Legislation Details (With Text)

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Int. No. 1214

By Council Members Wills, Koppell, Richards and Rose

A Local Law to amend the administrative code of the city of New York, in relation to illegal dumping.

Be it enacted by the Council as follows:

Section 1. Subdivisions b and c of section 16-119 of title 16 of the administrative code of the city of New York is amended to read as follows:

b. Any person who violates the provisions of this section shall be liable to arrest and upon conviction thereof shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than [one] two thousand five hundred dollars nor more than ten thousand dollars or by imprisonment not to exceed [ninety] sixty days or by both such fine and imprisonment.

c. (1) Any person who violates the provisions of subdivision a of this section shall also be liable for a civil penalty of not less than one thousand [five] seven hundred fifty dollars nor more than [ten] four thousand five hundred dollars for the first offense, and not less than [five] three thousand dollars nor more than [twenty]

ten thousand dollars and the forfeiture penalties set forth in paragraph 2 of subdivision e of this section for each subsequent offense. In addition, every owner of a dump truck or other vehicle shall be liable for a civil penalty of not less than one thousand [five] seven hundred fifty dollars nor more than [ten] four thousand five hundred dollars for the first offense and not less than [five] three thousand dollars nor more than [twenty] ten thousand dollars and the forfeiture penalties set forth in paragraph 2 of subdivision e of this section for each subsequent offense of unlawful dumping described in subdivision a of this section by any person using or operating the same, in the business of such owner or otherwise, with the permission, express or implied, of such owner.

(2) Any owner, owner-operator or operator who is found in violation of this section in a proceeding before the environmental control board and who shall fail to pay the civil penalty imposed by such environmental control board shall be subject to the suspension of his or her driver's license, privilege to operate or vehicle registration or renewal thereof imposed pursuant to section twelve hundred twenty-a of the vehicle and traffic law, in addition to any other civil and criminal fines and penalties set forth in this section.

§ 2. Paragraph 2 of subdivision e of section 16-119 of the administrative code of the city of New York is amended to read as follows:

(2) In addition to any other penalties provided in this section, the interest of an owner as defined in subdivision c of this section in any vehicle impounded pursuant to paragraph (1) of this subdivision shall be subject to forfeiture upon notice and judicial determination thereof if such owner (i) has been convicted of or found liable for a violation of this section in a civil or criminal proceeding or in a proceeding before the environmental control board [three] two or more times, [all] both of which violations were committed within an eighteen month period or (ii) has been convicted of or found liable for a violation of this section in a civil or criminal proceeding or in a proceeding before the environmental control board if the material unlawfully dumped is a material identified as a hazardous waste or an acute hazardous waste in regulations promulgated pursuant to section 27-0903 of the environmental conservation law.

§ 3. This local law shall take effect within one hundred eighty days after its enactment.

LS 5022-JJH