

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2013**

No. 38

Introduced by Council Members Levin, Mark-Viverito, James, Barron, Rodriguez, Arroyo, Cabrera, Eugene, Gonzalez, Koppell, Lander, Reyna, Williams, Greenfield, Foster, Mendez, Crowley, Dickens, Chin, Jackson, Mealy, Palma, Rivera, Rose, Brewer, Vann, Wills, Dilan, Koslowitz, Gennaro, Comrie, Nelson, Dromm, King, Ulrich, Halloran and Richards.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to reducing the maximum fine amount for violations of vending regulations and defining unrelated violations of vending rules and regulations as separate offenses.

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 17-325 of the administrative code of the city of New York is amended to read as follows:

b. Except as provided in subdivision a of this section, a person who violates any provision of this subchapter or any of the rules or regulations promulgated hereunder shall be guilty of an offense punishable by the court as follows:

1. For the first violation, a fine of not less than twenty-five nor more than fifty dollars.
2. For the second violation *issued for the same offense* within a period of two years of the date of a first violation, a fine of not less than fifty dollars nor more than one hundred dollars.
3. For a third violation *issued for the same offense* within a period of two years of the date of a first violation, a fine of not less than one hundred dollars nor more than two hundred and fifty dollars, in addition to the remedy provided for in subdivision f of section 17-317 of this subchapter.

4. For any subsequent violations *issued for the same offense* within a period of two years of the date of a first violation, a fine of not [less] *more* than [two] *five* hundred [fifty] dollars [nor more than one thousand dollars].

§2. Paragraph two of subdivision c of section 17-325 of the administrative code of the city of New York is amended to read as follows:

2. In addition to the penalties prescribed by subdivision b of this section, any person who violates any of the provisions of this subchapter, other than subdivision a, b, or c of section 17-307 of this subchapter, or any of the rules and regulations promulgated hereunder shall be liable for a civil penalty as follows:

(a) For the first violation, a penalty of not less than twenty-five nor more than fifty dollars.

(b) For the second violation *issued for the same offense* within a period of two years of the date of a first violation, a penalty of not less than fifty dollars nor more than one hundred dollars.

(c) For the third violation *issued for the same offense* within a period of two years of the date of a first violation, a penalty of not less than one hundred dollars nor more than two hundred and fifty dollars, in addition to the remedy provided for in subdivision f of section 17-317 of this subchapter.

(d) For any subsequent violations *issued for the same offense* within a period of two years of the date of a first violation, a penalty of not [less] *more* than [two] *five* hundred [fifty] dollars [nor more than one thousand dollars].

§3. Subdivision b of section 20-472 of the administrative code of the city of New York is hereby amended to read as follows:

b. Except as provided in subdivision a of this section, a person who violates any provision of this subchapter or any of the rules or regulations promulgated hereunder shall be guilty of an

offense punishable by the court as follows:

1. For the first violation, a fine of not less than twenty-five nor more than fifty dollars.
2. For the second violation *issued for the same offense* within a period of two years of the date of a first violation, a fine of not less than fifty dollars nor more than one hundred dollars.
3. For a third violation *issued for the same offense* within a period of two years of the date of a first violation, a fine of not less than one hundred dollars nor more than two hundred and fifty dollars.
4. For any subsequent violations *issued for the same offense* within a period of two years of the date of a first violation, a penalty of not [less] *more* than [two] *five* hundred [fifty] dollars [nor more than one thousand dollars].

§ 5. Paragraph two of subdivision c of section 20-472 of the administrative code of the city of New York is amended to read as follows:

2. In addition to the penalties prescribed by subdivision b of this section, any person who violates any of the provisions of this subchapter, other than section 20-453, or any of the rules and regulations promulgated hereunder shall be liable for a civil penalty as follows:

- (a) For the first violation, a penalty of not less than twenty-five nor more than fifty dollars.
- (b) For the second violation *issued for the same offense* within a period of two years of the date of a first violation, a penalty of not less than fifty dollars nor more than one hundred dollars.
- (c) For the third violation *issued for the same offense* within a period of two years of the date of a first violation, a penalty of not less than one hundred dollars nor more than two hundred and fifty dollars.
- (d) For any subsequent violations *issued for the same offense* within a period of two years of the date of a first violation, a penalty of not [less] *more* than [two] *five* hundred [fifty] dollars

[nor more than one thousand dollars].

§ 6. This local law shall take effect one hundred twenty days after it shall have been enacted into law; provided that the commissioner may take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, promulgating rules.

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 February 27, 2013, disapproved by the Mayor on March 21, 2013 and repassed by the Council on May 8, 2013 and said law is adopted notwithstanding the objection of the Mayor.

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. 38 of 2013, Council Int No. 434-A of 2010) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, disapproved by the Mayor and repassed by the City Council.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.