



**THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
PRESTON NIBLACK, DIRECTOR  
FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 332-A**

**COMMITTEE: Health**

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**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to prohibiting smoking in pedestrian plazas and public parks and to repeal subdivision b of section 17-513 of the administrative code of the city of New York, in relation to requiring a study regarding the prevention of second-hand smoke circulation in restaurants.

**SPONSORS:** Council Members Brewer, the Speaker (Council Member Quinn), Arroyo, Mark-Viverito, Recchia, Cabrera, Chin, Dromm, Foster, Gennaro, Rivera, Rodriguez, Reyna, Nelson and Koo (in conjunction with the Mayor)

**SUMMARY OF LEGISLATION:** Proposed Int. No. 332-A would prohibit smoking in areas under the jurisdiction of the Department of Parks and Recreation including public parks, beaches, waters and land under water, pools, boardwalks, marinas, playgrounds, recreation centers and all other property, equipment, buildings and facilities now or in the future under the jurisdiction of the Department of Parks and Recreation.

The bill also prohibits smoking in pedestrian plazas, which are areas designated by the Department of Transportation for use as a plaza and are located within the bed of a roadway and may contain benches, tables or other facilities for pedestrian use.

The bill exempts from this smoking prohibition - thus people can smoke in - the following locations under the jurisdiction of the Department of Parks and Recreation:

- the sidewalks immediately adjoining parks, squares and public places;
- any pedestrian route through any park strip, median or mall that is adjacent to vehicular traffic;
- parking lots; and
- theatrical productions.

The Department of Parks and Recreation can enforce these prohibitions on property under its jurisdiction. Violators would be liable for civil penalties of \$50 for each violation. These violations will be brought before the Environmental Control Board for adjudication.

**EFFECTIVE DATE:** This legislation would take effect 90 days after enactment.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** 2012

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY11</b>	<b>FY Succeeding Effective FY12</b>	<b>Full Fiscal Impact FY12</b>
<b>Revenues (+)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Expenditures (-)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**IMPACT ON REVENUES:** There is no impact on revenues because the fee is a penalty that will be used to enforce compliance, not to generate revenue.

**IMPACT ON EXPENDITURES:** There is no impact on expenditures in Fiscal 2011 or Fiscal 2012 resulting from the enactment of this legislation.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** Not Applicable

**SOURCES OF INFORMATION:** Department of Health and Mental Hygiene

**ESTIMATE PREPARED BY:** Pamela Corbett, Legislative Financial Analyst  
Latonia Mckinney, Deputy Director  
City Council Finance Division

**HISTORY:** Int. 332 was introduced on September 16, 2010, and referred to the Committee on Health. On October 14, 2010, the Committee on Health held a joint hearing with the Committee on Parks and Recreation on Int. 332, which was laid over. On February 2, 2011, the Committee on Health will consider an amended version, Proposed Int. 332-A, and the legislation will be voted on by the Full Council on February 2, 2011.