



HAVE YOU HEARD?
NEW YORK CITY HAS OVERHAULED
ITS NOISE CODE!



SOUNDS OF THE CITY

For reference, here are some familiar sounds and their decibel levels:

Whisper.....	30 dB *
Normal Conversation/Laughter.....	50 – 65 dB
Vacuum Cleaner at 10 feet.....	70 dB
Washing Machine/Dishwasher.....	78 dB
Midtown Manhattan Traffic Noise.....	70 – 85 dB
Motorcycle.....	88 dB
Lawnmower.....	85 – 90 dB
Train.....	100 dB
Jackhammer/Power Saw.....	110 dB
Thunderclap.....	120 dB
Stereo/Boom Box.....	110 – 120 dB
Nearby Jet Takeoff.....	130 dB

Sound levels vary greatly depending on your distance from the noise source.

*dB – decibels, the units for measuring sound.

HAVE YOU HEARD? NEW YORK CITY HAS OVERHAULED ITS NOISE CODE !

New York City recently overhauled its noise code. The new regulations try to balance the important reputation of New York as a vibrant, world class “city that never sleeps” with the needs of those who live in, work in or visit the City.

The code was enacted in December 2005, and takes effect in July 2007. This is the first comprehensive overhaul to the City’s code in 30 years. The previous code was outdated and did not reflect the changing city landscape or advances in acoustic technology.

The new law states that:

“the making, creation or maintenance of excessive and unreasonable and prohibited noises within the city affects and is a menace to public health, comfort, convenience, safety, welfare and the prosperity of the people of the city.”

Accordingly, it establishes important rules, guidelines and standards for governing noise in the City. The New York City Department of Environmental Protection (DEP), tasked with noise regulation, has developed this brochure to provide a brief overview of how the new noise code affects you.

For more information and the full text of the new code, please visit our website at nyc.gov/dep/html/airnoise.html.

SOUND MEASUREMENTS

Decibels are the universal units of sound measurement. Decibels are measured using a meter that registers sound pressure and displays these readings on a scale. City meters are highly sensitive and undergo frequent calibration to ensure accurate readings. Some leeway is given to account for the sensitivity of the meters.

Ambient Sound

To properly calculate the decibel level of a particular source of noise, officials must account for what is called ambient noise: all of the collected noise typical in a specific area. For example: when measuring a particular sound in Times Square at noon the ambient sound levels would be high making it hard to distinguish the particular source of an offending sound. However, measuring the same particular sound in a residential neighborhood of single family homes at midnight would be easier because there is much less ambient sound. When the City measures for sound it always measures against all background noise.

CONSTRUCTION NOISE

New York City is involved in a constant, noisy process of renovation and construction. To limit construction noise, the new noise code mandates that all construction be conducted in accordance with individual noise mitigation plans.

Noise Mitigation Plans

Those engaged in construction work must develop a noise mitigation plan prior to the start of work. The noise code prescribes ways to lessen the noise from each type of construction equipment. For example, jackhammers will need to be outfitted with noise-reducing mufflers and/or have portable street barriers in place to reduce the sound impact on surrounding residents and businesses.

Construction work will never occur silently, but a reduction of only five decibels can minimize noise impact by nearly 20%.

Noise mitigation plans will be subject to the following procedures:

- Every construction site must post a noise plan on site.
- If noise complaints are received, an inspector will ensure the plan is posted and being followed and determine whether or not it needs modification.
- When construction activity is planned near “**sensitive receptors**” such as schools, hospitals and houses of worship, the party responsible for construction is expected to design their noise mitigation plan accordingly.

Containers and Construction Materials

The code also sets standards for noise levels created by handling containers and construction material on public streets. This includes the dropping of dumpsters and steel plates onto the streets.

Prohibited noises are those that exceed ambient sound levels by more than 10 decibels as measured from inside any property or on a public street at 15 feet from the source.

Impulsive sounds, those which occur abruptly for a short duration, are also restricted under the new code.

HOURS OF CONSTRUCTION ACTIVITY

- Construction may occur between **7:00 a.m. and 6:00 p.m. on weekdays.**
- Alterations or repairs to existing one- or two-family, owner-occupied dwellings, or convents or rectories may be performed on **Saturdays and Sundays** between the hours of **10 a.m. and 4 p.m.** provided that the dwelling is located more than 300 feet from a house of worship
- Work may take place after hours and on weekends only with express authorization from the agencies (the Departments of Buildings and Transportation) that grant permits. A **noise mitigation plan** must be in place before any authorization is granted.
- Emergency work, work necessary for public safety or work unable to be performed during normal work hours may be undertaken after-hours or on weekends. For example, watermain or gas line repairs or the hoisting of materials over a busy pedestrian walkway may qualify for work which requires construction activity outside of the normal hours.

ANIMAL NOISES

Owning a pet in New York requires increased responsibility to ensure that pets are not disruptive. Owners must do their best to limit barking and other animal noises, especially during the night.

The noise code holds pet owners accountable for their animals' noises and established the following noise guidelines:

If barking is unreasonable and plainly audible from within nearby residential property:

- after **7 a.m.** and before **10 p.m.** for a continuous period of **10 minutes** or more

OR

- after **10 p.m.** and before **7 a.m.** for a continuous period of **5 minutes** or more

then enforcement action may be called for.

Because dog barking may indicate distress, danger or an emergency situation, the noise code was designed to be flexible. Enforcement will always begin with education, and pet owners will be mailed an information packet in response to the first complaint. Only if complaints persist will further action be taken.

FOOD VENDING VEHICLES AND THEIR JINGLES

Ice cream is a refreshing summer treat, and ice cream trucks are important summer traditions, but their iconic jingles create a community nuisance and disrupt the lives of nearby residences.

To alleviate this problem, the new noise code prohibits the playing of jingles while stationary. Jingles may only be played when vehicles are in motion, traveling through neighborhoods.

ENFORCEMENT

Because ice cream trucks travel from neighborhood to neighborhood, enforcement can be difficult. To decrease the need for enforcement, DEP works closely with the Department of Consumer Affairs, the licensing agency for the vendors, to produce outreach materials that remind drivers of their responsibilities under the new noise code.

AIR CONDITIONERS AND ROOFTOP CIRCULATION DEVICES

Poorly maintained air conditioners can generate unnecessary, disruptive noise. Commercial and industrial air conditioners (sometimes referred to as circulation devices) can be particularly noisy due to their size and location on rooftops near residential buildings.

The noise code restricts the decibel levels created by air conditioners and circulation devices:

- Devices may not produce noise levels in excess of 42 decibels, as measured from a point 3-feet within the open door or window of a nearby residence.
- To account for the cooling needs of new construction or shifting building populations, the noise code limits buildings with multiple devices to a cumulative noise level of 45 decibels, measured in the same way.

If you suspect nearby air conditioners or circulation devices are generating illegal levels of sound, call 311 to file a complaint. Technicians may need to take several readings before enforcement can be deemed necessary, so please be patient and provide as much information as possible.

MUSIC FROM BARS AND RESTAURANTS

New York's world renowned entertainment industry provides billions of dollars to the City's economy. The noise code attempts to balance this vital economic necessity with residential quality of life concerns. This is inherently a difficult process, but the noise code attempts to allow both parties increased flexibility, comfort and responsiveness.

Commercial establishments that play music must limit the level of **unreasonable** or disturbing noise that **escapes into the streets** or nearby residences.

The noise code restricts the decibel levels generated by music emanating from these businesses.

Sound levels:

- may not exceed **42 decibels** as measured from within nearby residences,

OR

- may not exceed **7 decibels** over the ambient, as measured on a street or public right of way **15 feet** or more from the source, between **10:00 p.m. and 7 a.m.**

CAPTURING BASS SOUNDS

Often residents are disturbed by pervasive bass sounds that resonate physically and can be felt by a person. The new code includes a decibel standard in order to regulate these disturbing sounds.

ENFORCEMENT

Both DEP and NYPD may enforce these sections of the noise code. Though DEP will most often respond to residential complaints and schedule an inspection appointment at an appropriate time to take meter readings, NYPD, due to its presence in local communities, is better equipped to respond to complaints in a timely manner. Non-emergency calls regarding music from bars or restaurants should be directed to 311.

REMEDYING THE NOISY CONDITION

Compliance with the code is what we are trying to achieve. The various instances and configurations of an offending business and its nearby residences can vary as to the time of day and proximity of the source. In the first instance, if possible, the best way to get a particular business into compliance is to get them to change any offending behavior. Often the given set of circumstances provides a more challenging problem. A correction could call for a combination of soundproofing, physically changing the configuration of the business's operation or modifying sound equipment.

As an incentive to achieve compliance, the code offers any offending business no penalty for the first violation if the business certifies that they have corrected the condition and provides satisfactory and verifiable evidence of the correction. In this way, the money that would have been paid as a fine will be invested in mitigating the noise problem.

If the offending condition is not remedied, multiple violations may result in very stiff penalties or sealing of the sound equipment.

REFUSE COLLECTION VEHICLES

Though the collection of garbage and refuse is critical to the health and safety of City residents, noise from this process can disrupt local communities.

To limit such disruptions, the new noise code sets a more enforceable standard in order to reduce unreasonable noise emanating from refuse collection vehicles.

Maximum sound levels may never exceed 80 decibels (measured at a distance of 35 feet, not including the compaction cycle).

Between the hours of 11 pm and 7 am, maximum sound levels within 50 feet of a residential property may not exceed 85 decibels (measured at a distance of 35 feet and including compaction. This standard will be reduced to 80 decibels in 2012).

MOTOR VEHICLES & MOTORCYCLES

Each day, more than one million vehicles move through New York's streets, congesting our City and causing a variety of noise problems for residents and workers. From the unnecessary blare of honking horns to the loud rumble of poorly maintained mufflers, noise constantly emanates from City traffic.

The new noise code restricts noises coming from vehicles, including motorcycles, and prohibits excessive sound from the muffler or exhaust of motor vehicles operating on a public right-of-way where the speed limit is 35 mph or less. Excessive sound is defined as sound that is:

- plainly audible at a distance of 150 feet or more from vehicles of less than 10,000 lbs;
- plainly audible at a distance of 200 feet or more from vehicles of more than 10,000 lbs; e.g., trucks;
- plainly audible at a distance of 200 feet from a motorcycle.

Horn Honking

The use of vehicle horns is not permitted except as a warning in situations of imminent danger.

SOUND ADVICE

HELP LIMIT THE UNNECESSARY NOISE IN THE ENVIRONMENT:

- **DON'T HONK YOUR HORN IF YOU ARE STUCK IN TRAFFIC**
Honking your horn is illegal, except in emergencies.
- **BE SENSITIVE TO YOUR NEIGHBOR'S SPACE**
Remember that one person's ceiling is another person's floor and try to keep noisy, disruptive activities to a minimum.
- **KEEP CELL PHONE CONVERSATIONS TO A MINIMUM IN PUBLIC PLACES**
Especially in confined areas like public transit, cell phone conversations are disruptive, and should be avoided whenever possible.
- **KEEP VOLUME LEVELS DOWN**
Televisions, stereos, musical instruments – these should all be used at a reasonable volume, especially at night or in the early morning, so as to avoid disturbing neighbors. The new noise code specifically restricts the volume of car stereos on public rights-of-way.
- **USE POWER TOOLS AT APPROPRIATE TIMES**
When using power tools, do as much as possible to stifle their noise and check specific regulations for their use. Certain machines, such as lawnmowers and leaf blowers are tightly regulated: they may only be used between **8 am and 7 pm** (or sunset, whichever occurs later) on weekdays and on holidays and weekends between **9am and 6pm**.



www.nyc.gov/dep

Michael R. Bloomberg, Mayor
Emily Lloyd, Commissioner

311

**Dial 311 for all non-emergency
City services and hotlines**

NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF ENVIRONMENTAL COMPLIANCE
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