



Legislation Text

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Int. No. 309

By Council Members Dilan, Baez, Comrie, Foster, Gennaro, Gerson, Jackson, Koppell, McMahon, Nelson, Perkins, Sanders, Sears, Serrano, Stewart, Vann, Weprin and Oddo

A Local Law to amend the administrative code of the city of New York, in relation to increasing the fines and penalties for illegal dumping.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 16-119 of the administrative code of the city of New York, as amended by local law number 6 for the year 1968, is amended to read as follows:

a. It shall be unlawful for any person, his or her agent, employee or any person under his or her control to suffer or permit any dirt, sand, gravel, clay, loam, stone, rocks, rubble, building rubbish, sawdust, shavings or trade or household waste, refuse, ashes, manure, garbage, rubbish or debris of any sort or any other organic or inorganic material or thing or other offensive matter being transported in a dump truck, shopping cart, other non-motorized conveyance or other vehicle to be dumped, deposited or otherwise disposed of in or upon any street, lot, park, public place or other area whether publicly or privately owned. Where a shopping cart is used for such dumping, depositing or disposal, there shall be a rebuttable presumption that the person or persons whose name, telephone number or any other identifying information is present in the material dumped, deposited or otherwise disposed of shall have committed a violation of this section or directed, suffered, or permitted a servant, agent, employee or individual under such person's control to engage in such activity.

§2. Paragraph two of subdivision f of section 16-119 of the administrative code of the city of New York, as enacted by local law number 32 for the year 1995, is amended to read as follows:

2. Where a notice of violation, appearance ticket or summons is issued for a violation of subdivision a

of this section based upon information furnished by an individual or individuals and where the commissioner determines, in the exercise of his or her discretion, that such information, in conjunction with enforcement activity conducted by the department or another governmental entity, results in the conviction of or the imposition of a civil penalty upon any person for a violation of subdivision a of this section, the commissioner shall offer as a reward to such individual or individuals an amount that in the aggregate, is:

- (i) up to fifty percent of any fine or civil penalty collected; or
- (ii) up to five hundred dollars when a conviction is obtained, but no fine or civil penalty is imposed.

In determining the amount of the reward, the commissioner shall consider factors that include, but are not limited to: (a) the quantity and type of the material dumped, deposited or otherwise disposed of; (b) the specificity of the information provided, including, but not limited to, the license plate number, make or model or other description of the dump truck or other vehicle alleged to have been used, the description of the shopping cart or other non-motorized conveyance used, and the location, date or time of the alleged violation; (c) whether the information provided by the individual or individuals identified one or more violations of subdivision a of this section; and (d) whether the department has knowledge that violations of subdivision a of this section have previously occurred at that location.

§3. This local law shall take effect immediately.

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04:45 P.M.