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2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. KLEIN, DIAZ, HASSELL-THOMPSON, HUNTLEY, SAMPSON, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to the applicability of noise ordinances on school construction work sites

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The education law is amended by adding a new section 408-c
2 to read as follows:
3 S 408-C. GUIDELINES RELATING TO NOISE AND WORK HOURS ON SCHOOL
4 CONSTRUCTION SITES. 1. THE DEPARTMENT SHALL ISSUE REGULATIONS FOR PUBLIC
5 SCHOOL DISTRICT CONSTRUCTION AS IT PERTAINS TO NOISE LEVELS AND HOURS OF
6 WORK. SUCH REGULATIONS SHALL SPECIFY THAT RECOMMENDED HOURS OF
7 CONSTRUCTION WORK ARE BETWEEN SEVEN O'CLOCK A.M. AND SEVEN O'CLOCK P.M.
8 SHOULD WORK OCCUR OUTSIDE THESE HOURS, RECOMMENDED NOISE LEVELS AFTER
9 SEVEN O'CLOCK P.M. OR BEFORE SEVEN O'CLOCK A.M. FOR ADJOINING RESIDEN-
10 TIAL PROPERTIES SHALL BE CONSISTENT WITH LIMITATIONS ESTABLISHED BY THE
11 DEPARTMENT GOVERNING ACCEPTABLE INDOOR NOISE LEVELS FOR CONSTRUCTION
12 OCCURRING DURING SCHOOL HOURS WHEN SCHOOL IS IN SESSION.
13 2. THE DEPARTMENT SHALL ISSUE RULES PROVIDING FOR THE DISSEMINATION OF
14 REGULATIONS FOR SCHOOL DISTRICT CONSTRUCTION AS THEY PERTAIN TO NOISE
15 AND HOURS OF WORK. DISSEMINATION SHALL INCLUDE PROMINENTLY POSTING THE
16 OFFICE WITHIN THE DEPARTMENT RESPONSIBLE FOR RECEIVING COMPLAINTS
17 REGARDING NOISE LEVELS OR WORK HOURS ON THE DEPARTMENT'S WEBSITE AND
18 INCLUDING INFORMATION IN THE DEPARTMENT'S NEWSLETTER.
19 3. WHILE THE DEPARTMENT IS NOT RESPONSIBLE FOR ROUTINELY MONITORING
20 ADHERENCE TO SUCH REGULATIONS, IT SHALL WORK TO MAINTAIN POSITIVE COMMU-
21 NITY RELATIONS BETWEEN LOCAL RESIDENTS AND SCHOOL DISTRICTS WHEN
22 DISPUTES ARISE OVER SCHOOL CONSTRUCTION ACTIVITIES.
23 S 2. This act shall take effect on the one hundred eightieth day after
24 it shall have become a law.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

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