

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 1985**

No. 69

Introduced by Council Member Vallone (by request of the Mayor)—

A LOCAL LAW

To amend the New York city charter and the administrative code of the city of New York, in relation to transferring certain functions of the department of general services with respect to gas and electricity to the department of buildings, the department of transportation and the department of consumer affairs.

Be it enacted by the Council as follows:

Section 1. Section six hundred forty-three of the New York city charter, as amended by local law number one hundred two of nineteen hundred seventy-seven, is amended to read as follows:

§643. Department; functions. The department shall enforce, with respect to buildings and structures, such provisions of the building code, zoning resolution, multiple dwelling law, labor law and other laws, rules and regulations as may govern the construction, alteration, maintenance, use, occupancy, safety, sanitary conditions, mechanical equipment and inspection of buildings or structures in the city, and shall perform the functions of the city of New York relating to (1) the designation of buildings and structures as unsafe and the necessary legal action in relation thereto prior to the removal of the unsafe condition through demolition or sealing except as provided in section eighteen hundred two of this charter; (2) the shoring of hazardous and unsafe buildings and structures; (3) the testing and approval of power-operated cranes and derricks used for construction, alteration, demolition, excavation and maintenance purposes, including such uses in highways or sewers, or used to hoist or lower any article on the outside of any building, excluding cranes and derricks used in industrial plants or yards; (4) the location, construction, alteration and removal of signs, illuminated or non-illuminated, attached to the exterior of any building or structure; (5) all surface and subsurface construction within the curb line, including curb cuts and driveways, the covering thereof and entrances thereto, and the issuance of permits in reference thereto; (6) the regulation, inspection and testing of gas and electricity used for light, heat and power purposes, electric, gas and steam meters, electric wires and all lights furnished to the city; and (7) the regulation, inspection and testing of wiring and appliances for electric light, heat and power in or on any building or structure in the city; provided, however, that the jurisdiction of the department, except for the testing and approval of power-operated cranes and derricks, used for construction, alteration, demolition, excavation and maintenance purposes and the licensing of the operators of such equipment, the regulation, inspection and testing of gas and electricity used for light, heat and power purposes, electric, gas and steam meters, electric wires and lights and the regulation, inspection and testing of wiring and appliances for electric light, heat and power, shall not extend to waterfront property owned by the city and under the jurisdiction of the department of ports and terminals, or to the following structures on any such waterfront property; wharves, piers, docks, bulkheads, structures wholly or partly thereon, or to such other structures used in conjunction with or in furtherance of waterfront commerce or navigation, or to bridges, tunnels or subways or structures appurtenant thereto.

§2. Subdivision six of section sixteen hundred two of such charter, as added by local law number twenty-six of nineteen hundred seventy-seven, is amended to read as follows:

6. Gas and electricity. With respect to gas and electricity, the commissioner shall have charge and control of furnishing the city or any part thereof, by contract or otherwise, with gas, electricity or any other illuminant or steam, except such functions as are exercised by the public utility service of the city.

§3. Paragraph (5) of subdivision c of section twenty-nine hundred three of such charter, as added by local law number twenty-seven of nineteen hundred seventy-seven, is amended to read as follows:

(5) regulation of the use and transmission of gas, electricity, pneumatic power and steam for all purposes in, upon, across, over and under all streets, roads, avenues, parks, public places and public buildings; regulation of the construction of electric mains, conduits, conductors and subways in any streets, roads, avenues, parks and public places and the issuance of permits to builders and others to use or open a street; and to open the same for the purpose of carrying on the business of transmitting, conducting, using and selling gas, electricity or steam or for the service of pneumatic tubes, provided, however, that this subdivision shall not be construed to grant permission to open or use the streets except by persons or corporations otherwise duly authorized to carry on business of the character above specified.

§4. Subdivision c of section twenty-nine hundred three of such charter is amended by adding a new paragraph (10) to read as follows:

(10) designing, constructing and maintaining a lighting system for streets, highways, parks and public places in the city.

§5. Section 734(5)-1.1 of title A of chapter thirty of the administrative code of the city of New York is REPEALED.

§6. Section 734(5)-2.0 of such title and chapter of such code, subdivision a as amended by chapter one hundred of the laws of nineteen hundred sixty-three and subdivision b, as amended by local law number one hundred seventy-two of nineteen hundred thirty-nine, is amended to read as follows:

§734(5)-2.0 Permits; excavations in street; gas distribution lines; electrical conductors.—a. It shall be unlawful for any person to take up the pavement of any street, or to excavate for the purpose of laying any gas distribution lines, or any electrical conductors underground, or of constructing subways, or of erecting poles, unless permission in writing therefor shall have been first obtained from the commissioner of transportation. It shall be unlawful to string, lay or maintain any gas distribution lines, or any electrical conductors above or below the surface of any street, in any part of the city, without written permission from the commissioner of transportation. The commissioner of transportation shall determine whether any extension of the existing electrical conductors of any person shall be by means of overhead or underground conductors.

b. Violations. Any person who shall violate any provision of this section, upon conviction thereof, shall be punished by a fine of not less than two hundred fifty dollars nor more than five hundred dollars, or imprisonment for thirty days or both.

§7. Section 734(5)-3.0 of such title and chapter of such code is amended to read as follows:

§734(5)-3.0 Permit required. a. It shall be unlawful for any gas, telephone or electric light company, or any person to lay or install any pipes, mains or conduits for the use and transmission of gas, electricity, pneumatic power or steam, or to perform any work that is under the jurisdiction, cognizance and control of the commissioner of transportation, in any street, or public place, without a written permit from the commissioner of transportation.

b. It shall be unlawful to violate any provision of this section or any notice or special direction thereunder, under a penalty of not less than two hundred fifty dollars nor more than five hundred dollars for each offense.

§8. Section 734(5)-4.0 of such title and chapter of such code is amended to read as follows:

§734(5)-4.0 Removal of electric wires; Manhattan and the Bronx.—a. After the grade of any street in the boroughs of Manhattan and the Bronx shall have been finally determined and established,

whenever, in the opinion of the board of estimate it shall be practicable to remove the electrical conductors above ground in such street and place them underground, the commissioner of transportation shall notify the owners or operators of such conductors. Notice shall be to the effect that such electrical conductors must be removed within a certain time, sufficient for removal, which shall be fixed by the commissioner. In the case of a corporation duly authorized to lay and operate electrical conductors underground in such street, the time shall be sufficient for the proper laying of conductors underground in place of those removed.

b. All electrical conductors authorized to be placed underground, shall be so placed under and in accordance with the provisions of sections 734(5)-9.0 through 734(5)-13.0 of the code. Whenever application shall be made to the commissioner of transportation for permission to place underground electrical conductors in any such street, if such permission be granted, the subways therefor shall be constructed or provided, and such electrical conductors placed underground under and in accordance with the provisions of such sections. Such permission shall be granted only in accordance with the provisions of such sections.

§9. Section 734(5)-5.0 of such title and chapter of such code, as amended by chapter one hundred of the laws of nineteen hundred sixty-three, is amended to read as follows:

§734(5)-5.0 Underground electrical conductors; Manhattan and the Bronx.—Any company, operating or intending to operate electrical conductors in the boroughs of Manhattan and the Bronx, if it shall desire or be required to place its conductors or any of them underground in any of the streets of such boroughs, must remove such conductors from the surface of such streets, when duly authorized so to do. It shall be obligatory upon such company to file with the commissioner of transportation a map or maps, made to scale, showing the streets which are desired to be used for such purpose, and giving the general location, dimensions and course of the underground conduits desired to be constructed. Before any such conduits shall be constructed, it shall be necessary to obtain the approval by the commissioner of transportation of the plan of construction proposed by such company. The commissioner of transportation has and shall have power to require that the work of removal and of constructing every such system of underground conductors shall be done according to such plan so approved, subject at all times to such modifications as shall be made by him from time to time, and subject also to such rules and regulations as may be promulgated by him.

§10. Section §734(5)-6.0 of such title and chapter of such code, subdivision d as amended by chapter one hundred of the laws of nineteen hundred sixty-three, is amended to read as follows:

§734(5)-6.0 Electrical conductors; Manhattan and the Bronx; duties of commissioner of transportation.—a. It shall be the duty of the commissioner of transportation to carefully investigate any and all methods proposed by any company for electric lighting or electrical communication by the use of conductors along or across any street in the boroughs of Manhattan and the Bronx, and, before approving of any such method, the commissioner of transportation shall require that, so far as practicable, all such conductors when constructed shall be underground. The commissioner of transportation shall have full authority to compel all companies operating electric wires to use the subway prepared in accordance with the provisions of sections 734(5)-5.0 through 734(5)-8.0 of the code.

b. Wherever, along the streets, in sparsely inhabited or unoccupied portions of such boroughs, the public interests do not require the electrical conductors to be placed underground, and wherever, in any other locality in such boroughs, it is deemed by such commissioner to be, for any cause, impracticable to construct and successfully operate underground the electrical conductors required by any such company, then, it shall be the duty of such commissioner to examine and grant the application of any such company for permission to deviate from such underground system. The commissioner of transportation shall not, however, grant any such permission unless he shall be satisfied, upon investigation, that such a permit should be granted for one of the reasons stated above, and that it will not interfere with the successful working of underground conductors elsewhere in such boroughs. Any such permit shall be held and construed to authorize the construction and maintenance

of the lines of conductors therein provided for, as and where prescribed by the commissioner of transportation.

c. It is hereby made the duty of such commissioner of transportation, in granting any such permit for other than underground electrical connections, to bear in mind the policy and purpose of sections 734(5)-5.0 through 734(5)-8.0 of the code, which is to convert the overhead systems of electrical wires and cables now in use in such boroughs to underground systems, as soon as possible, without impairing the efficiency of their service, and to require that, as far as practicable, all electrical conductors in any street in such boroughs shall be removed from the surface and placed and operated underground, as soon as may be consistent with the convenient use thereof by the public. It is intended to authorize other than underground electrical conductors, to be used in the streets, only when and where the public interests do not require the electrical conductors to be placed underground, or when and where it shall be deemed by the board of estimate to be impracticable to place and operate the conductors advantageously underground. It is also intended to make all aerial or other electrical connections merely incidental to such underground methods, and to require that they be authorized only when and where needed for the convenient use of the public or where the underground conductors can be made more useful thereby.

d. The work of constructing every line of conductors authorized by any such permit, so granted, shall be subject to the rules and regulations prescribed by the commissioner of transportation. Every such permit shall specify the location of the structures to be erected and to be used for sustaining the electrical conductors, and shall give the general dimensions thereof.

e. It shall be the duty of such commissioner of transportation to require that the subway may be used by the city for the electric wires or conductors operated by its police, fire or other agencies without expense, except that of the wires or conductors. The city shall not, however, be compelled to place any such wires or conductors underground until the money has been specifically raised therefor, and until the time the city may continue to use and extend such wires.

§11. Section 734(5)-7.0 of such title and chapter of such code, as renumbered by local law number fifty of nineteen hundred forty-two, is amended to read as follows:

§734(5)-7.0 Aerial electrical wires or cables; regulation.—Whenever the commissioner of transportation shall permit any aerial electrical wires or cables, carried along or across and above the surface of any of the streets of such boroughs, to be crossed by aerial electrical wires or cables, it shall be the duty of the commissioner of transportation to designate also, in such permit, the route and location thereof, and to prescribe and regulate the height at which such wires or cables shall be placed. Whenever any such permit shall be granted by the commissioner of transportation, in extending the connections of any subterranean electrical conductors, for the erection of any structure or structures for sustaining electrical conductors above the surface of any street, or for placing wires or cables on any such structure or elsewhere than underground, or for carrying any such wires or cables across or along and above the surface of any street, or for placing wires or cables on any such structure or elsewhere than underground, or for carrying any such wires or cables over or into or in the rear of any building in such boroughs, any and all such structures, and any and all such wires or cables, shall be so erected and maintained as not to interfere with the other public uses of such streets.

§12. Section 734(5)-8.0 of such title and chapter of such code is REPEALED.

§13. Section 734(5)-9.0 of such title and chapter of such code is amended to read as follows:

§734(5)-9.0 Construction of conduits; removal of poles, wires.—Whenever, in the opinion of the commissioner of transportation, a sufficient construction of conduits or subways under ground shall be made ready under the provisions of sections 734(5)-9.0 through 734(5)-12.0 of the code, in any street or locality in the boroughs of Manhattan and the Bronx, reference being had to the general direction and vicinity of the electrical conductors then in use overhead, the commissioner of transportation shall notify the owners or operators of the electrical conductors above ground in such street

or locality. The notice shall inform them that they are to make such electrical connections in such street or through other streets, localities or parts of such boroughs with such underground conduits or subways as shall be determined by the commissioner of transportation, and to remove poles, wires, or other electrical conductors above ground and their supporting fixtures or other devices from such street and locality within ninety days after notice to such effect shall be given.

§14. Section 734(5)-9.1 of such title and chapter of such code, as amended and renumbered by chapter one hundred of the laws of nineteen hundred sixty-three, is amended to read as follows:

§734(5)-9.1 Removal of abandoned poles.—a. All telegraph, telephone and electric light poles, wires or conductors which shall hereafter remain or stand disused, or become disused or abandoned, in, or over or upon any street, shall be forthwith removed, but for sufficient cause shown the commissioner of transportation may extend the time for such removal, by one or more orders, for periods not exceeding one year each.

b. The persons owning, operating, managing or controlling poles, wires or appurtenances which may have been so disused or abandoned, or which may be dangerous or unsafe, shall take down and remove them, and upon their failure to do so, the commissioner of transportation shall remove the same forthwith, at the expense of such persons. Before such removal, the commissioner of transportation, except where a condition of danger exists, shall mail a notice thereof to the last known address of such persons, a copy of which shall be posted for a period of ten days on each of such poles prior to its removal.

c. Any person convicted of a violation of any of the provisions of this section shall be punished by a fine of not less than two hundred fifty nor more than five hundred dollars, imprisonment for not more than ten days, or both.

§15. Section 734(5)-13.0 of such title and chapter of such code is amended to read as follows:

§734(5)-13.0 Conditions to granting permit for conduit construction; security.—a. The commissioner of transportation shall not grant a permit of the type mentioned in section 734(5)-2.0 of the code unless, if the application be for underground construction, there is an existing demand for the construction of such conduits or subways, and the occupation of such conduits or subways is reasonably assured, and the public interests require their construction, or unless, if the application be for permission to deviate from an underground system, the case is one of those in which such deviation may be legally permitted under authority of sections 734(5)-5.0 through 734(5)-8.0 of the code. This section is made a police regulation in and for such boroughs.

b. It shall be the duty of the commissioner of transportation to require of any corporation or individual making application for the construction of subways, that before the construction of such subways shall be ordered, the applicant shall furnish to the corporation which shall be ordered to build such subways, satisfactory security for the occupation by it of the subways which shall be constructed at its request, and the payment of the established rentals therefor yearly in advance, during such period, not less than five years, as the commissioner of transportation shall determine. The commissioner of transportation may establish and from time to time may alter, add to or amend all proper and necessary rules, regulations and provisions for the manner of use and management of the electrical conductors, and of the conduits on subways therefor, constructed or contemplated under the provisions of this section or of any law mentioned herein. This section shall not be construed to authorize any corporation or individual to take up the pavements of such boroughs, to excavate in any of such streets or to erect poles in any part of such boroughs, unless a permit in writing therefor shall have been first obtained from the commissioner of transportation.

§16. Section 734(5)-14.0 of such title and chapter of such code is amended to read as follows:

§734(5)-14.0 Underground electrical conductors, Brooklyn, Queens and Richmond.—Whenever the board of estimate, after hearing all the parties interested, shall deem it desirable and practicable that the electric conductors above ground in any street in the boroughs of Brooklyn, Queens and Richmond, be placed underground, the commissioner of transportation shall notify the owners or

operators of such electrical conductors. The notice shall be to the effect that such electrical conductors shall be placed underground within a certain time, sufficient for the proper construction of underground conduits or other channels in such street, to be fixed by the commissioner. Whenever any duly authorized company operating or intending to operate electrical conductors in any such street, shall desire to place its conductors or any of them underground, it shall be obligatory upon such company to file with the commissioner of transportation a map or maps made to a scale, showing the streets which are desired to be used for such purpose, and giving the general location, dimensions and course of the underground conduit desired to be constructed. Before any such conduit shall be constructed it shall be necessary to obtain the approval by the commissioner of transportation of such plan or construction so proposed, and the commissioner shall have power to require that the work of removal and of constructing every such system of underground conductors shall be done according to such plan so approved.

§17. Section 734(5)-16.0 of such title and chapter of such code is amended to read as follows:

§734(5)-16.0 Procedure.—The commissioner of transportation shall fix the time within which electrical conductors must be placed underground, and shall notify the owners or operators of any such electrical conductors in the city that such conductors must be removed or placed underground, in accordance with the resolution of the board of estimate. He shall give all persons or corporations owning or operating such electrical conductors, an opportunity to be heard on the question of the time necessary to place them underground, and shall hear such expert opinion as he may think advisable. Such owners or operators of electrical conductors above ground in such street or locality shall be required to remove all of such poles, wires or other electrical conductors and supporting fixtures or other devices from any such street or locality within thirty days after the expiration of the time so fixed by the commissioner of transportation.

§18. Section 734(5)-17.0 of such title and chapter of such code is amended to read as follows:

§734(5)-17.0 Certain sections to be police regulations.—The provisions of sections 734(5)-2.0, 734(5)-4.0, 734(5)-9.0, 734(5)-14.0 and 734(5)-16.0 of the code are made police regulations in and for the city. In case the owners of such poles, wires or other electrical conductors, fixtures and devices shall fail to have them removed from such streets or localities as required by the commissioner of transportation or by the determination of the board of estimate, or shall neglect or refuse to comply with any provisions of law with respect thereto, it shall be the duty of the commissioner of transportation to cause them to be removed from such streets.

§19. Section 734(5)-18.0 of such title and chapter of such code is amended to read as follows:

§734(5)-18.0 Replacement of lamp-posts or electric light poles.—a. Any person who shall take up and temporarily remove any lamp-post or electric light pole, under a permit or by other lawful authority, shall cause the same to be reset at his own expense immediately upon the completion of the work that necessitated its removal.

b. Any person who shall violate any provision of this section shall upon conviction thereof, be punished by a fine of not less than two hundred fifty nor more than five hundred dollars, or by imprisonment for not exceeding thirty days, or by both.

§20. Section 734(6)-1.0 of such title and chapter of such code is amended to read as follows:

§734(6)-1.0 Electric light, power; inspection of; all wires to be inspected. The commissioner of buildings shall cause all wires, currents and appliances that may be introduced into or placed in any building or structure in the city to be inspected, and shall furnish a certificate of such inspection to any person or corporation applying therefor.

§21. Section 734(6)-2.0 of such title and chapter of such code is amended to read as follows:

§734(6)-2.0 Commissioner of buildings to submit proposed local laws with respect to electrical equipment and energy.—The commissioner of buildings shall from time to time submit for the consideration of the council proposed local laws in relation to electric wires, appliances and currents for furnishing light, heat or power when introduced into or placed in any building or structure in the

city. Such proposed local laws shall prescribe the method of construction, operation, location, arrangement, insulation and use of such wires, appliances and currents as the commissioner of buildings shall from time to time deem necessary for the protection of life and property.

§22. Section 734(7)-1.0 of such title and chapter of such code, as amended by local law number forty-five of nineteen hundred seventy-nine, is amended to read as follows:

§734(7)-1.0 Operators of motion-picture projecting machines.—a. Licence required.—It shall be unlawful for any person to operate any motion-picture projecting apparatus or any connection thereof in any place of public assemblage or in any public or private building, whether used for shows or amusements or otherwise, unless he shall have been duly licensed by the commissioner of consumer affairs as provided in this section.

b. Rules and regulations.—The commissioner of consumer affairs shall make rules and regulations governing the issuance of licenses and certificates pursuant to title A of chapter thirty-two of this code.

c. Legal age.—An applicant for license to operate motion-picture projecting apparatus must be at least twenty-one years of age.

d. Issue of license and certificate; fee.—If the applicant proves himself competent to operate motion-picture apparatus and its connections, such commissioner, upon prior payment of a fee of sixty dollars may, in his discretion, issue a license or cause it to be issued. Irrespective of the date of issue, such license shall expire on December thirty-first of the year of the issue, unless sooner revoked or suspended. A license may be renewed annually upon the payment of a fee of thirty dollars, if so renewed within the calendar year in which issued.

e. Posting certificate.—With every license granted, a certificate shall be issued to the person obtaining the license, certifying that the person named therein is duly authorized to operate motion-picture apparatus and its connections. The certificate shall be displayed in a conspicuous place in the room in which the licensee operates a motion-picture apparatus and its connections.

f. Discipline.—The license and certificate may be revoked or suspended at any time by the commissioner of consumer affairs in accordance with title A of chapter thirty-two of this code.

g. Renewal of license—Every license, unless revoked or suspended, may be renewed by the commissioner of consumer affairs in his discretion, upon application at the end of the calendar year in which issued. Such renewal may be with or without further examination as he may direct, but every application for renewal of license must be made within the thirty days previous to the expiration of such license.

h. Unlicensed operators.—It shall be unlawful to employ any person, not licensed as provided in this section, or to permit such person, to operate any motion picture apparatus, or any connections thereof, in any motion-picture theatre, open-air motion-picture theatre or other place where motion pictures are exhibited, to which the public is admitted, with or without charge for admission.

i. Violations.—The commissioner of consumer affairs shall enforce the provisions of this section pursuant to title A of chapter thirty-two of this code and all of the remedies and penalties provided in such title shall apply to the violation of any of the provisions of this section.

§23. Subdivision sixteen of section B30-4.0 of title B of chapter thirty of such code, is amended to read as follows:

16. Commissioner: The commissioner of the department of buildings.

§24. Subdivisions a and b of section B30-9.0 of such title and chapter of such code, subdivision a, as amended by local law number three of nineteen hundred fifty-seven and subdivision b, as amended by local law number forty-four of nineteen hundred forty-three, are amended to read, respectively, as follows:

a. For each calendar year, the commissioner shall appoint a board to determine the fitness of applicants for licenses and to investigate and report on all proposed suspensions or revocations of

licenses and all proposed penalties, and may, for good cause shown, remove any member thereof and shall fill any vacancy therein, which board shall consist of

1. An officer or employee of the department.
2. A master or employing electrician.
3. A journeyman electrician.
4. An underwriter's electrical inspector.
5. An electrician in the employ of a public service corporation of the city.
6. An architect or licensed professional engineer of at least five years experience.
7. A real estate owner or broker.

b. The member of the board who is an officer or employee of the department shall serve as chairman and all members shall serve without compensation. Four members including the chairman, who shall be entitled to vote, shall constitute a quorum of the board for the transaction of business; but no recommendation for the issue, modification, suspension or revocation of a license or of a proposed penalty shall be adopted except by the vote of four members of the board.

§25. Subdivision a of section B30-16.0 of such title and chapter of such code is amended to read as follows:

a. 1. After notice and the opportunity for a hearing in accordance with the regulations of the department, licenses may be suspended or revoked by the commissioner or the commissioner may impose penalties, which shall not exceed one thousand dollars for each violation, for violation of any of the foregoing rules and, among other things, for any of the following causes:

- (1) Failure to display license certificate at the established place of business.
- (2) Failure to file applications for inspection.
- (3) Failure, upon receipt of violation notice, to take the action called for in such notice.
- (4) Performance of electrical work in a manner contrary to the requirements of the electrical code.

code.

- (5) Contract work by holders of special licenses.
- (6) Fraudulent dealing or misrepresentation.
- (7) Conviction of a crime by a competent court.

(8) False statement in an application for a license or the renewal of a license or application or certification required by this code or the rules and regulations of the commission, or in any proof or instrument in writing in connection therewith.

2. Notwithstanding any inconsistent provision of paragraph one of this subdivision if, after due inspection, the commissioner determines that a licensee has performed electrical work which is not in compliance with the electrical code and which has resulted in a condition of imminent peril to life or property, the commissioner may suspended his or her license without a prior hearing. Notice of such suspension shall be served on the licensee. The commissioner shall provide the licensee with the opportunity for a hearing within five days after such suspension.

§26. Subdivision c of section B30-17.0 of such title and chapter of such code, as amended by local law number six of nineteen hundred eighty, is amended to read as follows:

c. Penalty. Any person partnership or corporation who shall violate any of the provisions of this section shall be guilty of a misdemeanor punishable by a fine of not less than two hundred fifty dollars nor more than five thousand dollars for the first offense not less than five hundred dollars nor more than five thousand dollars for the second and not less than one thousand dollars nor more than five thousand dollars for the third offense or any successive offense thereafter or by fifteen days imprisonment or by both such fine and imprisonment.

§27. Any agency or officer to which is assigned by this local law any functions, powers and duties shall exercise such functions, powers and duties in continuation of their exercise by the agency or officer by which the same were heretofore exercised and shall have power to continue any business, proceeding or other matter commenced by the agency or officer by which such functions,

powers and duties were heretofore exercised. Any provision in any law, rule, regulation, contract, grant or other document relating to the subject matter of such functions, powers or duties, and applicable to the agency or officer formerly exercising the same shall, so far as not inconsistent with the provisions of this local law, apply to the agency or officer to which such functions, powers and duties are assigned by this local law.

§28. Any rule or regulation in force on the effective date of this local law, and promulgated by an agency or officer whose power to promulgate such type of rule is assigned by this local law to some other agency or officer shall continue in force as the rule or regulation of the agency or officer, to whom such power is assigned, except as such agency or officer may hereafter duly amend, supersede, or repeal such rule or regulation.

§29. If any of the functions, powers or duties of any agency is by this local law assigned to another agency, all records, property and equipment relating to such transferred function, power or duty shall be transferred and delivery to the agency to which such function, power or duty is so assigned.

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

b. Any license or permit in force on the effective date of this local law, and issued by an agency or officer whose power to issue such type of license or permit is assigned by this local law to some other agency or officer, shall continue in force according to its terms and applicable law and shall then be renewable in accordance with applicable law by the agency or officer to which such power is assigned.

§31. 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; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any agency or officer party thereto may by this local law be assigned or transferred to another agency or officer, but in that event the same may be prosecuted or defended by the head of the agency or the officer to which such functions, powers and duties have been assigned or transferred by this local law.

§32. Whenever by any provision of this local law functions, powers or duties are assigned to any agency or officer which have been heretofore exercised by any other agency or officer, all officers and employees in the classified city civil service who at the time that this local law shall take effect are engaged in the performance of such functions, powers or duties shall be transferred to the agency to which such functions, powers or duties are assigned by this local law, without examination and without affecting existing compensation or pension or retirement rights, privileges or obligations of such officers and employees.

§33. Nothing in this local law contained shall affect or impair the rights or privileges of officers or employees of the city or of any agency existing at the time when this local law shall take effect, or any provision of law in force at the time when this local law shall take effect and not inconsistent with the provisions of this local law in relation to the personnel, appointment, ranks, grades, tenure of office, promotion, removal, pension and retirement rights, civil rights or any other rights or privileges of officers or employees of the city generally or of any agency.

§34. This local law shall take effect one hundred and eighty days after it shall become a law.

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 7, 1985, and approved by the Mayor on November 25, 1985.

DAVID N. DINKINS, 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 69 of 1985, Council Int. No. 854-A) contains the correct text and received the following vote at the meeting of the New York City Council on November 7, 1985: 29 for, 2 not voting.

Was approved by the Mayor on November 25, 1985.

Was returned to the City Clerk on November 25, 1985.

HADLEY W. GOLD, Acting Corporation Counsel.