

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2012**

No. 40

Introduced by Council Members Nelson, Brewer, Eugene, Fidler, James, Lander, Seabrook, Williams, Gonzalez, Koo, Vallone, Dickens, Vann, Lappin, Koslowitz, Rodriguez, Garodnick, Rivera, Koppell, Mark-Viverito, Greenfield, Vacca, Chin, Arroyo, Dromm, Barron, Gennaro, Jackson, Ulrich, and Halloran

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to discharges in certain designated bodies of water.

Be it enacted by the Council as follows:

Section 1. Section 22-101 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

c. "No-discharge zone" shall mean those bodies of water designated as vessel waste no-discharge zones pursuant to subdivision one of section thirty-three-e of the New York state navigation law.

§ 2. Section 22-112 of the administrative code of the city of New York, as amended by local law number 4 for the year 2010, is amended to read as follows:

§ 22-112 Navigable waters; fouling; obstructing. a. It shall be unlawful: 1. To place, discharge or deposit, by any process or in any manner, offal, piles, lumber, timber, driftwood, dirt, ashes, cinders, mud, sand, dredging, sludge, acid, or any other refuse matters floatable or otherwise in the port of New York, except under the supervision of the United States supervisor of the harbor, provided, however, that it shall not be a violation of this section to feed fish or waterfowl in the port of New York.

2. To discharge, or cause or permit to be discharged, into the port of New York, from any ship, steamer or other vessel, any oil, oil refuse, or other inflammable matter.

3. *To discharge, or cause or permit to be discharged, any vessel waste from any ship, steamer, or other vessel into the waters of any no-discharge zone within the city of New York, or adjacent to the city of New York within a distance of one thousand five hundred feet from shore. For the purposes of this section, "vessel waste" shall mean sewage, whether treated or untreated, from marine toilets.*

b. Any person violating [any provision of this section] *paragraph one or two of subdivision a of this section* shall be guilty of a misdemeanor, and upon conviction therefor shall be punished by a fine of not more than two hundred fifty dollars nor less than five dollars, or imprisonment for not more than six months nor less than ten days, one-half of such fine to be paid to the person giving information which shall lead to the conviction of the offender.

c. Any person violating [any provision of this section] *paragraph one or two of subdivision a of this section*, which is not concurrently a violation of section 16-119 of this code, shall be liable for a civil penalty of not less than one thousand five hundred dollars nor more than ten thousand dollars for [the] *a* first violation, and not less than five thousand dollars nor more than twenty thousand dollars for each subsequent violation *of either paragraph*. Such penalties may be recovered in a civil action brought in the name of the commissioner or in a proceeding before the environmental control board.

d. *The owner or operator of a ship, steamer, or vessel operating for commercial purposes, carrying passengers for hire, or serving primarily as a residence that violates paragraph three of subdivision a of this section shall be liable for a civil penalty of not less than five hundred dollars nor more than one thousand dollars for a first violation, and not less than one thousand five*

hundred dollars nor more than five thousand dollars for each subsequent violation. The owner or operator of any other vessel that violates paragraph three of subdivision a of this section shall be liable for a civil penalty of not more than five hundred dollars for a first violation, and not less than five hundred dollars nor more than one thousand dollars for each subsequent violation. All penalties set forth in this subdivision may be recovered in a civil action brought in the name of the commissioner or in a proceeding before the environmental control board.

e. The provisions of this section may also be enforced by the commissioner of sanitation and the commissioner of environmental protection.

§ 3. This local law shall take effect ninety days after its enactment.

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 onJune 13, 2012..... and returned unsigned by the Mayor onJuly 13, 2012.....

MICHAEL M. McSWEENEY, 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 No. 40 of 2012, Council Int. No. 740-A) contains the correct text and that all proper proceedings have been had or taken for the enactment of such local law.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.