

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 1995**

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**No. 76**

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Introduced by Council Members Pinkett and Pagan (by the request of the Mayor).

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to certain offenses classified as violations under the penal law.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision c of section 10-110 of the administrative code of the city of New York is amended to read as follows:

c. **Violations.** Every person participating in any procession, parade or race, for which a permit has not been issued when required by this section, [shall, upon conviction thereof, be punished by a fine of not more than twenty-five dollars, or by imprisonment for not exceeding ten days or by both such fine and imprisonment] *shall be liable for a civil penalty in an amount not to exceed twenty-five (\$25) for each violation, 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 such board. Any such person who refuses to comply with a lawful order of the police to disperse shall, in addition, be liable for a misdemeanor.*

§2. Section 10-113 of the administrative code of the city of New York is amended to read as follows:

§10-113. **Parking of motor vehicles in vacant lots.** It shall be unlawful to park any motor vehicle in any vacant lot for which a driveway across the sidewalk has not been authorized pursuant to the provisions of the code. Any person who shall violate the provisions of this section and the owner of any motor vehicle parked in violation of this section by any person using the same with the permission, express or implied, of said owner, shall be guilty of an offense punishable by a fine of not to exceed fifty dollars or by imprisonment not to exceed ten days or by both such fine and imprisonment. *Any person violating the provisions of this section shall be liable for a civil penalty of not to exceed fifty dollars for each violation, 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 such board.*

The provisions of this section shall not apply to parking lots or parking space referred to in section 20-322 of this code.

An appearance ticket charging violation of this section may be issued and served pursuant to the provisions of article one hundred fifty of the criminal procedure law.

§3. Subdivision e of section 10-125 of the administrative code of the city of New York is amended to read as follows:

e. Any person who shall be found to have violated any of the provisions of this section shall be [punished by a fine] *liable for a civil penalty* of not more than [twenty-five dollars (\$25)] *one hundred (\$100)* [or imprisonment of up to five (5) days, or both, or pursuant to the provisions of the family court act of the state of New York where applicable.] *for each violation, 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 such board.*

§4. Subdivision e of section 10-133 of the administrative code of the city of New York is amended to read as follows:

e. Violation of this section shall be an offense punishable by a fine of not more than three hundred dollars or by imprisonment not exceeding [fifteen] *sixteen* days or by both such fine and imprisonment.

§5. Subdivision d of section 10-134 of the administrative code of the city of New York is amended to read as follows:

d. Violation of this section shall be an offense punishable by a fine of not more than seven hundred fifty dollars (\$750) or by imprisonment not exceeding [fifteen] *sixteen* days [(15)] (16) or both such fine and imprisonment. Any person violating this section shall be subject to a civil penalty not to exceed one thousand dollars for each violation.

§6. Subdivision c of section 10-147 of the administrative code of the city of New York is amended to read as follows:

c. Any person found in violation of this section shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars or imprisonment of not more than [ten] *sixteen* days or both.

§7. Subdivision e of section 10-157 of the administrative code of the city of New York is amended to read as follows:

e. Except as otherwise provided in subdivision f of this section, the violations of any of the provisions of this section or of any of the rules or regulations that may be promulgated pursuant hereto, shall be a violation triable by a judge of the criminal court of the city of New York and upon conviction thereof shall be punishable by a fine of not less than one hundred dollars nor more than two hundred fifty dollars or imprisonment for not more than fifteen days or both such fine and imprisonment. *Except as otherwise provided in subdivision f of this section, any person who violates the provisions of this section or of any of the rules or regulations that may be promulgated pursuant hereto, shall be liable for a civil penalty of not less than one hundred dollars nor more than two hundred fifty dollars for each violation, 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 such board.*

§8. Subdivision b of section 10-303.1 of the administrative code of the city of New York, as added by local law number 78 for the year 1991, is amended to read as follows:

b. Criminal penalty. Any person who shall violate subdivision a of this section shall be guilty of an unclassified misdemeanor punishable by a fine of not more than five thousand dollars or by imprisonment of up to one year, or by both such fine and imprisonment, for each assault weapon disposed of or possessed, provided that the first violation of subdivision a of this section involving possession of an assault weapon as defined in paragraph c of subdivision 16 of section 10-301 shall be an offense punishable

by a fine of not more than three hundred dollars or imprisonment of not more than [fifteen] *sixteen* days, or both, on condition that (1) such first violation is not in conjunction with the commission of a crime and (2) the possessor has not been previously convicted of a felony or a serious offense.

§9. Section 10-310 of the administrative code of the city of New York, as amended by local law number 78 for the year 1991, is amended to read as follows:

§10-310. **Violation.** Except as is otherwise provided in sections 10-302 and 10-303.1, violation of section 10-301 through 10-309 shall be a misdemeanor punishable by a fine of not more than one thousand dollars or imprisonment of not more than one year or both, provided that the first violation of such sections involving possession of an unregistered rifle or shotgun or rifle or shotgun ammunition or an ammunition feeding device which is designed for use in a rifle or shotgun and which is capable of holding no more than five rounds of rifle or shotgun ammunition shall be an offense punishable by a fine of not more than three hundred dollars or imprisonment of not more than [fifteen] *sixteen* days, or both on condition that (a) the first violation of possession of an unregistered rifle [and] *or* shotgun or rifle or shotgun ammunition or an ammunition feeding device which is designed for use in a rifle or shotgun and which is capable of holding no more than five rounds of rifle or shotgun ammunition is not in conjunction with the commission of a crime and (b) the possessor has not been previously convicted of a felony or a serious offense and (c) the possessor has not previously applied for and been denied a permit for such possession.

§10. Subdivision 8 of section 16-118 of the administrative code of the city of New York is amended to read as follows:

8. The violation of any provision of this section shall constitute an offense punishable by a fine of not less than fifty dollars nor more than two hundred fifty dollars, or by imprisonment not to exceed ten days or both, *except that a violation of subparagraph b of subdivision seven of this section which involves the removal of one hundred pounds or more of refuse material which consists of recyclable material shall be a misdemeanor.*

§11. Subparagraph i of paragraph 2 of subdivision i of section 16-120.1 of the administrative code of the city of New York is amended to read as follows:

i. Any person who violates any provisions of this section other than subdivision d shall [be guilty of a violation and], upon conviction thereof, [shall] be punished by a fine not to exceed five thousand dollars per day of violation, or by imprisonment for a term of not more than [fifteen] *sixteen* days, or by both such fine and imprisonment.

§12. This local law shall take effect immediately and shall expire and be of no further force or effect as of March 1, 1996, provided, however, that in the event the effectiveness of the amendments made to section 31 of the New York City criminal court act by section 206 of chapter 83 of the laws of 1995 is enjoined by reason of a temporary restraining order or preliminary injunction issued prior to October 1, 1995, such that the city of New York may continue after such date to prosecute in the criminal court of the city of New York violations of the administrative code of the city of New York which are not classified as misdemeanors, it shall not take effect for so long as such temporary restraining order or preliminary injunction remains in effect; and provided, further, that such expiration and repeal as of March 1, 1996 shall not apply to any actions, proceedings or charges commenced or filed, or for which arrests were made or any other form of process issued, prior to such date.

**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 September 18, 1995, and approved by the Mayor on September 28, 1995.

**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 76 of 1995, Council Int. No. 628) contains the correct text and:

Received the following vote at the meeting of the New York City Council on September 19, 1995: 36 for, 13 against.

Was approved by the Mayor on September 28, 1995.

Was returned to the City Clerk on September 28, 1995.

**JEFFREY D. FRIEDLANDER, Acting Corporation Counsel**