

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2018**

No. 10

Introduced by Council Members Garodnick, Palma, Richards, Rosenthal, Vacca, Gentile, Chin, Rodriguez, Menchaca, Kallos and Constantinides.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to public access to noise mitigation plans

Be it enacted by the Council as follows:

Section 1. Section 24-219 of title 24 of the administrative code of the city of New York is amended by adding a new subdivision (d) to read as follows:

(d) The commissioner shall ensure that all noise mitigation plans submitted in accordance with subdivision (e) of section 24-220 and all approved alternative noise mitigation plans submitted in accordance with section 24-221 to the department after the effective date of the local law that added this subdivision are made publicly available on the city's website.

§ 2. Section 24-220 of title 24 of the administrative code of the city of New York, as added by local law number 113 for the year 2005, is amended to read as follows:

§ 24-220 Noise mitigation plan. (a) Each person, corporation or other business entity performing construction work in the city shall adopt and implement a noise mitigation plan for each construction site in accordance with the provisions of this subchapter and such rules whenever any one or more of the construction devices or activities listed above or in the department's rules are employed or performed at the site.

(b) Such plan shall be adopted prior to the commencement of construction at the site or, with respect to emergency work, as defined in the department's rules, within three days thereafter, and shall apply to all work at the site throughout the construction process. The plan shall provide in detail the noise mitigation strategies, methods, procedures and technology, as prescribed in the rules of the department or specifically approved by the commissioner in accordance with section 24-221 of this code, for each device or activity employed or performed at the site. Each permit holder or other person in charge of such construction site will be accountable for compliance with such rules and shall ensure that each person performing construction work at the site shall be aware of the plan and shall be responsible for complying with those provisions that affect his or her work.

(c) A copy of the plan shall be kept at the construction site and shall be [made available for inspection upon the request of] *displayed in a conspicuous manner on the exterior of the construction site and made accessible for inspection by the public and persons authorized to enforce the provisions of this code provided that where there are no exterior structures on the construction site such plan need only be kept at the site and made accessible for inspection by the public and persons authorized to enforce the provisions of this code.*

(d) The plan shall be amended whenever additional devices or activities unforeseen at the commencement of construction are employed at the site or at the direction of the commissioner in accordance with section 24-223 of this subchapter.

(e) [A] *The plan [need not] shall be filed with [or approved by] the department [prior to] no later than 30 days after the commencement of construction if it conforms in all respects to the rules of the department with respect to construction devices and activities employed or performed at the construction site. A plan that deviates in any respect from such rules or an alternative noise*

mitigation plan required to be certified in conjunction with [a] *an* undue hardship application pursuant to paragraph (5) of subdivision (e) of section 24-223 shall be subject to the prior approval of the commissioner in accordance with section 24-221 of this code.

(f) This section shall not apply to construction work in connection with the alteration or repair of an existing one or two family owner-occupied dwelling classified in occupancy group J-3 or a convent or rectory.

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner of environmental protection may take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on November 30, 2017 and returned unsigned by the Mayor on January 5, 2018.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 10 of 2018, Council Int. No. 1300-A of 2016) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEVEN LOUIS, Acting Corporation Counsel.