

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 1986**

No. 5

Introduced by Council Member Katzman (by request of the Mayor); also Council Members O'Donovan, Wooten, Berman, Crispino and Leffler.

A LOCAL LAW

D 515

To amend the New York city charter and the administrative code of the city of New York, in relation to the department of ports, international trade and commerce.

Be it enacted by the Council as follows:

Section 1. Legislative intent. It is the intent of the council to establish the department of ports, international trade and commerce which will foster expansion of the international business community of the city of New York and promote high quality and cost-competitive air, marine, rail and truck freight services for the city. It is the expectation of the council that the department will enable the city to attract more effectively foreign investment and trade, to assist firms in the city to win and fulfill foreign contracts, and to allow businesses in the city to transport goods more efficiently. In this manner, the department will promote economic development and employment in the city.

In addition, it is the intent of the council that the department continue to perform the responsibilities formerly delegated by the charter to the department of ports and terminals.

§2. The title of chapter seventy-nine of the New York city charter, as added by local law number twenty-eight of nineteen hundred seventy-seven, is amended to read as follows:

Department of Ports, International Trade and Commerce.

§3. Section seven hundred-one of the New York city charter, as added by local law number twenty-eight of nineteen hundred seventy-seven, is amended to read as follows:

§701. There shall be a department of ports, international trade and commerce, the head of which shall be the commissioner of ports, international trade and commerce. The commissioner may adopt a seal for the department and direct its use.

§4. The first unlettered paragraph of section seven hundred four of such charter, as added by local law twenty-eight of nineteen hundred seventy-seven, is amended to read as follows:

§704. The commissioner shall have the power, and it shall be his duty, to promote and foster development of intrastate, interstate, and international commerce and trade in the city of New York and to exercise the functions, operations, powers and duties of the city relating to the development, construction, reconstruction, operation, maintenance, management, administration and regulation of public markets, wharf property, water front property and airports within the city of New York including, without limitation, the following:

§5. Subdivision j of such section is amended to read as follows:

(j) to regulate, subject to the approval of the board of estimate, the charges for wharfage, craning and dockage of all vessels or floating structures using any wharf property set aside under subdivision (i) of this section, provided that the rates which it shall be lawful to charge for wharfage, craning and dockage from any vessel or floating structure which makes use of any other wharf property within the port of New York shall be fixed by the board of estimate after public hearing on recommendation of the department;

§6. Subdivision k of such section, as amended by local law number fifty-four of nineteen hundred seventy-nine, is amended to read as follows:

(k) to establish, amend and enforce all needful rules and regulations for the proper care of all public markets, wharf property and waterfront property placed in his charge or over which he shall have power of regulation and to issue such orders as may be necessary for such enforcement. No such rule, regulation or amendment thereof shall become valid and effective until a copy thereof, duly certified by an officer of the department to be a correct copy, shall have been filed with the city clerk and such rule, regulation or amendment, published once a week for two successive weeks in the City Record. The violation of or the failure to comply with any such order, rule or regulation shall be triable in criminal court and punishable, upon conviction, by not more than thirty days imprisonment or by a fine of not less than one hundred dollars nor more than five hundred dollars, or both;

§7. Subdivision l of such section, as added by chapter three hundred seventy-four of the laws of nineteen hundred eighty-five, is amended to read as follows:

(l) to sell, subject to the approval of the board of estimate, buildings, structures and other improvements on market property and wharf property to a person leasing such property pursuant to subdivisions (a) and (g) of this section;

§8. Such section is amended by adding new subdivisions m, n, o and p follows:

(m) to manage and promote the economic development of all airports, airplane landing sites, seaplane bases and heliports owned or possessed by the city; and to lease any part of such property in the same manner as wharf property;

(n) to promote and encourage the expansion and development of the city as a center for intrastate, interstate and international overland freight transportation;

(o) to promote, coordinate and implement activities, projects and programs designed to attract foreign direct investment and promote overseas sales by firms in the city and to otherwise encourage, stimulate and foster the well-being, development, growth and expansion of international business, commerce, and trade in the city; and

(p) to administer and promote the development of foreign trade zones within the city.

§9. Paragraph seven of subdivision d of section two thousand nine hundred three of such charter, as added by local law twenty-seven of nineteen hundred seventy-seven, is amended to read as follows:

(7) have charge and control of the regulation for the health and safety of the general public of all airports, airplane landing sites, seaplane bases, heliports, marginal streets and parking facilities appurtenant thereto owned or possessed by the city; and

§10. Paragraph fourteen of subdivision b of section C19-50.0 of article eight of chapter nineteen of such code, as amended by local law number twenty-eight of nineteen hundred sixty, is amended to read as follows:

14. Installation plans. Plans showing the entire installation shall be filed with the department of buildings, or the department of ports, international trade and commerce. All tanks, piping, dikes and tank foundations shall be constructed in accordance with plans that have been filed with and approved by the department having jurisdiction. It shall be unlawful to cover from sight any tank forming part of an underground storage system until inspected and approved by the department having jurisdiction for such installation.

§11. Subdivision a of section C19-168.1(a) of part three of article twenty-seven of such chapter of such code, as amended by local law number forty-two of nineteen hundred forty-two, is amended to read as follows:

a. It shall be unlawful to smoke, carry or possess a lighted cigar, cigarette, pipe, or match upon a bulkhead, farm, dock, drydock, shipyard, pier, wharf, warehouse or shed, or in and about any airport, its buildings and appurtenances thereto, or to smoke, carry, or possess a lighted cigar,

cigarette, pipe, or match on board any ship, lighter, carfloat, scow, and all other similar floating craft or equipment whether such be berthed or moored at a dock, wharf, pier, or to a vessel made fast thereto or in a shipyard; provided that smoking may be permitted in such portions of any of the aforementioned structures or locations as may be designated by the commissioner of ports, international trade and commerce, or by the fire commissioner.

§12. Subdivision a of section C26-84.0 of article eight of part one of title C of chapter twenty-six of such code, as added by local law number seventy-six of nineteen hundred sixty-eight, is amended to read as follows:

a. Recovery of bodies from wrecked structures.—Where any persons are known or believed to be buried under the ruins of any fallen structure or part thereof in the city, the superintendent shall cause an examination of the premises to be made for the recovery of the bodies of the killed and injured. Whenever, in making such examination, it shall be necessary to remove any debris from the premises, the commissioners of ports, international trade and commerce, parks, police and sanitation and the commissioner of highways, respectively, when called upon by the superintendent, shall cooperate with the superintendent in carrying out the purposes of this article, and shall provide suitable and convenient places for the deposit of such debris.

§13. Section C26-121.4 of sub-article 120.0 of article one of part two of such title of such chapter of such code, as added by local law number seventy-six of nineteen hundred sixty-eight, is amended to read as follows:

§C26-121.4 Existing buildings.—Upon application by the owner of an existing building, and subject to the provisions of section C26-102.1, the commissioner shall issue a certificate of occupancy for such building, provided that at the time of issuing such certificate, no notices of violation or other notices or orders affecting the building as they relate to the provisions of this code are pending before the department of buildings, and provided further that it is established to the satisfaction of the commissioner, after inspection and investigation, that the alleged use of the building has heretofore legally existed. The issuance of a certificate of occupancy for any existing building on waterfront property not used in conjunction with and in furtherance of waterfront commerce and/or navigation shall be conditioned upon compliance with the provisions of this code regulating means of egress, and upon the issuance of a certificate of completion by the commissioner of ports, international trade and commerce, and shall be limited to the uses and purposes certified to therein.

§14. The title of chapter twenty-nine of such code is amended to read as follows:

Department of Ports, International Trade and Commerce.

§15. Section 701-1.0 of title A of chapter twenty-nine of such code, as amended by section five hundred nineteen of chapter one hundred of the laws of nineteen hundred sixty-three, is amended to read as follows:

§701-1.0 Expenses; construction and acquisition of wharf property.—The proceeds received from sales of serial bonds and corporate stock issue for the purpose of financing the construction and acquisition of docks and wharf property shall be deposited in the treasury and shall be drawn out and paid by the comptroller upon the requisition of the commissioner, except that any part of such proceeds appropriated for work to be done pursuant to section seven hundred five of the charter shall be paid from funds of the department of ports, international trade and commerce.

§16. Subdivision a of section 703-1.0 of such title of such chapter of such code, as amended by section five hundred twenty-five of chapter one hundred of the laws of nineteen hundred sixty-three, is amended to read as follows:

a. To the end that the city may make needful provisions for navigation, intercourse and commerce of the city and adequately to develop and secure the same there is hereby granted in fee to the city, in all the public streams, rivers, sounds, bays and waters of all descriptions at any and all places within the city or adjoining the limits of the city, all and singular the property, estate, right,

title and interest of the people of the state of New York, in, to, of, and concerning such lands under water, as are embraced within the projected boundary lines of any street intersecting the shore line, and which street is in public use or which may be hereafter opened for public use extending from high-water mark out into such streams, rivers, sounds, bays and waters so far (any limits in existing grants to the contrary) as the city shall now or at any time hereafter in the opinion of the board of estimate or commissioner of ports, international trade and commerce require the same for ferries, public wharves, docks, piers, bulkheads, basins, slips or other public structures, adjuncts and facilities for navigation and commerce. This grant shall include the right to reclaim such lands from such waters, and also all riparian rights and all rents, issues and profit of the premises herein granted. The commissioners of the land office, from time to time, shall convey or patent the lands herein granted to the city for such purposes as and whenever required by the commissioner of ports, international trade and commerce.

§17. Subdivision a of section 703-2.0 of such title of such chapter of such code, as amended by local law number fifty-four of nineteen hundred seventy-seven, and subdivision b of such section of such title of such chapter of such code, as amended by section five hundred twenty-six of chapter one hundred of the laws of nineteen hundred sixty-three, are amended to read as follows:

a. Patents of land under water within the city shall be made only to the city or to the riparian proprietor. Where, pursuant to section thirteen hundred four of the charter or section B29-2.0 of the code, a plan or plans for the construction of docks between street intersections shall be projected, the commissioner of ports, international trade and commerce, with the approval of the board of estimate may make application to the commissioners of the land office for a grant of lands under water for that purpose. Such commissioners thereupon shall give notice to the riparian proprietor before taking action in the matter and shall then make such grant to the city for the purposes specified in section 703-1.0 of the code. Such grant, however, shall be subject to all the rights of the riparian proprietor, and before the city shall construct such public wharves or other structures in front of the land of such riparian proprietor, the city shall make just compensation to such proprietor for the value of all the riparian rights.

b. Where application is made to the commissioners of the land office by the riparian proprietor for a grant of soil or lands under water within the city, such commissioners shall give notice thereof to the commissioner of ports, international trade and commerce who shall examine into such application and certify to such commissioners whether in his opinion the granting of the same will conflict with the rights of the city or be otherwise injurious to the public interests of the city. Such grant, if made, shall be confined to lands under water in front of such riparian proprietor and such commissioner may insert such terms and conditions in the grant as are recommended by the commissioner of ports, international trade and commerce and as will protect the public interests of the city in respect to navigation and commerce. The validity of any such grant or patent may be judicially determined in an action brought by and in the name of the city.

§18. Subdivision b of section 704a-1.0 of such title of such chapter of such code, as amended by section five hundred twenty-two of chapter one hundred of the laws of nineteen hundred sixty-three, is amended to read as follows:

b. Any master or other person, having charge of any vessel, canal boat, barge or lighter, who shall refuse or neglect to move the same when ordered to do so by the commissioner or other proper officer of the department, or who shall resist or forcibly oppose such commissioner or officer in the discharge of his duties, for every such offense, shall forfeit and pay the sum of fifty dollars, to be recovered with costs by and in the name of the department of ports, international trade and commerce.

§19. Subdivision a of section 711-1.0 of such title of such chapter of such code, as amended by local law number thirty-one of nineteen hundred forty-two, is amended to read as follows:

a. The commissioner may direct the use of the seal of the department. Such seal shall be a device of the arms of the city of New York surrounded by the words, "Department of Ports, International Trade and Commerce. The City of New York," engraved upon a metal disk two and one-quarter inches in diameter, and the same may be renewed whenever necessary. An impression of such seal made directly on paper shall be as valid as if made on a wafer or on wax.

§20. Subdivision d of section B29-3.0 of title B of such chapter of such code, as amended by section five hundred thirty-one of chapter one hundred of the laws of nineteen hundred sixty-three, is amended to read as follows:

d. Such parts of the lands acquired by the city under and pursuant to the provisions of this title which in the judgment of the board of estimate are no longer required for the improvement of the water front facilities of the city or for any other public purpose, except the part of such lands so acquired as have been heretofore assigned by the board of estimate to the use of the department of ports, international trade and commerce, may be sold by the city in the manner prescribed by subdivision b of section three hundred eighty-four of the charter. The proceeds of such sale shall be paid into the real property fund.

§21. Section 755(5)-2.0 of title A of chapter thirty-one of such code, as amended by section five hundred sixty-seven of chapter one hundred of the laws of nineteen hundred sixty-three, is amended to read as follows:

§755(5)-2.0 Permits for operators of dumps.—It shall be unlawful for any person or public agency to conduct, operate or use any pier or part thereof, or any piece or parcel of land or land under water within the city as a dump, or for the reception and deposition of waste materials for fill or final disposition, without having first obtained for each pier or part thereof, or for each piece or parcel of land or of land under water, a permit from the commissioner. The prior written approval of the commissioner of ports, international trade and commerce shall be obtained as a condition precedent to the granting of any such permit.

§22. Section 833-4.0 of title A of chapter thirty-six of such code, as amended by section five hundred ninety-three of chapter one hundred of the laws of nineteen hundred sixty-three, is amended to read as follows:

§833.4.0 Waterfront property adjoining market lands; highways through or bounding market places.—Nothing contained in this chapter shall interfere with the jurisdiction of the department of ports, international trade and commerce over any water front property in and around any market lands, nor with the jurisdiction of the commissioner of highways over market lands, insofar as it concerns his powers over highways.

§23. Subdivision b of section 1403.2-5.07 of part two of article five of chapter fifty-seven of such code, as added by local law number forty-nine of nineteen hundred seventy-one, is amended to read as follows:

(b) Applications for permits, and operating certificates required by section 5.05(b) of this code, shall be filed at the department of buildings except that such applications shall be filed with the department of ports, international trade and commerce with respect to buildings under the jurisdiction of such department.

§24. Any reference to the department of ports and terminals in law or contract shall be deemed to refer to the department of ports, international trade and commerce.

§25. This local law shall take effect immediately.

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 April 10, 1986, and approved by the Mayor on April 29, 1986.

CARLOS CUEVAS, City Clerk, Clerk of the Council.

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW § 27

Pursuant to the provisions of Municipal Home Rule Law § 27, I hereby certify that the enclosed local law (Local Law 5 of 1986, Council Int. No. 515 contains the correct text and, received the following vote at the meeting of the New York City Council on April 10, 1986: 33 for, 0 against.

Was approved by the Mayor on April 29, 1986.

Was returned to the City Clerk on April 29, 1986.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.