

STATE OF NEW YORK

7858--A

IN SENATE

May 18, 2010

Introduced by Sen. SQUADRON -- read twice and ordered printed, and when printed to be committed to the Committee on Cities -- reported favorably from said committee and committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the New York city charter, in relation to imposing civil penalties for violations of the rules of the Brooklyn bridge park corporation relating to the government and protection of park and recreational property held by such corporation, providing for the adjudication of such violations by the environmental control board and clarifying the authority of the New York city department of parks and recreation with respect to such property

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Paragraph 9 of subdivision a of section 533 of the New York
 2 city charter, as amended by chapter 169 of the laws of 2002, is amended
 3 to read as follows:
- 4 9. to establish and enforce rules and regulations for the use, govern-
 5 ment and protection of public parks and of all property under the charge
 6 or control of the department, which rules and regulations so far as
 7 practicable shall be uniform in all boroughs and shall have the force
 8 and effect of law. Such rules and regulations shall apply to and shall
 9 be enforceable within public parks, recreational facilities and other
 10 property under the jurisdiction of the Hudson river park trust [~~and~~],
 11 the battery park city authority and the Brooklyn bridge park corporation
 12 provided that such trust [~~or~~], authority or corporation have entered
 13 into agreements with the commissioner to provide for the maintenance,
 14 protection and/or government of such property by the department, except
 15 to the extent that such rules and regulations are inconsistent with
 16 specific rules and regulations of the Hudson river park trust [~~and~~], the
 17 battery park city authority or the Brooklyn bridge park corporation.
- 18 (i) Any violation of such rules or regulations, except any violation
 19 of subparagraph (ii) of this paragraph, shall be a misdemeanor triable
 20 by a judge of the criminal court of the city of New York and punishable

EXPLANATION--Matter in italics (underscoring) is new; matter in brackets [~~---~~] is old law to be omitted.

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1 by not more than ninety days imprisonment or by a fine of not more than
2 one thousand dollars or by both. Any violation of such rules or regu-
3 lations shall also subject the violator to a civil penalty of not more
4 than ten thousand dollars for each violation which may be recovered in a
5 proceeding before the environmental control board. Such proceeding shall
6 be commenced by the service of a notice of violation returnable to the
7 environmental control board.

8 (ii) Any violation of a rule or regulation concerning the unlawful
9 cutting, removal or destruction of any tree shall be a misdemeanor tria-
10 ble by a judge of the criminal court of the city of New York and punish-
11 able by not more than one year imprisonment or by a fine of not more
12 than fifteen thousand dollars or by both. Any violation of a rule or
13 regulation concerning the unlawful cutting, removal or destruction of
14 any tree shall also subject the violator to a civil penalty of not more
15 than ten thousand dollars for each violation which may be recovered in a
16 proceeding before the environmental control board. Such proceeding shall
17 be commenced by the service of a notice of violation returnable to the
18 environmental control board. The environmental control board shall have
19 the power to impose the civil penalties prescribed herein;

20 § 2. Subdivision a of section 533 of the New York city charter is
21 amended by adding a new paragraph 9-c to read as follows:

22 9-c. by agreement with the Brooklyn bridge park corporation (a not-
23 for-profit corporation formed pursuant to section four hundred two of
24 the not-for-profit corporation law), to enforce the rules and regu-
25 lations of such corporation, relating to the use, government and
26 protection of public parks and recreational facilities within the juris-
27 isdiction of such corporation. In addition to or as an alternative to any
28 of the remedies or penalties provided under any other provision of law,
29 violation of such rules and regulations shall be punishable by a civil
30 penalty of not more than five hundred dollars for each violation, which
31 may be recovered in a proceeding before the environmental control board.
32 Such proceeding shall be commenced by a notice of violation returnable
33 before such board. The procedures set forth in section one thousand
34 forty-nine-a of this charter applicable to the adjudication by the envi-
35 ronmental control board of violations within the jurisdiction of the
36 commissioner shall apply to the adjudication of violations of such rules
37 and regulations by such board and final orders of such board imposing
38 civil penalties for such violations shall constitute judgments that may
39 be entered and enforced as set forth in such section.

40 § 3. This act shall take effect immediately.

**NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER: S7858A

SPONSOR: SQUADRON

TITLE OF BILL:

An act to amend the New York city charter, in relation to imposing civil penalties for violations of the rules of the Brooklyn bridge park corporation relating to the government and protection of park and recreational property held by such corporation, providing for the adjudication of such violations by the environmental control board and clarifying the authority of the New York city department of parks and recreation with respect to such property

SUMMARY OF SPECIFIC PROVISIONS:

This bill amends the New York City Charter to clarify the authority of Parks Enforcement Patrol (PEP) officers to issue summonses returnable to the Environmental Control Board for the violation of rules of the New York City Department of Parks and Recreation. In addition, this legislation enables PEP officers to write summonses for violations of rules duly promulgated by the Brooklyn Bridge Development Corporation.

JUSTIFICATION:

The Parks Department has a contractual relationship with the Brooklyn Bridge Park to supply a certain number of Parks Enforcement Patrol ("PEP") officers in order to provide security services at Battery Park City and Hudson River Park. These arrangements have helped to establish the regular presence of PEP officers in all city parks, including the above two -locations, which are not owned by the city. Indeed, these arrangements further the uniform application of the familiar New York City Parks Rules and provide for the consistent enforcement of such Rules over almost all parks in the City. Moreover, the presence of PEP officers in these locations assists the Parks Department in responding to emergencies throughout Manhattan.

The proposed amendment to the City Charter would firmly establish the Parks Department's ability to enforce its Rules in public parks, recreational facilities, and other property under the jurisdiction of public corporations, public benefit corporations, public authorities, and instrumentalities thereof which have entered into agreements with Parks.

The amendment is necessary to clarify Parks' jurisdiction allowing PEP officers to issue summonses returnable at the Environmental control Board, which is the normal procedure for most, violations of Parks Rules and regulations.

PRIOR LEGISLATIVE HISTORY:

FISCAL IMPLICATIONS:

None to the state

EFFECTIVE DATE:

Immediately.

STATE OF NEW YORK

11099--A

IN ASSEMBLY

May 14, 2010

Introduced by M. of A. MILLMAN -- Multi-Sponsored by -- M. of A. BRENNAN, JACOBS, JEFFRIES -- read once and referred to the Committee on Cities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the New York city charter, in relation to imposing civil penalties for violations of the rules of the Brooklyn bridge park corporation relating to the government and protection of park and recreational property held by such corporation, providing for the adjudication of such violations by the environmental control board and clarifying the authority of the New York city department of parks and recreation with respect to such property

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Paragraph 9 of subdivision a of section 533 of the New York
 2 city charter, as amended by chapter 169 of the laws of 2002, is amended
 3 to read as follows:
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 5 ment and protection of public parks and of all property under the charge
 6 or control of the department, which rules and regulations so far as
 7 practicable shall be uniform in all boroughs and shall have the force
 8 and effect of law. Such rules and regulations shall apply to and shall
 9 be enforceable within public parks, recreational facilities and other
 10 property under the jurisdiction of the Hudson river park trust [~~and~~],
 11 the battery park city authority and the Brooklyn bridge park corporation
 12 provided that such trust [~~or~~], authority or corporation have entered
 13 into agreements with the commissioner to provide for the maintenance,
 14 protection and/or government of such property by the department, except
 15 to the extent that such rules and regulations are inconsistent with
 16 specific rules and regulations of the Hudson river park trust [~~and~~], the
 17 battery park city authority or the Brooklyn bridge park corporation.
 18 (i) Any violation of such rules or regulations, except any violation
 19 of subparagraph (ii) of this paragraph, shall be a misdemeanor triable
 20 by a judge of the criminal court of the city of New York and punishable
 21 by not more than ninety days imprisonment or by a fine of not more than

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1 one thousand dollars or by both. Any violation of such rules or regu-
2 lations shall also subject the violator to a civil penalty of not more
3 than ten thousand dollars for each violation which may be recovered in a
4 proceeding before the environmental control board. Such proceeding shall
5 be commenced by the service of a notice of violation returnable to the
6 environmental control board.

7 (ii) Any violation of a rule or regulation concerning the unlawful
8 cutting, removal or destruction of any tree shall be a misdemeanor tria-
9 ble by a judge of the criminal court of the city of New York and punish-
10 able by not more than one year imprisonment or by a fine of not more
11 than fifteen thousand dollars or by both. Any violation of a rule or
12 regulation concerning the unlawful cutting, removal or destruction of
13 any tree shall also subject the violator to a civil penalty of not more
14 than ten thousand dollars for each violation which may be recovered in a
15 proceeding before the environmental control board. Such proceeding shall
16 be commenced by the service of a notice of violation returnable to the
17 environmental control board. The environmental control board shall have
18 the power to impose the civil penalties prescribed herein;

19 § 2. Subdivision a of section 533 of the New York city charter is
20 amended by adding a new paragraph 9-c to read as follows:

21 9-c. by agreement with the Brooklyn bridge park corporation (a not-
22 for-profit corporation formed pursuant to section four hundred two of
23 the not-for-profit corporation law), to enforce the rules and regu-
24 lations of such corporation, relating to the use, government and
25 protection of public parks and recreational facilities within the juris-
26 isdiction of such corporation. In addition to or as an alternative to any
27 of the remedies or penalties provided under any other provision of law,
28 violation of such rules and regulations shall be punishable by a civil
29 penalty of not more than five hundred dollars for each violation, which
30 may be recovered in a proceeding before the environmental control board.
31 Such proceeding shall be commenced by a notice of violation returnable
32 before such board. The procedures set forth in section one thousand
33 forty-nine-a of this charter applicable to the adjudication by the envi-
34 ronmental control board of violations within the jurisdiction of the
35 commissioner shall apply to the adjudication of violations of such rules
36 and regulations by such board and final orders of such board imposing
37 civil penalties for such violations shall constitute judgments that may
38 be entered and enforced as set forth in such section.

39 § 3. This act shall take effect immediately.

NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)

BILL NUMBER: A11099A

SPONSOR: Millman

TITLE OF BILL: An act to amend the New York city charter, in relation to imposing civil penalties for violations of the rules of the Brooklyn bridge park corporation relating to the government and protection of park and recreational property held by such corporation, providing for the adjudication of such violations by the environmental control board and clarifying the authority of the New York city department of parks and recreation with respect to such property

SUMMARY OF PROVISIONS: Section 1 of the bill amends paragraph 9 of subdivision a of section 533 of the New York City Charter to apply rules and regulations of the New York City Department of Parks and Recreation to parks, recreational facilities and other property under the jurisdiction of the Brooklyn Bridge Park Corporation.

Section 2 establishes the remedies and penalties for violations of rules and regulations on public parks and recreational facilities under the jurisdiction of the Brooklyn Bridge Park Corporation. Adjudication of violations of such rules would be before the Environmental Control Board.

Section 3 provides that the act would take effect immediately.

REASONS FOR SUPPORT: This bill amends the New York City Charter to clarify the authority of Parks Enforcement Patrol ("PEP") officers to issue summonses returnable to the Environmental Control Board for the violation of rules of the New York City Department of Parks and Recreation. In addition, the legislation enables PEP officers to write summonses for violations of rules duly promulgated by the Brooklyn Bridge Park Corporation.

The Parks Department is finalizing an agreement with the Brooklyn Bridge Park Corporation to supply PEP officers in order to provide security services at Brooklyn Bridge Park. This arrangement helps to establish a regular presence of PEP officers in this park, which is jointly owned by New York City and New York State. This arrangement furthers the uniform application of the rules of the NYC Department of Parks and Recreation and provides for the consistent enforcement of such rules over almost all parks in New York City.

The proposed amendment of the New York City Charter would firmly establish the authority of the Parks Department to enforce its rules in Brooklyn Bridge Park. Similar Charter amendments were made with respect to public parks under the jurisdiction of the Hudson River Park Trust and the Battery Park City Authority.

Accordingly, the Mayor urges the earliest possible favorable consideration of this proposal by the Legislature.

Respectfully submitted,
MICAH C. LASHER
Director
