



Commercial Music Noise Violation: How to Apply for Zero Penalty

- 1.) After receiving a Notice of Violation (NOV) for section 24-231(a) of the Noise Control Code for loud music from a commercial establishment you may apply for mitigation of the penalty from \$2000 to \$0. The zero civil penalty only applies to the first violation if based on a reading from the person's residence.
- 2.) In order to be eligible, you must (1) admit liability and (2) certify to the Commissioner's satisfaction that the establishment had been brought into compliance.
- 3.) The "Extension to File Compliance Certification" form must be filled out if the work needed to bring the establishment into compliance with the Noise Control Code will not be completed within 30 days of the issuance of the NOV. In addition, you must attach proof that you have retained a noise consultant. (A letter on the consultant's letterhead indicating that they have been retained and provide an estimated date for the completion of corrective work MUST be attached to the form). This form is to be sent to:

Alyssa Preston
Bureau of Environmental Compliance
8th Floor
59-17 Junction Boulevard
Flushing, NY 11373

- 4.) If the extension request is granted, you will receive a letter indicating the date by which all corrective work must be completed for the fine to be mitigated to zero.
- 5.) Please note that you will still have to go to ECB on the hearing date specified on the NOV or the adjournment order in order to admit the violation in front of the hearing officer.
- 6.) The certification, which is done by the Noise Consultant, must be submitted to the Department within six weeks of the date of violation. A brief description of what the certification shall include:
 - a. A certification that the commercial music establishment is in compliance with the sound level of the Code.
 - b. Description of the improvements including a limiter and modifications used to achieve compliance.
 - c. Sound level measurements taken from nearby properties.
 - d. A description of the method by which the maximum allowable amplified sound level shall be permanently set within the commercial music establishment.

For more information as well as a list of the Approved Noise Consultant's, please visit the link below:

- <https://www.nyc.gov/site/dep/environment/noise-code.page>