Legislation Details (With Text)

File #:	Int 1070-2016 **Version:** A	**Name:**	Criminal Justice Reform Act (CJRA) - Penalties for littering, spitting and public urination.
Type:	Introduction	**Status:**	Enacted
		In control:	Committee on Public Safety
On agenda:	2/5/2016		
Enactment date:	6/13/2016	**Enactment #:**	2016/075

Title: A Local Law to amend the administrative code of the city of New York, in relation to the penalties for littering, and to repeal subdivision 5 of section 16-118 of the administrative code of the city of New York, relating to the distribution of advertising matter

Sponsors: Rory I. Lancman, Melissa Mark-Viverito, Helen K. Rosenthal, Ritchie J. Torres, Jumaane D. Williams, Vanessa L. Gibson, Mark Levine, Laurie A. Cumbo, Ydanis A. Rodriguez, Donovan J. Richards, Daniel R. Garodnick, Mathieu Eugene, Ruben Wills, Brad S. Lander, Stephen T. Levin

Indexes:

Attachments: 1. Legislative History Report, 2. Summary of Int. No. 1070-A, 3. Summary of Int. No. 1070, 4. Int. No. 1070 - 2/5/16, 5. Committee Report 1/25/16, 6. Hearing Testimony 1/25/16, 7. Hearing Transcript 1/25/16, 8. February 5, 2016 - Stated Meeting Agenda with Links to Files, 9. Proposed Int. No. 1070-A - 5/24/16, 10. Committee Report 5/25/16, 11. Hearing Transcript 5/25/16, 12. May 25, 2016 - Stated Meeting Agenda with Links to Files, 13. Fiscal Impact Statement, 14. Int. No. 1070-A (FINAL), 15. Hearing Transcript - Stated Meeting 5-25-16, 16. Mayor's Letter, 17. Minutes of the Stated Meeting - May 25, 2016, 18. Local Law 75

Date	Ver.	Action By	Action	Result
1/25/2016	*	Committee on Public Safety	P-C Item Laid Over by Comm	
1/25/2016	*	Committee on Public Safety	Hearing on P-C Item by Comm	
2/5/2016	*	City Council	Introduced by Council	
2/5/2016	*	City Council	Referred to Comm by Council	
5/25/2016	*	Committee on Public Safety	Hearing Held by Committee	
5/25/2016	*	Committee on Public Safety	Amendment Proposed by Comm	
5/25/2016	*	Committee on Public Safety	Amended by Committee	
5/25/2016	A	Committee on Public Safety	Approved by Committee	Pass
5/25/2016	A	City Council	Approved by Council	Pass
5/25/2016	A	City Council	Sent to Mayor by Council	
6/13/2016	A	Mayor	Hearing Held by Mayor	
6/13/2016	A	Mayor	Signed Into Law by Mayor	
6/13/2016	A	City Council	Recved from Mayor by Council	

Int. No. 1070-A

By Council Members Lancman and The Speaker (Council Member Mark-Viverito), Rosenthal, Torres, Williams, Gibson, Levine, Cumbo, Rodriguez, Richards, Garodnick, Eugene, Wills, Lander and Levin

A Local Law to amend the administrative code of the city of New York, in relation to the penalties for littering,

and to repeal subdivision 5 of section 16-118 of the administrative code of the city of New York, relating to the distribution of advertising matter

Be it enacted by the Council as follows:

Section 1. Subdivision 5 of section 16-118 of the administrative code of the city of New York is REPEALED.

§ 2. Subdivisions 1, 8, 9, 10, and 11 of section 16-118 of the administrative code of the city of New York, subdivisions 8 and 9 as amended by local law number 56 for the year 2013 and subdivision 11 as amended by local law number 1 for the year 2003, are amended to read as follows:

1. (a) No person shall litter, sweep, throw or cast, or direct, suffer or permit any servant, agent, employee, or other person under his or her control, to litter, sweep, throw or cast any ashes, garbage, paper, dust or other rubbish and refuse of any kind whatsoever, in or upon any street or public place, vacant lot, air shaft, areaway, backyard court, park, or alley

(b) No person shall spit upon a sidewalk of a street or public place, or on a floor, wall or stairway of any public or private building or premises used in common by the public, or in or on any public transportation facility.

8. The violation of any provision of this section shall constitute an offense punishable by a fine of not less than fifty dollars nor more than two hundred fifty dollars, or by imprisonment not to exceed ten days, or both; provided that the violation of subdivision 1 of this section, or the violation of subdivision 6 of this section by means of the act of public urination, shall constitute an offense punishable only by a fine of not less than fifty dollars nor more than two hundred fifty dollars, or by imprisonment not to exceed one day.

9. Any person violating the provisions of this section shall be liable for a civil penalty [of not less than fifty dollars nor more than two hundred fifty dollars, except that for a second violation of subdivision one, three, or six of this section within any twelve-month period, such person shall be liable for a civil penalty of not less than two hundred fifty dollars nor more than three hundred fifty dollars and for a third or subsequent violation of subdivision one, three, four, or six of this section within any twelve-month period such person shall be liable for a civil penalty of not less than three hundred fifty dollars nor more than four hundred fifty dollars] in the following amounts, provided that for the purposes of this subdivision, the term "first violation" means any number of violations issued for a single incident:

a. not less than 50 and not more than 250 dollars for a first violation, except that the civil penalty shall

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be not less than 250 and not more than 350 dollars for a second violation of subdivision 3, 4 or 6 of this section within any 12 month period, and not less than 350 and not more than 450 dollars for a third or subsequent violation of subdivision 3, 4 or 6 of this section within any 12 month period;

b. notwithstanding paragraph a of this subdivision, for any natural person violating subdivision 6 of this section by means of the act of public urination:

(1) 75 dollars for a first violation, and

(2) not less than 250 and not more than 350 dollars for any second violation within any 12 month period, and

(3) not less than 350 and not more than 450 dollars for any third violation within any 12 month period; and

c. notwithstanding paragraph a of this subdivision, for any natural person violating subdivision 1 of this section:

(1) 75 dollars for a first violation, and

(2) not less than 250 and not more than 350 dollars for any second violation within any 12 month period, and

(3) not less than 350 and not more than 450 dollars for any third violation within any 12 month period.

10. In the instance where [the] a notice of violation[, appearance ticket or summons] is issued for breach of the provisions of this section and sets forth thereon civil penalties only, such process shall be returnable to the [environmental control board] office of administrative trials and hearings pursuant to section 1049-a of the charter[, which shall have the power to impose the civil penalties hereinabove provided in subdivision nine of this section].

11. In the event that a violator fails to answer such notice of violation[, appearance ticket or summons] within the time provided therefor by the rules and regulations of the environmental control board, a tribunal of the office of administrative trials and hearings, pursuant to section 1049-a of the charter, he or she shall become liable for additional penalties. The additional penalties shall not exceed four hundred fifty dollars for each violation, provided that such penalties imposed for a violation of this section for the act of public urination shall not exceed 150 percent of the penalties enumerated in paragraph b of subdivision 9 of this section, and further provided that such penalties imposed for violations of subdivision 1 of this section shall not exceed 150 percent

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of the penalties enumerated in paragraph c of subdivision 9 of this section.

§ 3. Chapter 1 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-141 to read as follows:

§ 16-141 Uniform civil penalties for littering and public urination.

a. Notwithstanding any inconsistent provision of law, the civil penalties for the violation of the prohibition against urination set forth section 1-04(k) of title 56 of the rules of the city of New York, or any successor rule of the department of parks and recreation that prohibits public urination, shall be no greater than the civil penalties established in paragraph b of subdivision 9 of section 16-118 of the code.

b. Notwithstanding any inconsistent provision of law, the civil penalties for the violation of the first two sentences of section 1-04(c)(1) of title 56 of the rules of the city of New York, or any successor rules of the department of parks and recreation that prohibit littering and require the use of receptacles for refuse disposal, shall be no greater than the civil penalties established in paragraph c of subdivision 9 of section 16-118 of the code.

§ 4. This local law takes effect 60 days after it becomes law, and shall apply to proceedings for enforcement of section 16-118 of the administrative code commenced on and after such date.

BC
LS # 3417
5/16/16

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