



Legislation Details (With Text)

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Int. No. 90

By Council Members Maisel, Williams, Constantinides, Cornegy, Espinal, Gentile, Koo, Deutsch, Vallone, Treyger, Palma, Johnson and Ulrich

A Local Law to amend the New York city charter, in relation to requiring certain agencies to be capable of issuing warnings.

Be it enacted by the Council as follows:

Section 1. Paragraph (1) of subdivision a of section 556 of the New York city charter is amended to read as follows:

(1) Enforce all provisions of law applicable in the area under the jurisdiction of the department for the preservation of human life, for the care, promotion and protection of health and relative to the necessary health supervision of the purity and wholesomeness of the water supply and the sources thereof. Each inspector or other employee of the department who issues notices of violation shall have access at the time that a violation is

issued to equipment allowing such person: (a) to determine if such violation is a first-time violation of the applicable provision of law, and (b) if permitted by law, to issue a warning for such violation, for which no appearance before the department's tribunal is required, but for which the department shall be capable of recording the infraction as a violation;

§2. The text in section 643 of the New York city charter prior to subdivision (1) is amended to read as follows:

The department shall enforce, with respect to buildings and structures, such provisions of the building code, zoning resolution, multiple dwelling law, labor law and other laws, rules and regulations as may govern the construction, alteration, maintenance, use, occupancy, safety, sanitary conditions, mechanical equipment and inspection of buildings or structures in the city[.,]. Each inspector or other employee of the department who issues notices of violation shall have access at the time that a violation is issued to equipment allowing such person: (i) to determine if such violation is a first-time violation of the applicable provisions of law, and (ii) if permitted by law, to issue a warning for such violation, for which no appearance before a tribunal is required, but for which the department shall be capable of recording the infraction as a violation. The department [and] shall perform the functions of the city of New York relating to:

§3. Section 753 of the New York city charter is amended by adding a new subdivision e to read as follows:

e. Each inspector or other employee of the department who issues notices of violation shall have access at the time that a violation is issued to equipment allowing such person: (1) to determine if such violation is a first-time violation of the applicable provision of law, and (2) if permitted by law, to issue a warning for such violation, for which no appearance before a tribunal is required, but for which the department shall be capable of recording the infraction as a violation.

§4. The text in section 1403 of the New York city charter prior to subdivision a is amended to read as follows:

Except as otherwise provided by law, the commissioner shall have charge and control of and be responsible for all those functions and operations of the city relating to the provision of a pure, wholesome and adequate supply of water, the disposal of sewage and the prevention of air, water and noise pollution, and shall be authorized to respond to emergencies caused by releases or threatened releases of hazardous substances and to collect and manage information concerning the amount, location and nature of hazardous substances. Each inspector or other employee of the department who issues notices of violation shall have access at the time that a violation is issued to equipment allowing such person: (1) to determine if such violation is a first-time violation of the applicable provision of law, and (2) if permitted by law, to issue a warning for such violation, for which no appearance before a tribunal is required, but for which the department shall be capable of recording the infraction as a violation. The powers and duties of the commissioner shall include, without limitation, the following:

§5. Subdivision (e) of section 2203 of the New York city charter is amended to read as follows:

(e) The commissioner, in the performance of said functions, shall be authorized to hold public and private hearings, administer oaths, take testimony, serve subpoenas, receive evidence, and to receive, administer, pay over and distribute monies collected in and as a result of actions brought for violations of laws relating to deceptive or unconscionable trade practices, or of related laws, and to promulgate, amend and modify rules and regulations necessary to carry out the powers and duties of the department. Each inspector or other employee of the department who issues notices of violation shall have access at the time that a violation is issued to equipment allowing such person: (1) to determine if such violation is a first-time violation of the applicable provision of law, and (2) if permitted by law, to issue a warning for such violation, for which no appearance before the department's tribunal is required, but for which the department shall be capable of recording the infraction as a violation.

§6. This local law shall take effect six months after its enactment.

2/12/14