Legislation Details (With Text)

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Title: A Local Law to amend the administrative code of the city of New York, in relation to increasing civil penalties for water pollution, drainage, and sewer control violations, and to repeal subdivision b of section 24-513, relating to the penalty imposed for violating such section.

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Int. No. 969

By Council Members Michels, Sabini, Freed, Henry, Marshall and Stabile (by request of the Mayor) and Council Members Harrison, Koslowitz, Linares, Nelson and Pinkett

A Local Law to amend the administrative code of the city of New York, in relation to increasing civil penalties for water pollution, drainage, and sewer control violations, and to repeal subdivision b of section 24-513, relating to the penalty imposed for violating such section.

Be it enacted by the Council as follows:

Section 1. Subdivision e of section 24-508 of the administrative code of the city of New York is amended to read as follows:

e. It shall be unlawful for any person to represent to any prospective purchaser of property that a sewer constructed in any street is a city sewer unless such sewer shall have been constructed by the city in accordance with the legally adopted drainage plan of the city and/or accepted as a public sewer in accordance with the provisions of the code.

[The penalty for a violation of this subdivision shall be a fine of five dollars for each and every foot of sewer so laid.]

§2. Subdivision b of section 24-513 of the administrative code of the city of New York is REPEALED.

§3. Subdivisions f and g of section 24-524 of the administrative code of the city of New York are amended to read as follows:

f. Any person who violates or fails to comply with any of the provisions of sections 24-504 through 24-522 and 24-523 of this chapter or any order, rule or regulation issued by the environmental control board or commissioner of environmental protection pursuant thereto or with the conditions of any permit issued pursuant thereto shall be liable for a civil penalty [of not less than fifty nor more than one] not exceeding ten thousand dollars for each violation , provided that this subdivision shall not apply to subdivision c of section 24-509 or subdivisions a and b of section 24-521. In the case of a continuing violation each day's continuance shall be a separate and distinct offense. The environmental control board shall have the power to impose such civil penalties. A proceeding to impose such penalties shall be commenced by the service of a notice of violation returnable to such board. Such board, after a hearing as provided by the rules and regulations of the board, shall have the power to enforce its final decisions and orders imposing such civil penalties as if they were money judgments pursuant to subdivision d of section fourteen hundred four of the New York city charter. A civil penalty imposed by the board may also be collected in an action brought in the name of the city in any court of competent jurisdiction. The board, in its discretion, may, within the limits set forth in this subdivision, establish a schedule of civil penalties indicating the minimum and maximum penalty for each separate offense.

g. In addition to the civil penalties set forth in subdivision f of this section, any person who knowingly violates or fails to comply with any provision of sections 24-504 through 24-522 or section 24-523 of this chapter or any order, rule or regulation issued by the commissioner of environmental protection or environmental control board pursuant thereto or with the conditions of any permit issued pursuant thereto shall

be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than two hundred fifty nor more than [one] ten thousand dollars, or by imprisonment not exceeding [thirty] ninety days, or both for each [violation] offense, provided that this subdivision shall not apply to subdivision c of section 24-509 or subdivisions a and b of section 24-521. In the case of a continuing violation each day's continuance shall be a separate and distinct offense. In addition to its application to any other person, the fine provided for in this paragraph shall be deemed a special fine for a corporation within the meaning of section 80.10 of the penal law of the state of New York.

§3. This local law shall take effect on the thirtieth day after it shall have become a law.

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