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Int. No. 109

By Council Members Monserrate, Felder, Koppell, Nelson, Vallone, Weprin and Gentile

A Local Law to amend the administrative code of the city of New York, in relation to increasing penalties for illegal general vendors and food vendors.

Be it enacted by the Council as follows:

Section one. Legislative Declaration. The Council finds that certain areas of New York City are excessively crowded with food and general vendors. Though some of these merchants are properly licensed with the Departments of Health and Consumer Affairs, many are not. Moreover, both licensed and unlicensed vendors are operating in violation of certain Health and Consumer Affairs laws and regulations, primarily by vending in illegal locations.

The Council finds that as a result of these violations, neighborhood citizens have a difficult time navigating their own streets. They are overwhelmed by the noise and congestion the vendors generate, and they wish for a more orderly community. In response to their concerns, the Council finds it necessary to increase the

finest imposed on vendors operating illegally. Through such legislation, the Council intends to curtail the improper growth of vendors in certain neighborhoods while protecting those merchants who operate legally.

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

a. Any person who violates the provisions of sections 20-453 and 20-474.1 of this subchapter shall be guilty of a misdemeanor. For a first offense, this misdemeanor shall be punishable by a fine of not less than ~~two hundred fifty~~ four hundred dollars nor more than one thousand one hundred fifty dollars, or by imprisonment for not more than three months or by both such fine and imprisonment. For any succeeding offense within a period of two years of the date of a first offense, this misdemeanor shall be punishable by a fine of not less than five hundred dollars nor more than one thousand two hundred fifty dollars, or by imprisonment for not more than three months or by both such fine and imprisonment. In addition, any police officer may seize any vehicle used to transport goods to a general vendor, along with the goods contained therein, where the driver is required to but cannot produce evidence of a distributor's license. Any vehicle and goods so seized may be subject to forfeiture upon notice and judicial determination. If a forfeiture proceeding is not commenced, the owner or other person lawfully entitled to possession of such vehicle and goods may be charged with the reasonable cost for removal and storage payable prior to the release of such vehicle and goods, unless the charge of unlicensed distributing has been dismissed.

§3. Subdivision b of section 20-472 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 a first violation, a fine of not less than ~~twenty-five~~ fifty dollars nor more than ~~fifty~~ seventy-five dollars.

2. For a second violation within a period of two years of the date of a first violation, a fine of not less than ~~fifty~~ seventy-five dollars nor more than one hundred twenty-five dollars.

3. For a third violation within a period of two years of the date of a first violation, a fine of not less than one hundred twenty-five dollars nor more than ~~two~~ three hundred ~~fifty~~ dollars.

4. For any subsequent violations within a period of two years of the date of a first violation, a fine of not less than ~~two~~ three hundred dollars nor more than one thousand two hundred fifty dollars.

§4. Paragraph 1 of subdivision c of section 20-472 of the administrative code of the City of New York is amended to read as follows:

c. 1. In addition to the penalties prescribed by subdivision a of this section, any person who violates, or any person aiding another to violate, the provisions of section 20-453 of this subchapter shall be liable for a civil penalty of not less than ~~two hundred fifty~~ four hundred dollars nor more than one thousand one hundred fifty dollars together with a penalty of ~~two hundred fifty~~ four hundred dollars per day for every day during which the unlicensed business operated.

§5. Paragraph 2 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 provision of this subchapter, other than section 20-453, or any of the rules or regulations promulgated hereunder shall be liable for a civil penalty as follows:

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

(b) For a second violation within a period of two years of the date of a first violation, a penalty of not less than ~~fifty~~ seventy-five dollars nor more than one hundred twenty-five dollars.

(c) For a third violation within a period of two years of the date of a first violation, a penalty of not less than one hundred twenty-five dollars nor more than ~~two~~ three hundred ~~fifty~~ dollars.

(d) For any subsequent violations within a period of two years of the date of a first violation, a penalty of not less than ~~two~~ three hundred ~~fifty~~ dollars nor more than one thousand two hundred-fifty dollars.

§6. Subdivision e of section 20-472 of the administrative code of the City of New York is amended to read as follows:

e. Any person who violates the provisions of section 20-465 and 20-465.1 of this subchapter and any rules promulgated thereunder shall be guilty of a misdemeanor. For a first offense, this misdemeanor shall be punishable by a fine of not more than ~~five hundred~~ seven hundred fifty dollars, or by imprisonment for not more than ~~thirty~~ forty-five days or by both such fine and imprisonment. For any succeeding offense within two years of the date of a first offense, the misdemeanor shall be punishable by a fine of not more than one thousand dollars, or by imprisonment for not more than sixty days or by both such fine and imprisonment.

§7. Subdivision a of section 17-325 of the administrative code of the City of New York is amended to read as follows:

a. Any person who violates the provisions of subdivision a, b, or c of section 17-307 of this subchapter shall be guilty of a misdemeanor. For a first offense, this misdemeanor shall be punishable by a fine of not less than ~~one hundred fifty~~ three hundred dollars nor more than one thousand one hundred fifty dollars, or by imprisonment for not more than three months or by such fine and imprisonment. For any succeeding offense within two years of the date of a first offense, the misdemeanor shall be punishable by a fine of not less than four hundred dollars nor more than one thousand two hundred fifty dollars, or by imprisonment for not more than three months or by both such fine and imprisonment.

§8. 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~~ fifty nor more than ~~fifty~~ seventy-five dollars.
2. For the second violation within a period of two years of the date of a first violation, a fine of not less than ~~fifty~~ seventy-five dollars nor more than one hundred twenty-five dollars.
3. For a third violation within a period of two years of the date of a first violation, a fine of not less than one hundred twenty-five dollars nor more than ~~two~~ three 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 violation within a period of two years of the date of a first violation, a fine of not less than ~~two~~ three hundred fifty dollars nor more than one thousand two hundred fifty dollars.

§9. Paragraph 1 of subdivision c of section 17-325 of the administrative code of the City of New York is amended to read as follows:

c.1. In addition to the penalties prescribed by subdivision a of this section, any person who violates, or any person aiding another to violate, the provisions of subdivision a, b, or c of section 17-307 of this subchapter shall be liable for a civil penalty of not less than ~~one hundred fifty~~ three hundred dollars nor more than one thousand one hundred fifty dollars together with a penalty of ~~one hundred~~ two hundred fifty dollars per day for every day during which the unlicensed business operated.

§10. Paragraph 2 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~~ fifty nor more than ~~fifty~~ seventy-five dollars.
- (b) For the second violation within a period of two years of the date of a first violation, a penalty of

not less than ~~fifty~~ seventy-five dollars nor more than one hundred twenty-five dollars.

(c) For the third violation within a period of two years of the date of a first violation, a penalty of not less than one hundred twenty-five dollars nor more than ~~two~~ three 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 within a period of two years of the date of a first violation, a penalty of not less than ~~two~~ three hundred ~~fifty~~ dollars nor more than one thousand two hundred fifty dollars.

§11. Section 17-325 of the administrative code of the City of New York is amending by adding a new subdivision e to read as follows:

e. Any person who violates the provisions of section 17-315 of this subchapter shall be guilty of a misdemeanor. For the first offense, this misdemeanor shall be punishable by a fine of not more than seven hundred fifty dollars, or by imprisonment for not more than forty-five days or by both such fine and imprisonment. For any succeeding offense within two years of the date of a first offense, the misdemeanor shall be punishable by a fine of not more than one thousand dollars, or by imprisonment for not more than sixty days or by both such fine and imprisonment.

§12. This local law shall take effect ninety days after it shall have been enacted into law.

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