

§31-115 Noise Code Penalty Schedule.

NOISE PENALTY SCHEDULE

All Citations are to the NYC Administrative Code except where the citation indicates that it is to the Rules of the City of New York (RCNY).

A stipulation (Stip) penalty is imposed if there is a "Y" (Yes) In the Stip 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 §31-81(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 §31-32, within 30 days of the mailing date of the default order issued against respondent.

* In connection with §24-231(a), a zero penalty may be imposed for admission for 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 §24-231(b)(1).

Section	Description	Violation Offense	Penalty	Default	Stip
10-108	Noise from sound device exceeding permit levels.	1st	250	250	N
		2nd	500	500	N
		3rd	750	750	N
		4th	1000	1000	N
24-206(c)	Failed to Comply with Commissioner's Order to Provide Access for Testing	1st	220	875	N
		2nd	440	1750	N
		3rd	660	2625	N
24-207(c)	Refused DEP entry into public area(s) of premises	1st	350	875	Y
		2nd	700	1750	N
		3rd	1050	2625	N
24-207(d)	Refusal to allow authorized employee to perform sound testing.	1st	350	875	Y
		2nd	700	1750	N
		3rd	1050	2625	N
24-208	Operating equipment without a valid registration	1st	350	875	Y
		2nd	700	1750	N
		3rd	1050	2625	N
24-209	Interfering w/or obstructing DEP Personnel.	1st	350	875	Y
		2nd	700	1750	Y
		3rd	1050	2625	N
24-210	False/misleading statements: unlawful repro/alteration of documents.	1st	350	875	N
		2nd	700	1750	N
		3rd	1050	2625	N

Section	Description	Violation Offense	Penalty	Default	Stip
24-211	Failure to post certificate or tunneling permit.	1st	350	875	Y
		2nd	700	1750	Y
		3rd	1050	2625	N
24-216(d)	Failure to comply with noise abatement contract requirements.	1st	650	2625	Y
		2nd	1300	5250	N
		3rd	1950	7875	N
24-218(a)	Causing or permitting unreasonable noise (7AM to 10PM).	1st	350	1000	Y
		2nd	700	2000	Y
		3rd	1050	3000	N
24-218(a)	Causing or permitting unreasonable noise (10PM to 7AM).	1st	450	1000	Y
		2nd	900	2000	Y
		3rd	1350	3000	N
24-218(e)	Failure to comply with Commissioner's Order or mitigation measures re noise from refuse collection facility.	1st	350	1000	Y
		2nd	700	2000	Y
		3rd	1050	3000	N
24-218.1	Use of mobile telephones in a place of public performance.	1st	50	50	Y
		2nd	50	50	Y
		3rd	50	50	Y
24-220(a)	Failure to adopt/implement Noise Mitigation Plan for construction site.	1st	875	1400	Y
		2nd	1750	2800	N
		3rd	2625	4200	N
24-220(b)	Inadequate/insufficiently detailed noise mitigation plan.	1st	440	1400	Y
		2nd	880	2800	N
		3rd	1320	4200	N
24-220(b)	Failure to ensure that all construction workers are familiar with noise mitigation plan.	1st	440	1400	Y
		2nd	880	2800	N
		3rd	1320	4200	N
24-220(c)	Failure to keep/have available for inspection copy of noise mitigation plan.	1st	440	1400	Y
		2nd	880	2800	N
		3rd	1320	4200	N
24-220(d)	Failure to amend noise mitigation plan.	1st	440	1400	Y
		2nd	880	2800	N
		3rd	1320	4200	N
24-220(e)	Failure to file noise mitigation plan when required.	1st	400	1400	Y
		2nd	880	2800	N
		3rd	1320	4200	N
24-222	Construction activities at impermissible times/days.	1st	1400	3500	Y
		2nd	2800	7000	N
		3rd	4200	10500	N
24-223(b)	Failure to submit certification for emergency work within 3 days of starting work.	1st	875	3500	Y
		2nd	1750	7000	N
		3rd	2625	10500	N
24-223(d)	Failure to respond to request for conference or to amend noise mitigation plan.	1st	875	3500	Y
		2nd	1750	7000	N
		3rd	2625	10500	N
24-224	Construction work not in compliance with noise mitigation plan.	1st	1400	3500	Y
		2nd	2800	7000	N
		3rd	4200	10500	N

Section	Description	Violation Offense	Penalty	Default	Stip
24-225(a)	Sell/offer/operate/permit operation of refuse compacting vehicle producing excessive noise.	1st	560	1400	Y
		2nd	1120	2800	N
		3rd	1680	4200	N
24-225(b)	Operate/cause operation of refuse compacting vehicle producing excessive noise (11PM to 7AM).	1st	700	1400	Y
		2nd	1400	2800	N
		3rd	2100	4200	N
24-226(a)	Operating air compressor without appropriate muffler w/no exhaust leaks.	1st	560	1400	Y
		2nd	1120	2800	N
		3rd	1680	4200	N
24-226(b)	Excessive noise from air compressor (measured @ 1 meter).	1st	560	1400	Y
		2nd	1120	2800	N
		3rd	1680	4200	N
24-226(c)	Excessive noise from air compressor (measured @ receiving property).	1st	560	1400	Y
		2nd	1120	2800	N
		3rd	1680	4200	N
24-227(a)	Noise from circulation device in excess of 42 dB(A).	1st	560	875	Y
		2nd	1120	1750	N
		3rd	1680	2625	N
24-227(b)	Cumulative impact from circulation device exceeded 45 dB(A).	1st	560	875	Y
		2nd	1120	1750	N
		3rd	1680	2625	N
24-227(c)	Failure to reduce cumulative impact from multiple circulation devices exceeding 50 dB(A).	1st	560	875	Y
		2nd	1120	1750	N
		3rd	1680	2625	N
24-228	Unreasonable noise from construction devices.	1st	560	1400	Y
		2nd	1120	2800	N
		3rd	1680	4200	N
24-228.1	Unreasonable noise from engine exhaust.	1st	560	875	Y
		2nd	1120	1750	N
		3rd	1680	2625	N
24-229	Unreasonable noise from handling/transporting of container or construction material.	1st	560	1400	Y
		2nd	1120	2800	N
		3rd	1680	4200	N
24-230(a)	Operation/caused operation of paving breaker w/o pneumatic discharge muffler.	1st	560	1400	Y
		2nd	1120	2800	N
		3rd	1680	4200	N
24-230(b)	Sold/offer for sale/operate/permit operation of paving breaker producing over 95 dB(A).	1st	560	1400	Y
		2nd	1120	2800	N
		3rd	1680	4200	N
24-231(a)*	Made/caused/permitted music from commercial establishment in excess of permitted levels.	1st	3200	8000	N
		2nd	6400	16000	N
		3rd	9600	24000	N
24-231(d)	Violation of variance from limits set forth in 24-231(a)	1st	560	875	N
		2nd	1120	1750	N
		3rd	1680	2625	N
24-232(a)	Excessive noise from sound source @ commercial or business establishment.	1st	560	1400	N
		2nd	1120	2800	N
		3rd	1680	4200	N

Section	Description	Violation Offense	Penalty	Default	Stip
24-233(a)	Unreasonable noise: personal audio device.	1st	70	175	Y
		2nd	140	350	Y
		3rd	210	525	N
24-233(b)(1)	Unreasonable noise—personal audio device (public right-of-way).	1st	140	175	Y
		2nd	280	350	Y
		3rd	420	525	N
24-233(b)(2)	Unreasonable noise—personal audio device (motor vehicle).	1st	140	350	Y
		2nd	280	700	N
		3rd	420	1050	N
24-234	Excess noise from sound reproduction device on rapid transit (subway, bus, ferry).	1st	70	175	Y
		2nd	140	350	Y
		3rd	210	525	N
24-235	Permitting animal to cause unreasonable noise.	1st	70	175	Y
		2nd	140	350	Y
		3rd	210	525	Y
24-236(a)	Excess noise from motor vehicles (10,000 lbs or less).	1st	210	525	Y
		2nd	420	1050	N
		3rd	840	1575	N
24-236(b)	Excess noise from motorcycles.	1st	880	1440	Y
		2nd	1720	2800	N
		3rd	2600	4200	N
24-236(c)	Excess noise from motor vehicles (10,000 lbs or greater).	1st	880	1440	Y
		2nd	1720	2800	N
		3rd	2600	4200	N
24-236(d)	Non-emergency use of compression brake system.	1st	880	1440	Y
		2nd	1720	2800	N
		3rd	2600	4200	N
24-237(a)	Unauthorized use of motor vehicle claxon.	1st	350	1000	Y
		2nd	700	2000	Y
		3rd	1050	3000	N
24-237(b)	Unauthorized use of motor vehicle air horn/gong.	1st	350	875	Y
		2nd	700	1750	Y
		3rd	1050	2625	N
24-237(c)	Unauthorized use of steam whistle.	1st	350	875	Y
		2nd	700	1750	Y
		3rd	1050	2625	N
24-237(d)	Improper use of sound signal device (food vendor).	1st	350	1000	Y
		2nd	700	2000	Y
		3rd	1050	3000	Y
24-238(a)	Improper audible burglar alarm/no automatic termination.	1st	280	700	Y
		2nd	560	1400	Y
		3rd	840	2100	N
24-238(b)	Audible status indicator on motor vehicle in operation.	1st	280	700	Y
		2nd	560	1400	Y
		3rd	840	2100	N
24-239(b)	Vehicle owner failure to display owner's local precinct number.	1st	100	350	Y
		2nd	200	700	Y
		3rd	300	1050	N

Section	Description	Violation Offense	Penalty	Default	Stip
24-241(a)	Unauthorized use of emergency signal device.	1st	440	1400	Y
		2nd	880	2800	N
		3rd	1320	4200	N
24-241(b)	Failed to file certification regarding test of emergency signal device.	1st	440	1400	Y
		2nd	880	2800	N
		3rd	1320	4200	N
24-242(a)	Operating lawn care devices at unauthorized times or so as to create unreasonable noise.	1st	220	875	Y
		2nd	440	1750	Y
		3rd	660	2625	Y
24-242(b)	Operation of leaf blower without muffler.	1st	220	875	Y
		2nd	440	1750	Y
		3rd	660	2625	Y
24-244(a)	Unreasonable noise from sound reproduction device.	1st	440	1750	Y
		2nd	880	3500	N
		3rd	1320	5250	N
24-244(b)	Unreasonable noise from sound reproduction device for commercial/bus. advert. purposes.	1st	700	1750	N
		2nd	1400	3500	N
		3rd	2100	5250	N
24-245	Failure to have operating certificate or tunneling permit.	1st	1050	2625	N
		2nd	2100	5250	N
		3rd	3150	7875	N
24-257(b)(7)	Breaking of Board ordered seal.	1st	1600	4000	N
		2nd	1600	4000	N
		3rd	2480	4000	N
15 RCNY 28-100	Failed to Conspicuously Post an Accurate and Complete Construction Noise Mitigation Plan (CNMP)	1st	220	875	Y
		2nd	440	1750	N
		3rd	660	2625	N
15 RCNY 28-101(a)	Failed to Self-Certify Equipment Maintenance in CNMP	1st	220	875	Y
		2nd	440	1750	N
		3rd	660	2625	N
15 RCNY 28-101(a)	Failed to Exercise Noise Mitigation Option within 5 Business Days of Construction Tool Exceeding Noise Standard	1st	440	875	Y
		2nd	880	1750	N
		3rd	1320	2625	N
15 RCNY 28-101(b)	Failed to Equip Construction Equipment with Noise Reduction Device	1st	440	875	Y
		2nd	880	1750	N
		3rd	1320	2625	N
15 RCNY 28-101(c)	Failed to Mitigate Noise From Internal Combustion Engine	1st	440	875	Y
		2nd	880	1750	N
		3rd	1320	2625	N
15 RCNY 28-101(d)	Failed to Cover Compressors/Generators/Pumps with Noise-Insulating Fabric	1st	440	875	Y
		2nd	880	1750	N
		3rd	1320	2625	N
15 RCNY 28-101(g)	Failed to Use Perimeter Noise Barriers	1st	440	875	Y
		2nd	880	1750	N
		3rd	1320	2625	N

Section	Description	Violation Offense	Penalty	Default	Stip
15 RCNY 28-101(h)	Failed to Create and Utilize Noise Mitigation Training Program	1st	220	875	Y
		2nd	440	1750	N
		3rd	660	2625	N
15 RCNY 28-101(i)	Failed to Coordinate Work Schedule with Sensitive Facility Receptor	1st	220	875	Y
		2nd	440	1750	N
		3rd	660	2625	N
15 RCNY 28-101(j)	Failure to Comply with CNMP or File Alternative Plan w/in 3 Days of Inspection	1st	440	875	Y
		2nd	880	1750	N
		3rd	1320	2625	N
15 RCNY 28-101(l)	Failed to Utilize Temporary Barrier	1st	440	875	Y
		2nd	880	1750	N
		3rd	1320	2625	N
15 RCNY 28-101(m)	Failed to Utilize Noise Barrier on Sandblasting Perimeter Barrier	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	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	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	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	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	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	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	1st	440	875	Y
		2nd	880	1750	N
		3rd	1320	2625	N
15 RCNY 28-102(a)(2)(C)(ii)	Exceeded Maximum Height of 15 Feet for Free-Standing Barrier	1st	440	875	Y
		2nd	880	1750	N
		3rd	1320	2625	N
15 RCNY 28-102(a)(2)(C)(iii)(b)	Failed to Use Multiple Tents for Multiple Jackhammers	1st	440	875	Y
		2nd	880	1750	N
		3rd	1320	2625	N

Section	Description	Violation Offense	Penalty	Default	Stip
15 RCNY 28-102(a)(2)(C)(iii)(c)	Failed to Move Noise Tents as Jackhammer Work Progresses	1st	440	875	Y
		2nd	880	1750	N
		3rd	1320	2625	N
15 RCNY 28-102(a)(2)(C)(iii)(d)	Failed to Use Double Layer of Mitigation During Emergency Jackhammering w/in 500 ft of Residential Receptor	1st	440	875	Y
		2nd	880	1750	N
		3rd	1320	2625	N
15 RCNY 28-102(a)(2)(C)(iii)(e)	Failed to Use Tents on Either Side of Jackhammer Where Surrounded by Receptors	1st	440	875	Y
		2nd	880	1750	N
		3rd	1320	2625	N
15 RCNY 28-102(a)(3)(B)(iii)	Failed to Wrap Noise Shroud Around Head of Hoe Ram w/in 200 ft of Receptor	1st	440	875	Y
		2nd	880	1750	N
		3rd	1320	2625	N
15 RCNY 28-102(a)(3)(C)(i-iv)	Failed to Properly Construct Portable Noise Barrier	1st	440	875	Y
		2nd	880	1750	N
		3rd	1320	2625	N
15 RCNY 28-102(a)(4)(C)(i)	Failed to Lay Heavy Rubber Blast Mats Over Blast Site	1st	440	875	Y
		2nd	880	1750	N
		3rd	1320	2625	N
15 RCNY 28-102(a)(4)(C)(ii-iii)	Failed to Properly Construct Portable Noise Barrier	1st	440	875	Y
		2nd	880	1750	N
		3rd	1320	2625	N
15 RCNY 28-102(b)(1)(B)(iv)	Failed to Cover Vac-Truck's Suction Component w/Noise-Reducing Enclosure	1st	440	875	Y
		2nd	880	1750	N
		3rd	1320	2625	N
15 RCNY 28-102(b)(1)(C)(i-iv)	Failed to Properly Construct Portable Noise Barrier	1st	440	875	Y
		2nd	880	1750	N
		3rd	1320	2625	N
15 RCNY 28-102(c)(1)(B)(ii)	Failed to Install Bed Liner	1st	440	875	Y
		2nd	880	1750	N
		3rd	1320	2625	N
15 RCNY 28-102(c)(1)(B)(v)	Failed to Equip Truck with Effective Muffler	1st	440	875	Y
		2nd	880	1750	N
		3rd	1320	2625	N
15 RCNY 28-102(c)(1)(B)(vii)	Failed to Keep Housing Doors Closed During Engine Operation	1st	440	875	Y
		2nd	880	1750	N
		3rd	1320	2625	N
15 RCNY 28-102(c)(1)(C)(i-iii)	Failed to Properly Construct Portable Noise Barrier	1st	440	875	Y
		2nd	880	1750	N
		3rd	1320	2625	N
15 RCNY 28-102(d)(1)(B)(v)	Failed to Equip Crane with Effective Muffler	1st	440	875	Y
		2nd	880	1750	N
		3rd	1320	2625	N
15 RCNY 28-102(d)(2)(B)(i)	Failed to Equip Auger Drill Rig with Effective Muffler	1st	440	875	Y
		2nd	880	1750	N
		3rd	1320	2625	N

Section	Description	Violation Offense	Penalty	Default	Stip
15 RCNY 28-102(d)(2)(B)(ii)	Failed to Lubricate All Moving Parts of Auger Drill Rig	1st	440	875	Y
		2nd	880	1750	N
		3rd	1320	2625	N
15 RCNY 28-102(d)(2)(B)(iii)	Failed to Properly Clear Debris from Drill Bits	1st	440	875	Y
		2nd	880	1750	N
		3rd	1320	2625	N
15 RCNY 28-102(d)(2)(C)(i-iv)	Failed to Properly Construct Portable Noise Barriers	1st	440	875	Y
		2nd	880	1750	N
		3rd	1320	2625	N
15 RCNY 28-102(d)(3)(A)(i)	Failed to Properly Install Street Plates	1st	440	875	Y
		2nd	880	1750	N
		3rd	1320	2625	N
15 RCNY 28-102(d)(4)(A)(i)(a-c)	Failed to Equip Work Vehicles with Proper Backup Alarms	1st	440	875	Y
		2nd	880	1750	N
		3rd	1320	2625	N
15 RCNY 28-102(d)(4)(B)(ii-iv)	Failed to Properly Construct Portable Noise Barriers	1st	440	875	Y
		2nd	880	1750	N
		3rd	1320	2625	N
15 RCNY 28-102(e)(1)(C)(i-iii)	Failed to Properly Construct Portable Noise Barriers	1st	440	875	Y
		2nd	880	1750	N
		3rd	1320	2625	N
15 RCNY 28-102(e)(1)(C)(iv)	Failed to Use Multiple Tents During Use of Multiple Concrete Saws	1st	440	875	Y
		2nd	880	1750	N
		3rd	1320	2625	N
15 RCNY 28-102(e)(1)(C)(v)	Failed to Move Noise Tent as Concrete Saw Work Progressed	1st	440	875	Y
		2nd	880	1750	N
		3rd	1320	2625	N
15 RCNY 28-102(e)(1)(C)(vi)	Failed to Use Double Layer of Mitigation for Noise Barrier During Emergency Concrete Sawing within 500 ft of Residential Receptor	1st	440	875	Y
		2nd	880	1750	N
		3rd	1320	2625	N
15 RCNY 28-102(e)(1)(C)(vii)	Failed to Use Two Tents on Either Side of Saw When Surrounded by Receptors	1st	440	875	Y
		2nd	880	1750	N
		3rd	1320	2625	N
15 RCNY 28-104	Failed to File Alternative Noise Mitigation Plan (ANMP)	1st	220	875	Y
		2nd	440	1750	N
		3rd	660	2625	N
15 RCNY 28-105	Failed to Conspicuously Post Utility Noise Mitigation Plan (UNMP)	1st	220	875	Y
		2nd	440	1750	N
		3rd	660	2625	N
15 RCNY 28-106(a)	Failed to Self-Certify Equipment Maintenance in UNMP	1st	220	875	Y
		2nd	440	1750	N
		3rd	660	2625	N

Section	Description	Violation Offense	Penalty	Default	Stip
15 RCNY 28-106(a)	Failed to Exercise Noise Mitigation Option within 5 Days of Construction Tool Exceeding Noise Standard	1st	440	875	Y
		2nd	880	1750	N
		3rd	1320	2625	N
15 RCNY 28-106(b)	Failed to Equip Construction Tool with Noise Reduction Device	1st	440	875	Y
		2nd	880	1750	N
		3rd	1320	2625	N
15 RCNY 28-106 (c)	Failed to Comply with Additional Noise Mitigation Measures for Specialized Vehicles	1st	440	875	Y
		2nd	880	1750	N
		3rd	1320	2625	N
15 RCNY 28-106(d)	Failed to Cover Equipment with Noise-Insulating Fabric	1st	440	875	Y
		2nd	880	1750	N
		3rd	1320	2625	N
15 RCNY 28-106(h)	Failed to Properly Install and Secure Street Plates	1st	440	875	Y
		2nd	880	1750	N
		3rd	1320	2625	N
15 RCNY 28-106(i)	Failed to Notify Residents within 200 Feet of Construction Activity	1st	220	875	Y
		2nd	440	1750	N
		3rd	660	2625	N
15 RCNY 28-106(j)	Failed to Respond to Noise Complaints/Notice from DEP	1st	220	875	Y
		2nd	440	1750	N
		3rd	660	2625	N
15 RCNY 28-106(l)	Failed to Create and Utilize Noise Mitigation Training Program	1st	220	875	Y
		2nd	440	1750	N
		3rd	660	2625	N
15 RCNY 28-106(m)	Failed to Coordinate Work Schedule with Sensitive Receptor Owner	1st	220	875	Y
		2nd	440	1750	N
		3rd	660	2625	N
15 RCNY 28-106(n)	Failed to Correct Excessive Noise Condition/File ANMP	1st	440	875	Y
		2nd	880	1750	N
		3rd	1320	2625	N