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Int. No. 650

By Council Members Halloran, Vacca, Lander, Rivera, Nelson, Crowley, Koppell and Oddo

A Local Law to amend the administrative code of the city of New York, in relation to expiration of variances granted by the board of standards and appeals.

Be it enacted by the Council as follows:

Section 1. Section 25-203 of the administrative code of the city of New York, as amended by local law number 49 of 1991, is amended to read as follows:

§ 25-203 Board's orders; violation; penalty. 1. Any person who shall knowingly violate or fail to comply with any lawful order or requirement of the board made under the authority of sections six hundred sixty-six and six hundred sixty-eight of the charter shall be guilty of a misdemeanor; and in addition thereto, and in addition to all other liabilities and penalties imposed by law, shall forfeit and pay for each such violation

and non-compliance respectively, a penalty in the sum of not more than two hundred and fifty dollars, as may be fixed by the court awarding judgment therefor. An action may be brought for the recovery of any such penalty or penalties in the New York city civil court or any other court of record in the city, in the name of the city.

2. No later than six months prior to the expiration of a variance granted pursuant to sections six hundred sixty-six and six hundred sixty-eight of the charter, the board shall notify the person holding such variance that such variance is set to expire. Such notification shall be sent via first class mail and, if practicable, via email. In addition to the penalties provided by subdivision one, any person who receives such notification yet continues to use the zoning lot subject to such variance beyond the expiration of such variance shall be subject to a penalty in the sum of five hundred dollars for the first six month period of such unauthorized use; the amount of such penalty shall increase by five hundred dollars for each succeeding six month period that such person continues to use the zoning lot beyond the expiration of such variance, until such person submits an application to extend the term of such variance; provided, however, that any month in which the community board for the community district in which the zoning lot subject to such variance is located does not meet shall not be counted for purposes of imposing a penalty pursuant to this subdivision. No person may submit an application to extend the term of a variance unless and until such person has paid in full all penalties imposed pursuant to this section.

§ 2. This local law shall become effective ninety days after its enactment.

SAG
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7/21/11