

**Resolution Respecting the Environmental Control Board’s Exercise Of Its  
Authority To Remit A Civil Penalty In Code §24-244 (b) Matters**

August 17, 2023

**Whereas**, §24-257 (a) of the Administrative Code of the City of New York (“Code”) authorizes the Environmental Control Board (Board) to hear and determine matters brought by the commissioner of the Department of Environmental Protection (DEP);

**Whereas**, pursuant to §24-257 (b)(5) of the Code, the Board may “impose a civil penalty ... against any person who violates a provision of [the DEP Noise] code, or of any order, rule or regulation promulgated by the commissioner or the board” in the amounts set out in Table 1 of §24-257 (b)(5) of the Code for each violation;

**Whereas**, pursuant to that same section, the Board is also authorized to “remit, in whole or in part, such a civil penalty if, at the conclusion of the hearing ... the respondent is no longer in violation of a provision of this code, or of any order, rule or regulation promulgated by the commissioner or the board;”

**Whereas**, among the penalties set out in Table 1 that can be remitted is that for §24-244 (b), which, in pertinent part, prohibits the use, for advertising purposes, of sound reproduction devices outside of commercial establishments;

**Now, therefore, be it resolved**, that the Board exercises the authority granted it under §24-257 (b)(5) of the Code to remit in whole the civil penalty in all matters wherein the summons charges a violation of Code §24-244 (b) upon a finding at the hearing that the respondent is no longer in violation. Accordingly, upon a hearing officer so finding, a zero penalty shall be imposed.