1050</u>	<u>2625</u>	<u>N</u>
<u>24-210</u>	<u>False/misleading statements: unlawful repro/alteration of documents.</u>	<u>Submit documented information - forthwith</u>	<u>1st</u>	<u>350</u>	<u>875</u>	<u>N</u>
			<u>2nd</u>	<u>700</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1050</u>	<u>2625</u>	<u>N</u>
<u>24-211</u>	<u>Failure to post certificate or tunneling permit.</u>	<u>Post certificate forthwith.</u>	<u>1st</u>	<u>350</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>700</u>	<u>1750</u>	<u>Y</u>
			<u>3rd</u>	<u>1050</u>	<u>2625</u>	<u>N</u>
<u>24-216(d)</u>	<u>Failure to comply with noise abatement contract requirements</u>	<u>Comply with abatement requirements forthwith.</u>	<u>1st</u>	<u>650</u>	<u>2625</u>	<u>Y</u>
			<u>2nd</u>	<u>1300</u>	<u>5250</u>	<u>N</u>
			<u>3rd</u>	<u>1950</u>	<u>7875</u>	<u>N</u>
<u>24-218(a)</u>	<u>Causing or permitting unreasonable noise (7AM to 10PM).</u>	<u>Cease unreasonable noise forthwith.</u>	<u>1st</u>	<u>75</u>	<u>100</u>	<u>Y</u>
			<u>2nd</u>	<u>150</u>	<u>225</u>	<u>Y</u>
			<u>3rd</u>	<u>350</u>	<u>500</u>	<u>N</u>
<u>24-218(a)</u>	<u>Causing or permitting unreasonable noise (10PM to 7AM).</u>	<u>Cease unreasonable noise forthwith.</u>	<u>1st</u>	<u>75</u>	<u>150</u>	<u>Y</u>
			<u>2nd</u>	<u>150</u>	<u>250</u>	<u>Y</u>
			<u>3rd</u>	<u>350</u>	<u>500</u>	<u>N</u>
<u>24-218(a-1)</u>	<u>Causing or permitting unreasonable noise for commercial activities or purposes or through a device installed within or upon a building.</u>	<u>Cease unreasonable noise forthwith.</u>	<u>1st</u>	<u>350</u>	<u>1000</u>	<u>Y</u>
			<u>2nd</u>	<u>700</u>	<u>2000</u>	<u>Y</u>
			<u>3rd</u>	<u>1050</u>	<u>3000</u>	<u>N</u>

<u>24-218(e)</u>	<u>Failure to comply with Commissioner's Order or mitigation measures re noise from refuse collection facility</u>	<u>Comply with Commissioner's Order forthwith.</u>	<u>1st</u>	<u>350</u>	<u>1000</u>	<u>Y</u>
			<u>2nd</u>	<u>700</u>	<u>2000</u>	<u>Y</u>
			<u>3rd</u>	<u>1050</u>	<u>3000</u>	<u>N</u>
<u>24-218.1</u>	<u>Use of mobile telephones in a place of public performance</u>		<u>1st</u>	<u>50</u>	<u>50</u>	<u>Y</u>
			<u>2nd</u>	<u>50</u>	<u>50</u>	<u>Y</u>
			<u>3rd</u>	<u>50</u>	<u>50</u>	<u>Y</u>
<u>24-220(a)</u>	<u>Failure to adopt/implement Noise Mitigation Plan for construction site</u>	<u>Adopt Mitigation Plan forthwith.</u>	<u>1st</u>	<u>875</u>	<u>1400</u>	<u>Y</u>
			<u>2nd</u>	<u>1750</u>	<u>2800</u>	<u>N</u>
			<u>3rd</u>	<u>2625</u>	<u>4200</u>	<u>N</u>
<u>24-220(b)</u>	<u>Inadequate/insufficiently detailed noise mitigation plan</u>	<u>Provide additional information to Noise Plan forthwith.</u>	<u>1st</u>	<u>440</u>	<u>1400</u>	<u>Y</u>
			<u>2nd</u>	<u>880</u>	<u>2800</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>4200</u>	<u>N</u>
<u>24-220(b)</u>	<u>Failure to ensure that all construction workers are familiar with noise mitigation plan</u>	<u>Inform workers about noise mitigation plan requirements forthwith.</u>	<u>1st</u>	<u>440</u>	<u>1400</u>	<u>Y</u>
			<u>2nd</u>	<u>880</u>	<u>2800</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>4200</u>	<u>N</u>
<u>24-220(c)</u>	<u>Failure to keep/have available for inspection copy of noise mitigation plan</u>	<u>Make plan available forthwith.</u>	<u>1st</u>	<u>440</u>	<u>1400</u>	<u>Y</u>
			<u>2nd</u>	<u>880</u>	<u>2800</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>4200</u>	<u>N</u>
<u>24-220(d)</u>	<u>Failure to amend noise mitigation plan</u>	<u>Amend noise mitigation plan forthwith.</u>	<u>1st</u>	<u>440</u>	<u>1400</u>	<u>Y</u>
			<u>2nd</u>	<u>880</u>	<u>2800</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>4200</u>	<u>N</u>
<u>24-220(e)</u>	<u>Failure to file noise mitigation plan when required</u>	<u>File noise mitigation plan forthwith.</u>	<u>1st</u>	<u>400</u>	<u>1400</u>	<u>Y</u>
			<u>2nd</u>	<u>880</u>	<u>2800</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>4200</u>	<u>N</u>
<u>24-222</u>	<u>Construction activities at</u>	<u>Cease construction</u>	<u>1st</u>	<u>1400</u>	<u>3500</u>	<u>Y</u>

	<u>impermissible times/days</u>	<u>activities at impermissible times/days forthwith.</u>				
			<u>2nd</u>	<u>2800</u>	<u>7000</u>	<u>N</u>
			<u>3rd</u>	<u>4200</u>	<u>10500</u>	<u>N</u>
<u>24-223(b)</u>	<u>Failure to submit certification for emergency work within 3 days of starting work</u>	<u>Submit certification forthwith.</u>	<u>1st</u>	<u>875</u>	<u>3500</u>	<u>Y</u>
			<u>2nd</u>	<u>1750</u>	<u>7000</u>	<u>N</u>
			<u>3rd</u>	<u>2625</u>	<u>10500</u>	<u>N</u>
<u>24-223(d)</u>	<u>Failure to respond to request for conference or to amend noise mitigation plan</u>	<u>Respond to request forthwith.</u>	<u>1st</u>	<u>875</u>	<u>3500</u>	<u>Y</u>
			<u>2nd</u>	<u>1750</u>	<u>7000</u>	<u>N</u>
			<u>3rd</u>	<u>2625</u>	<u>10500</u>	<u>N</u>
<u>24-224</u>	<u>Construction work not in compliance with noise mitigation plan</u>	<u>Stop construction work forthwith.</u>	<u>1st</u>	<u>1400</u>	<u>3500</u>	<u>Y</u>
			<u>2nd</u>	<u>2800</u>	<u>7000</u>	<u>N</u>
			<u>3rd</u>	<u>4200</u>	<u>10500</u>	<u>N</u>
<u>24-225(a)</u>	<u>Sell/offer/operate/permit operation of refuse compacting vehicle producing excessive noise</u>	<u>Stop operation of compacting vehicle forthwith.</u>	<u>1st</u>	<u>560</u>	<u>1400</u>	<u>Y</u>
			<u>2nd</u>	<u>1120</u>	<u>2800</u>	<u>N</u>
			<u>3rd</u>	<u>1680</u>	<u>4200</u>	<u>N</u>
<u>24-225(b)</u>	<u>Operate/cause operation of refuse compacting vehicle producing excessive noise (11PM to 7AM)</u>	<u>Stop operation of compacting vehicle forthwith.</u>	<u>1st</u>	<u>700</u>	<u>1400</u>	<u>Y</u>
			<u>2nd</u>	<u>1400</u>	<u>2800</u>	<u>N</u>
			<u>3rd</u>	<u>2100</u>	<u>4200</u>	<u>N</u>
<u>24-226(a)</u>	<u>Operating air compressor without appropriate muffler w/no exhaust leaks</u>	<u>Stop operation of air compressor forthwith.</u>	<u>1st</u>	<u>560</u>	<u>1400</u>	<u>Y</u>
			<u>2nd</u>	<u>1120</u>	<u>2800</u>	<u>N</u>
			<u>3rd</u>	<u>1680</u>	<u>4200</u>	<u>N</u>
<u>24-226(b)</u>	<u>Excessive noise from air compressor (measured @ 1 meter)</u>	<u>Stop operation of air compressor forthwith.</u>	<u>1st</u>	<u>560</u>	<u>1400</u>	<u>Y</u>
			<u>2nd</u>	<u>1120</u>	<u>2800</u>	<u>N</u>
			<u>3rd</u>	<u>1680</u>	<u>4200</u>	<u>N</u>

<u>24-226(c)</u>	<u>Excessive noise from air compressor (measured @ receiving property)</u>	<u>Stop operation of air compressor forthwith.</u>	<u>1st</u>	<u>560</u>	<u>1400</u>	<u>Y</u>
			<u>2nd</u>	<u>1120</u>	<u>2800</u>	<u>N</u>
			<u>3rd</u>	<u>1680</u>	<u>4200</u>	<u>N</u>
<u>24-227(a)</u>	<u>Noise from circulation device in excess of 42 dB(A)</u>	<u>Stop operation of circulation device forthwith.</u>	<u>1st</u>	<u>560 (mitigation:0')</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>1120</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1680</u>	<u>2625</u>	<u>N</u>
<u>24-227(b)</u>	<u>Cumulative impact from circulation device exceeded 45 dB(A)</u>	<u>Stop operation of circulation device forthwith.</u>	<u>1st</u>	<u>560 (mitigation:0')</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>1120</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1680</u>	<u>2625</u>	<u>N</u>
<u>24-227(c)</u>	<u>Failure to reduce cumulative impact from multiple circulation devices exceeding 50 dB(A)</u>	<u>Reduce cumulative impact noise from circulation device forthwith.</u>	<u>1st</u>	<u>560 (mitigation:0')</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>1120</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1680</u>	<u>2625</u>	<u>N</u>
<u>24-228</u>	<u>Unreasonable noise from construction devices</u>	<u>Stop operation of construction device forthwith.</u>	<u>1st</u>	<u>560</u>	<u>1400</u>	<u>Y</u>
			<u>2nd</u>	<u>1120</u>	<u>2800</u>	<u>N</u>
			<u>3rd</u>	<u>1680</u>	<u>4200</u>	<u>N</u>
<u>24-228.1</u>	<u>Unreasonable noise from engine exhaust</u>	<u>Stop operation of engine exhaust forthwith.</u>	<u>1st</u>	<u>560</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>1120</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1680</u>	<u>2625</u>	<u>N</u>
<u>24-229</u>	<u>Unreasonable noise from handling/transporting of container or construction material</u>	<u>Stop handling and transportation of construction material forthwith.</u>	<u>1st</u>	<u>560</u>	<u>1400</u>	<u>Y</u>
			<u>2nd</u>	<u>1120</u>	<u>2800</u>	<u>N</u>
			<u>3rd</u>	<u>1680</u>	<u>4200</u>	<u>N</u>
<u>24-230(a)</u>	<u>Operation/caused operation of paving breaker w/o pneumatic discharge muffler</u>	<u>Use paving breaker with pneumatic discharge muffler forthwith.</u>	<u>1st</u>	<u>560</u>	<u>1400</u>	<u>Y</u>

			<u>2nd</u>	<u>1120</u>	<u>2800</u>	<u>N</u>
			<u>3rd</u>	<u>1680</u>	<u>4200</u>	<u>N</u>
<u>24-230(b)</u>	<u>Sold/offer for sale/operate/permit operation of paving breaker producing over 95 dB(A)</u>	<u>Stop operation of paving breaker forthwith.</u>	<u>1st</u>	<u>560</u>	<u>1400</u>	<u>Y</u>
			<u>2nd</u>	<u>1120</u>	<u>2800</u>	<u>N</u>
			<u>3rd</u>	<u>1680</u>	<u>4200</u>	<u>N</u>
<u>24-231(a)*</u>	<u>Made/caused/permitt ed music from commercial establishment in excess of permitted levels</u>	<u>Cease operation of commercial music forthwith.</u>	<u>1st</u>	<u>3200</u>	<u>8000</u>	<u>N</u>
			<u>2nd</u>	<u>6400</u>	<u>16000</u>	<u>N</u>
			<u>3rd</u>	<u>9600</u>	<u>24000</u>	<u>N</u>
<u>24-231(d)</u>	<u>Violation of variance from limits set forth in 24-231(a)</u>	<u>Cease operation of commercial music forthwith.</u>	<u>1st</u>	<u>560</u>	<u>875</u>	<u>N</u>
			<u>2nd</u>	<u>1120</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1680</u>	<u>2625</u>	<u>N</u>
<u>24-232(a)</u>	<u>Excessive noise from sound source @ commercial or business establishment</u>	<u>Stop operation of sound source forthwith.</u>	<u>1st</u>	<u>560</u>	<u>1400</u>	<u>N</u>
			<u>2nd</u>	<u>1120</u>	<u>2800</u>	<u>N</u>
			<u>3rd</u>	<u>1680</u>	<u>4200</u>	<u>N</u>
<u>24-233(a)</u>	<u>Unreasonable noise: personal audio device</u>	<u>Stop operation of personal audio device forthwith.</u>	<u>1st</u>	<u>70</u>	<u>175</u>	<u>Y</u>
			<u>2nd</u>	<u>140</u>	<u>350</u>	<u>Y</u>
			<u>3rd</u>	<u>210</u>	<u>525</u>	<u>N</u>
<u>24-233(b)(1)</u>	<u>Unreasonable noise – personal audio device (public right-of-way)</u>	<u>Stop operation of personal audio device forthwith.</u>	<u>1st</u>	<u>140</u>	<u>175</u>	<u>Y</u>
			<u>2nd</u>	<u>280</u>	<u>350</u>	<u>Y</u>
			<u>3rd</u>	<u>420</u>	<u>525</u>	<u>N</u>
<u>24-233(b)(2)</u>	<u>Unreasonable noise – personal audio device (motor vehicle)</u>	<u>Stop operation of personal audio device forthwith.</u>	<u>1st</u>	<u>140</u>	<u>350</u>	<u>Y</u>
			<u>2nd</u>	<u>280</u>	<u>700</u>	<u>N</u>
			<u>3rd</u>	<u>420</u>	<u>1050</u>	<u>N</u>

<u>24-234</u>	<u>Excess noise from sound reproduction device on rapid transit (subway, bus, ferry)</u>	<u>Stop operation of sound reproduction device forthwith.</u>	<u>1st</u>	<u>70</u>	<u>175</u>	<u>Y</u>
			<u>2nd</u>	<u>140</u>	<u>350</u>	<u>Y</u>
			<u>3rd</u>	<u>210</u>	<u>525</u>	<u>N</u>
<u>24-235</u>	<u>Permitting animal to cause unreasonable noise</u>	<u>Cease permitting animal to cause unreasonable noise forthwith.</u>	<u>1st</u>	<u>70</u>	<u>175</u>	<u>Y</u>
			<u>2nd</u>	<u>140</u>	<u>350</u>	<u>Y</u>
			<u>3rd</u>	<u>210</u>	<u>525</u>	<u>Y</u>
<u>24-236(a)</u>	<u>Excess noise from motor vehicles (10,000 lbs. or less)</u>	<u>Stop operating vehicle that causes excessive noise forthwith.</u>	<u>1st</u>	<u>210</u>	<u>525</u>	<u>Y</u>
			<u>2nd</u>	<u>420</u>	<u>1050</u>	<u>N</u>
			<u>3rd</u>	<u>840</u>	<u>1575</u>	<u>N</u>
<u>24-236(b)</u>	<u>Excess noise from motorcycles</u>	<u>Stop operating motorcycle that causes excessive noise forthwith.</u>	<u>1st</u>	<u>880</u>	<u>1440</u>	<u>Y</u>
			<u>2nd</u>	<u>1720</u>	<u>2800</u>	<u>N</u>
			<u>3rd</u>	<u>2600</u>	<u>4200</u>	<u>N</u>
<u>24-236(c)</u>	<u>Excess noise from motor vehicles (10,000 lbs. or greater)</u>	<u>Stop operating vehicle that causes excessive noise forthwith.</u>	<u>1st</u>	<u>880</u>	<u>1440</u>	<u>Y</u>
			<u>2nd</u>	<u>1720</u>	<u>2800</u>	<u>N</u>
			<u>3rd</u>	<u>2600</u>	<u>4200</u>	<u>N</u>
<u>24-236(d)</u>	<u>Non-emergency use of compression brake system</u>	<u>Stop using compression brake for non-emergencies forthwith.</u>	<u>1st</u>	<u>880</u>	<u>1440</u>	<u>Y</u>
			<u>2nd</u>	<u>1720</u>	<u>2800</u>	<u>N</u>
			<u>3rd</u>	<u>2600</u>	<u>4200</u>	<u>N</u>
<u>24-237(a)</u>	<u>Unauthorized use of motor vehicle claxon</u>	<u>Cease use of claxon forthwith.</u>	<u>1st</u>	<u>350</u>	<u>1000</u>	<u>Y</u>
			<u>2nd</u>	<u>700</u>	<u>2000</u>	<u>Y</u>
			<u>3rd</u>	<u>1050</u>	<u>3000</u>	<u>N</u>
<u>24-237(b)</u>	<u>Unauthorized use of motor vehicle air horn/gong</u>	<u>Cease use of air horn forthwith.</u>	<u>1st</u>	<u>350</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>700</u>	<u>1750</u>	<u>Y</u>

			<u>3rd</u>	<u>1050</u>	<u>2625</u>	<u>N</u>
<u>24-237(c)</u>	<u>Unauthorized use of steam whistle</u>	<u>Cease use of steam whistle forthwith.</u>	<u>1st</u>	<u>350</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>700</u>	<u>1750</u>	<u>Y</u>
			<u>3rd</u>	<u>1050</u>	<u>2625</u>	<u>N</u>
<u>24-237(d)</u>	<u>Improper use of sound signal device (food vendor)</u>	<u>Cease use of sound signal device forthwith.</u>	<u>1st</u>	<u>350</u>	<u>1000</u>	<u>Y</u>
			<u>2nd</u>	<u>700</u>	<u>2000</u>	<u>Y</u>
			<u>3rd</u>	<u>1050</u>	<u>3000</u>	<u>Y</u>
<u>24-238(a)</u>	<u>Improper audible burglar alarm/no automatic termination</u>	<u>Cease use of burglar alarm forthwith.</u>	<u>1st</u>	<u>280</u>	<u>700</u>	<u>Y</u>
			<u>2nd</u>	<u>560</u>	<u>1400</u>	<u>Y</u>
			<u>3rd</u>	<u>840</u>	<u>2100</u>	<u>N</u>
<u>24-238(b)</u>	<u>Audible status indicator on motor vehicle in operation</u>	<u>Cease use of status indicator forthwith.</u>	<u>1st</u>	<u>280</u>	<u>700</u>	<u>Y</u>
			<u>2nd</u>	<u>560</u>	<u>1400</u>	<u>Y</u>
			<u>3rd</u>	<u>840</u>	<u>2100</u>	<u>N</u>
<u>24-239(b)</u>	<u>Vehicle owner failure to display owner's local precinct number</u>	<u>Display local precinct number forthwith.</u>	<u>1st</u>	<u>100</u>	<u>350</u>	<u>Y</u>
			<u>2nd</u>	<u>200</u>	<u>700</u>	<u>Y</u>
			<u>3rd</u>	<u>300</u>	<u>1050</u>	<u>N</u>
<u>24-241(a)</u>	<u>Unauthorized use of emergency signal device</u>	<u>Cease use of signal device.</u>	<u>1st</u>	<u>440</u>	<u>1400</u>	<u>Y</u>
			<u>2nd</u>	<u>880</u>	<u>2800</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>4200</u>	<u>N</u>
<u>24-241(b)</u>	<u>Failed to file certification regarding test of emergency signal device</u>	<u>File certification forthwith.</u>	<u>1st</u>	<u>440</u>	<u>1400</u>	<u>Y</u>
			<u>2nd</u>	<u>880</u>	<u>2800</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>4200</u>	<u>N</u>
<u>24-242(a)</u>	<u>Operating lawn care devices at unauthorized times or so as to create unreasonable noise</u>	<u>Stop operation of lawn care device forthwith.</u>	<u>1st</u>	<u>220</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>440</u>	<u>1750</u>	<u>Y</u>
			<u>3rd</u>	<u>660</u>	<u>2625</u>	<u>Y</u>
<u>24-242(b)</u>	<u>Operation of leaf blower without muffler</u>	<u>Stop operation of lawn care device forthwith.</u>	<u>1st</u>	<u>220</u>	<u>875</u>	<u>Y</u>

			<u>2nd</u>	<u>440</u>	<u>1750</u>	<u>Y</u>
			<u>3rd</u>	<u>660</u>	<u>2625</u>	<u>Y</u>
<u>24-244(a)</u>	<u>Unreasonable noise from sound reproduction device</u>	<u>Cease operation of sound reproduction device forthwith.</u>	<u>1st</u>	<u>440</u>	<u>1750</u>	<u>Y</u>
			<u>2nd</u>	<u>880</u>	<u>3500</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>5250</u>	<u>N</u>
<u>24-244(b)</u>	<u>Unreasonable noise from sound reproduction device for commercial/bus. advert. Purposes</u>	<u>Cease operation of sound reproduction device forthwith.</u>	<u>1st</u>	<u>700</u>	<u>1750</u>	<u>N</u>
			<u>2nd</u>	<u>1400</u>	<u>3500</u>	<u>N</u>
			<u>3rd</u>	<u>2100</u>	<u>5250</u>	<u>N</u>
<u>24-245</u>	<u>Failure to have operating certificate or tunneling permit.</u>	<u>Obtain permit forthwith.</u>	<u>1st</u>	<u>1050</u>	<u>2625</u>	<u>N</u>
			<u>2nd</u>	<u>2100</u>	<u>5250</u>	<u>N</u>
			<u>3rd</u>	<u>3150</u>	<u>7875</u>	<u>N</u>
<u>24-257(b)(7)</u>	<u>Breaking of Board ordered seal.</u>	<u>Cease tampering with seal - forthwith</u>	<u>1st</u>	<u>1600</u>	<u>4000</u>	<u>N</u>
			<u>2nd</u>	<u>1600</u>	<u>4000</u>	<u>N</u>
			<u>3rd</u>	<u>2480</u>	<u>4000</u>	<u>N</u>
<u>15 RCNY 28-100</u>	<u>Failed To Conspicuously Post an Accurate and Complete Construction Noise Mitigation Plan (CNMP)</u>	<u>Post complete Plan forthwith.</u>	<u>1st</u>	<u>220</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>440</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>660</u>	<u>2625</u>	<u>N</u>
<u>15 RCNY 28-101(a)</u>	<u>Failed To Self-Certify Equipment Maintenance in CNMP</u>	<u>Certify equipment forthwith.</u>	<u>1st</u>	<u>220</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>440</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>660</u>	<u>2625</u>	<u>N</u>
<u>15 RCNY 28-101(a)</u>	<u>Failed to Exercise Noise Mitigation Option Within 5 Business Days of Construction Tool Exceeding Noise Standard</u>	<u>Replace tool with equipment that complies with noise standard forthwith.</u>	<u>1st</u>	<u>440</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>880</u>	<u>1750</u>	<u>N</u>

			<u>3rd</u>	<u>1320</u>	<u>2625</u>	<u>N</u>
<u>15 RCNY 28-101(b)</u>	<u>Failed to Equip Construction Equipment with Noise Reduction Device</u>	<u>Equip construction equipment with noise reduction device.</u>	<u>1st</u>	<u>440</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>880</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>2625</u>	<u>N</u>
<u>15 RCNY 28-101(c)</u>	<u>Failed to Mitigate Noise From Internal Combustion Engine</u>	<u>Mitigate noise from internal combustion engine forthwith.</u>	<u>1st</u>	<u>440</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>880</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>2625</u>	<u>N</u>
<u>15 RCNY 28-101(d)</u>	<u>Failed to Cover Compressors/Generators/Pumps with Noise-Insulating Fabric</u>	<u>Cover compressor with noise insulating fabric forthwith.</u>	<u>1st</u>	<u>440</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>880</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>2625</u>	<u>N</u>
<u>15 RCNY 28-101(g)</u>	<u>Failed to Use Perimeter Noise Barriers</u>	<u>Use noise perimeter barriers forthwith.</u>	<u>1st</u>	<u>440</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>880</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>2625</u>	<u>N</u>
<u>15 RCNY 28-101(h)</u>	<u>Failed to Create and Utilize Noise Mitigation Training Program</u>	<u>Create and utilize training program forthwith.</u>	<u>1st</u>	<u>220</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>440</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>660</u>	<u>2625</u>	<u>N</u>
<u>15 RCNY 28-101(i)</u>	<u>Failed to Coordinate Work Schedule with Sensitive Facility Receptor</u>	<u>Coordinate work schedule forthwith.</u>	<u>1st</u>	<u>220</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>440</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>660</u>	<u>2625</u>	<u>N</u>
<u>15 RCNY 28-101(j)</u>	<u>Failure to Comply with CNMP or File Alternative Plan w/in 3 Days of Inspection</u>	<u>Comply with CNMP or file Alternative Plan forthwith.</u>	<u>1st</u>	<u>440</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>880</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>2625</u>	<u>N</u>
<u>15 RCNY 28-101(l)</u>	<u>Failed to Utilize Temporary Barrier</u>	<u>Use temporary barrier forthwith.</u>	<u>1st</u>	<u>440</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>880</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>2625</u>	<u>N</u>

15 RCNY 28-101(m)	Failed to Utilize Noise Barrier on Sandblasting Perimeter Barrier	Use noise barrier forthwith.	1st	440	875	Y
			2nd	880	1750	N
			3rd	1320	2625	N
15 RCNY 28-102(a)(1)(B) (ii)	Failed to Use Specified Pile Driver When Working w/in 100 ft. of Receptor	Use specified pile driver forthwith.	1st	440	875	Y
			2nd	880	1750	N
			3rd	1320	2625	N
15 RCNY 28-102(a)(1)(B) (iii)	Failed to Equip Pile Driver w/Exhaust Muffler	Equip pile driver with muffler forthwith.	1st	440	875	Y
			2nd	880	1750	N
			3rd	1320	2625	N
15 RCNY 28-102(a)(1)(B) (v)	Failed to Pre-Augur/Pre-Trench Pile Holes	Pre-augur/pretrench holes forthwith.	1st	440	875	Y
			2nd	880	1750	N
			3rd	1320	2625	N
15 RCNY 28-102(a)(1)(B) (vi)	Failed to Properly Secure Impact Cushions to Piles	Secure cushions to piles forthwith.	1st	440	875	Y
			2nd	880	1750	N
			3rd	1320	2625	N
15 RCNY 28-102(a)(1)(C) (i-iv)	Failed to Properly Construct Portable Noise Barrier	Construct portable noise barrier forthwith.	1st	440	875	Y
			2nd	880	1750	N
			3rd	1320	2625	N
15 RCNY 28-102(a)(2)(B) (iii)	Failed to Equip Jackhammer With Effective Muffler	Equip jackhammer with muffler forthwith.	1st	440	875	Y
			2nd	880	1750	N
			3rd	1320	2625	N
15 RCNY 28-102(a)(2)(C) (i)	Failed to Properly Construct Portable Noise Barrier	Properly construct portable barrier forthwith.	1st	440	875	Y
			2nd	880	1750	N
			3rd	1320	2625	N
15 RCNY 28-	Exceeded Maximum Height of 15 Feet for Free-Standing Barrier	Reduce barrier height to 15 Feet forthwith.	1st	440	875	Y

<u>102(a)(2)(C)(ii)</u>						
			<u>2nd</u>	<u>880</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>2625</u>	<u>N</u>
<u>15 RCNY 28-102(a)(2)(C)(iii)(b)</u>	<u>Failed to Use Multiple Tents for Multiple Jackhammers</u>	<u>Use multiple tents forthwith.</u>	<u>1st</u>	<u>440</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>880</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>2625</u>	<u>N</u>
<u>15 RCNY 28-102(a)(2)(C)(iii)(c)</u>	<u>Failed to Move Noise Tents as Jackhammer Work Progresses</u>	<u>Move tents forthwith.</u>	<u>1st</u>	<u>440</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>880</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>2625</u>	<u>N</u>
<u>15 RCNY 28-102(a)(2)(C)(iii)(d)</u>	<u>Failed to Use Double Layer of Mitigation During Emergency Jackhammering w/in 500 ft. of Residential Receptor</u>	<u>Use double layer of mitigation forthwith.</u>	<u>1st</u>	<u>440</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>880</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>2625</u>	<u>N</u>
<u>15 RCNY 28-102(a)(2)(C)(iii)(e)</u>	<u>Failed to Use Tents on Either Side of Jackhammer Where Surrounded by Receptors</u>	<u>Use tents forthwith.</u>	<u>1st</u>	<u>440</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>880</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>2625</u>	<u>N</u>
<u>15 RCNY 28-102(a)(3)(B)(iii)</u>	<u>Failed to Wrap Noise Shroud Around Head of Hoe Ram w/in 200 ft. of Receptor</u>	<u>Use wrap shroud forthwith.</u>	<u>1st</u>	<u>440</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>880</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>2625</u>	<u>N</u>
<u>15 RCNY 28-102(a)(3)(C)(i-iv)</u>	<u>Failed to Properly Construct Portable Noise Barrier</u>	<u>Construct proper noise barrier forthwith.</u>	<u>1st</u>	<u>440</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>880</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>2625</u>	<u>N</u>
<u>15 RCNY 28-102(a)(4)(C)(i)</u>	<u>Failed to Lay Heavy Rubber Blast Mats Over Blast Site</u>	<u>Lay heavy mats forthwith.</u>	<u>1st</u>	<u>440</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>880</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>2625</u>	<u>N</u>

<u>15 RCNY 28-102(a)(4)(C) (ii-iii)</u>	<u>Failed to Properly Construct Portable Noise Barrier</u>	<u>Construct proper noise barrier forthwith.</u>	<u>1st</u>	<u>440</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>880</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>2625</u>	<u>N</u>
<u>15 RCNY 28-102(b)(1)(B) (iv)</u>	<u>Failed to Cover Vac-Truck's Suction Component w/Noise-Reducing Enclosure</u>	<u>Cover vac truck with noise reducing enclosure forthwith.</u>	<u>1st</u>	<u>440</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>880</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>2625</u>	<u>N</u>
<u>15 RCNY 28-102(b)(1)(C) (i-iv)</u>	<u>Failed to Properly Construct Portable Noise Barrier</u>	<u>Construct proper noise barrier forthwith.</u>	<u>1st</u>	<u>440</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>880</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>2625</u>	<u>N</u>
<u>15 RCNY 28-102(c)(1)(B) (ii)</u>	<u>Failed to Install Bed Liner</u>	<u>Install bed liner forthwith.</u>	<u>1st</u>	<u>440</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>880</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>2625</u>	<u>N</u>
<u>15 RCNY 28-102(c)(1)(B) (v)</u>	<u>Failed to Equip Truck with Effective Muffler</u>	<u>Equip truck with effective muffler forthwith.</u>	<u>1st</u>	<u>440</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>880</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>2625</u>	<u>N</u>
<u>15 RCNY 28-102(c)(1)(B) (vii)</u>	<u>Failed to Keep Housing Doors Closed During Engine Operation</u>	<u>Close housing doors during engine operation forthwith.</u>	<u>1st</u>	<u>440</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>880</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>2625</u>	<u>N</u>
<u>15 RCNY 28-102(c)(1)(C) (i-iii)</u>	<u>Failed to Properly Construct Portable Noise Barrier</u>	<u>Construct proper noise barrier forthwith.</u>	<u>1st</u>	<u>440</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>880</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>2625</u>	<u>N</u>
<u>15 RCNY 28-102(d)(1)(B) (v)</u>	<u>Failed to Equip Crane with Effective Muffler</u>	<u>Equip crane with effective muffler forthwith.</u>	<u>1st</u>	<u>440</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>880</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>2625</u>	<u>N</u>

<u>15 RCNY 28-102(d)(2)(B)(i)</u>	<u>Failed to Equip Auger Drill Rig with Effective Muffler</u>	<u>Equip auger drill with effective muffler forthwith.</u>	<u>1st</u>	<u>440</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>880</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>2625</u>	<u>N</u>
<u>15 RCNY 28-102(d)(2)(B)(ii)</u>	<u>Failed to Lubricate All Moving Parts of Auger Drill Rig</u>	<u>Lubricate all moving parts of auger drill forthwith.</u>	<u>1st</u>	<u>440</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>880</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>2625</u>	<u>N</u>
<u>15 RCNY 28-102(d)(2)(B)(iii)</u>	<u>Failed to Properly Clear Debris From Drill Bits</u>	<u>Clean all debris from drill bits forthwith.</u>	<u>1st</u>	<u>440</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>880</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>2625</u>	<u>N</u>
<u>15 RCNY 28-102(d)(2)(C)(i-iv)</u>	<u>Failed to Properly Construct Portable Noise Barriers</u>	<u>Construct proper noise barrier forthwith.</u>	<u>1st</u>	<u>440</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>880</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>2625</u>	<u>N</u>
<u>15 RCNY 28-102(d)(3)(A)(i)</u>	<u>Failed to Properly Install Street Plates</u>	<u>Properly install street plates forthwith.</u>	<u>1st</u>	<u>440</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>880</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>2625</u>	<u>N</u>
<u>15 RCNY 28-102(d)(4)(A)(i)(a-c)</u>	<u>Failed to Equip Work Vehicles with Proper Backup Alarms</u>	<u>Equip work vehicles with proper backup alarm forthwith.</u>	<u>1st</u>	<u>440</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>880</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>2625</u>	<u>N</u>
<u>15 RCNY 28-102(d)(4)(B)(ii-iv)</u>	<u>Failed to Properly Construct Portable Noise Barriers</u>	<u>Construct proper noise barrier forthwith.</u>	<u>1st</u>	<u>440</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>880</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>2625</u>	<u>N</u>
<u>15 RCNY 28-102(e)(1)(C)(i-iii)</u>	<u>Failed to Properly Construct Portable Noise Barriers</u>	<u>Construct proper noise barrier forthwith.</u>	<u>1st</u>	<u>440</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>880</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>2625</u>	<u>N</u>
<u>15 RCNY 28-</u>	<u>Failed to Use Multiple Tents During Use of</u>	<u>Use multiple tents forthwith.</u>	<u>1st</u>	<u>440</u>	<u>875</u>	<u>Y</u>

<u>102(e)(1)(C)(iv)</u>	<u>Multiple Concrete Saws</u>					
			<u>2nd</u>	<u>880</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>2625</u>	<u>N</u>
<u>15 RCNY 28-102(e)(1)(C)(v)</u>	<u>Failed to Move Noise Tent As Concrete Saw Work Progressed</u>	<u>Move tents forthwith.</u>	<u>1st</u>	<u>440</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>880</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>2625</u>	<u>N</u>
<u>15 RCNY 28-102(e)(1)(C)(vi)</u>	<u>Failed to Use Double Layer of Mitigation for Noise Barrier During Emergency Concrete Sawing within 500 ft. of Residential Receptor.</u>	<u>Use double layer of mitigation forthwith.</u>	<u>1st</u>	<u>440</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>880</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>2625</u>	<u>N</u>
<u>15 RCNY 28-102(e)(1)(C)(vii)</u>	<u>Failed to Use Two Tents on Either Side of Saw When Surrounded by Receptors</u>	<u>Use two tents on either side of saw forthwith.</u>	<u>1st</u>	<u>440</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>880</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>2625</u>	<u>N</u>
<u>15 RCNY 28-104</u>	<u>Failed to File Alternative Noise Mitigation Plan (ANMP)</u>	<u>File ANMP forthwith.</u>	<u>1st</u>	<u>220</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>440</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>660</u>	<u>2625</u>	<u>N</u>
<u>15 RCNY 28-105</u>	<u>Failed to Conspicuously Post Utility Noise Mitigation Plan (UNMP)</u>	<u>Conspicuously post UNMP forthwith.</u>	<u>1st</u>	<u>220</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>440</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>660</u>	<u>2625</u>	<u>N</u>
<u>15 RCNY 28-106(a)</u>	<u>Failed to Self-Certify Equipment Maintenance in UNMP</u>	<u>Certify equipment forthwith.</u>	<u>1st</u>	<u>220</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>440</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>660</u>	<u>2625</u>	<u>N</u>
<u>15 RCNY 28-106(a)</u>	<u>Failed to Exercise Noise Mitigation Option within 5 Days of Construction Tool Exceeding Noise Standard</u>	<u>Replace tool with equipment that complies with noise standard forthwith.</u>	<u>1st</u>	<u>440</u>	<u>875</u>	<u>Y</u>

			<u>2nd</u>	<u>880</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>2625</u>	<u>N</u>
<u>15 RCNY 28-106(b)</u>	<u>Failed to Equip Construction Tool with Noise Reduction Device</u>	<u>Equip tool with noise reduction device.</u>	<u>1st</u>	<u>440</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>880</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>2625</u>	<u>N</u>
<u>15 RCNY 28-106(c)</u>	<u>Failed to Comply with Additional Noise Mitigation Measures for Specialized Vehicles</u>	<u>Use additional noise mitigation measures for specialized trucks forthwith.</u>	<u>1st</u>	<u>440</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>880</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>2625</u>	<u>N</u>
<u>15 RCNY 28-106(d)</u>	<u>Failed to Cover Equipment with Noise-Insulating Fabric</u>	<u>Cover equipment with noise insulating fabric forthwith.</u>	<u>1st</u>	<u>440</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>880</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>2625</u>	<u>N</u>
<u>15 RCNY 28-106(h)</u>	<u>Failed to Properly Install and Secure Street Plates</u>	<u>Properly install street plates forthwith.</u>	<u>1st</u>	<u>440</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>880</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>2625</u>	<u>N</u>
<u>15 RCNY 28-106(i)</u>	<u>Failed to Notify Residents within 200 Feet of Construction Activity</u>	<u>Notify residents forthwith.</u>	<u>1st</u>	<u>220</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>440</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>660</u>	<u>2625</u>	<u>N</u>
<u>15 RCNY 28-106(j)</u>	<u>Failed to Respond to Noise Complaints/Notice from DEP</u>	<u>Respond to notice forthwith.</u>	<u>1st</u>	<u>220</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>440</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>660</u>	<u>2625</u>	<u>N</u>
<u>15 RCNY 28-106(l)</u>	<u>Failed to Create and Utilize Noise Mitigation Training Program</u>	<u>Create and utilize training program forthwith.</u>	<u>1st</u>	<u>220</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>440</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>660</u>	<u>2625</u>	<u>N</u>
<u>15 RCNY 28-106(m)</u>	<u>Failed to Coordinate Work Schedule with Sensitive Receptor Owner</u>	<u>Coordinate work schedule forthwith.</u>	<u>1st</u>	<u>220</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>440</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>660</u>	<u>2625</u>	<u>N</u>

<u>15 RCNY 28-106(n)</u>	<u>Failed to Correct Excessive Noise Condition/File ANMP</u>	<u>Correct excessive noise and/or file ANMP forthwith.</u>	<u>1st</u>	<u>440</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>880</u>	<u>1750</u>	<u>N</u>
			<u>3rd</u>	<u>1320</u>	<u>2625</u>	<u>N</u>

**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:** Promulgation of Noise Code Penalty Schedule

**REFERENCE NUMBER:** 2016 RG 103

**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: December 21, 2016

**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: Promulgation of Noise Code Penalty Schedule**

**REFERENCE NUMBER: DEP-31**

**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 X. Navarro  
Mayor's Office of Operations

December 21, 2016  
Date