

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 1988**

**No. 74**

Introduced by Council Member DeMarco (by the request of the Mayor)

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to making certain technical corrections to chapter two of title fifteen thereof pertaining to fines and penalties for violations of such title and of the fire prevention code.**

*Be it enacted by the Council as follows:*

**Section 1.** Subdivisions a and b of section 15-216 of the administrative code of the city of New York, as amended by local law number eighty of nineteen hundred eighty-five, are amended to read as follows:

§15-216 Fines and penalties. a. Any person who shall violate or fail to comply with any [of the provisions of this title or any of the rules and regulations promulgated hereunder] *laws, rules, or regulations enforceable by the department*, unless a different penalty is specifically provided, shall be guilty of a violation and upon conviction thereof shall be punished by a fine of not more than five thousand dollars for each offence. Such person shall also be subject to the payment of a civil penalty of not more than five thousand dollars which may be recovered in a civil action brought in the name of the commissioner.

b. Any person who shall knowingly violate or fail to comply with any [of the provisions of this title or rules or regulations of the department] *laws, rules, or regulations enforceable by the department*, unless a different penalty is specifically provided, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than ten thousand dollars or imprisonment for not more than six months or both for each offense. Such person shall also be liable for a civil penalty of not more than ten thousand dollars which may be recovered in a civil action brought in the name of the commissioner.

§2. Section 15-220.1 of such code, as amended by local law number eighty of nineteen hundred eighty-five, is amended to read as follows:

§15-220.1 False statements in certificates, forms, written statements, applications, reports or certifications of correction. a. Any person who shall knowingly make a false statement or who shall knowingly falsify or allow to be falsified any certificate, form, signed statement, application, report or certification of the correction of a violation required under the provisions of [this code or any rule or regulation promulgated thereunder] *any laws, rules, or regulations enforceable by the department*, shall be punished by a fine of not less than one thousand dollars nor more than five thousand dollars or by imprisonment not to exceed six months, or both for each such offense.

§3. Subdivision a of section 15-229 of such code, as amended by local law number eighty of nineteen hundred eighty-five, is amended to read as follows:

§15-229 Environmental control board; civil penalties. a. In addition to or as an alternative to any of the remedies and penalties provided in [this title] *any laws, rules, or regulations enforceable by the*

*department*, any person who shall violate or fail to comply with any [of the provisions of this title or any of the rules and regulations promulgated hereunder] *such laws, rules, or regulations* shall, except as otherwise specifically provided in subdivision c of section 15-230, be liable for a civil penalty which may be recovered in a proceeding before the environmental control board. Such proceeding shall be commenced by the service of a notice of violation returnable before the board. Except as otherwise specifically provided, such civil penalty shall be determined in accordance with the following schedule:

First Violation: Second or Subsequent Violation by the same respondent of the same provision of law, rule or regulation and, if the respondent is the owner, agent, lessee or other person in control of the premises with respect to which the violation occurred, at the same premises (all violations committed within eighteen month period).

Section	Minimum (Dollars)	Maximum (Dollars)	Minimum (Dollars)	Maximum (Dollars)
27-4007	0	1,000	0	5,000
27-4053	0	1,000	0	5,000
27-4057 (subd. c, d, f)	0	1,000	0	5,000
27-4058 (subd. c, para. 5, 6)	0	1,000	0	5,000
27-4062 (subd. b, c, f)	0	1,000	0	5,000
27-4065 (subds. d-k, m-r)	0	1,000	0	5,000
27-4066 (subd. d)	0	1,000	0	5,000
27-4070 (subd. b)	0	1,000	0	5,000
27-4074	0	1,000	0	5,000
27-4076 (subd. a, b)	0	1,000	0	5,000
27-4077 (subd. a, b, c)	0	1,000	0	5,000
27-4078	0	1,000	0	5,000
27-4079 (subd. a)	0	1,000	0	5,000
27-4081 (subd. b, para. 3-9)	0	1,000	0	5,000
27-4082 (subd. b, para. 1-4)	0	1,000	0	5,000
27-4087 (subd. c)	0	1,000	0	5,000
27-4089 (subd. a, c, d)	0	1,000	0	5,000
27-4092 (subd. 4)	0	1,000	0	5,000
27-4097 (subd. b)	0	1,000	0	5,000
27-4100 (subd. c)	0	1,000	0	5,000
27-4101 (subd. b, c, h, j)	0	1,000	0	5,000
27-4104 (subd. d)	0	1,000	0	5,000
27-4112 (subd. cc, dd)	0	1,000	0	5,000
27-4120 (subd. e)	0	1,000	0	5,000
27-4199 (subd. a)	0	1,000	0	5,000
Subchapter 18 of the fire prevention code (article 3, sub-article 3) (article 4) (article 5)	0	1,000	0	5,000
27-4197 (subd. c)	0	1,000	0	5,000
27-4200	0	1,000	0	5,000

27-4205 (subs. a, d, e(3), h, k, m, n, o)	0	1,000	0	5,000
27-4206 (subd. (b), para. 1, 2, 3)	0	1,000	0	5,000
27-4207 (subs. 2, 3, 4, 5, 9, 11(d), 11(e))	0	1,000	0	5,000
27-4209 (subd. 1, 2(c), 7)	0	1,000	0	5,000
27-4210 (subd. 1, 2)	0	1,000	0	5,000
27-4212 (subd. 2, para. a)	0	1,000	0	5,000
27-4212 (subd. 3, para. j)	0	1,000	0	5,000
27-4213 (subd. b, para. 13)				
(subd. g, para. 2-6)	0	1,000	0	5,000
27-4218	0	1,000	0	5,000
27-4220	0	1,000	0	5,000
27-4221	0	1,000	0	5,000
27-4236	0	1,000	0	5,000
27-4238	0	1,000	0	5,000
27-4239	0	1,000	0	5,000
27-4248 (subd. b)	0	1,000	0	5,000
27-4251 (subd. c, para. 1)	0	1,000	0	5,000
27-4265 (subd. a)	0	1,000	0	5,000
27-4275 (subd. a)	0	1,000	0	5,000
27-4279	0	1,000	0	5,000
All other provisions of this title and related rules and regulations	0	1,000	0	5,000

(Reference to a section of the code is intended to include any rules and regulations related to such section).

§4. No existing right or remedy of any character shall be lost or impaired or affected by reason of the adoption of this local law.

§5. No action or proceeding, civil or criminal, pending at the time when this local law shall take effect, brought by or against the city or any agency or officer, shall be affected or abated by the adoption of this local law or by anything herein contained.

§6. 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 November 22, 1988, and approved by the Mayor on December 8, 1988.

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 74 of 1988, Council Int. No. 1047) contains the correct text and:

Received the following vote at the meeting of the New York City Council on November 22, 1988; 32 for 0 against

Was approved by the Mayor on December 8, 1988.

Was returned to the City Clerk on December 9, 1988.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel