



Legislation Details (With Text)

File #: Int 0146-2002 **Version:** A **Name:** Unlawful Posting
Type: Introduction **Status:** Enacted
In control: Committee on Sanitation and Solid Waste Management
On agenda: 4/10/2002
Enactment date: 1/7/2003 **Enactment #:** 2003/002
Title: A Local Law to amend the administrative code of the city of New York, in relation to unlawful posting.
Sponsors: Michael E. McMahon, David I. Weprin, Martin J. Golden, Lewis A. Fidler, James S. Oddo, Madeline T. Provenzano, John C. Liu, Joseph P. Addabbo, Jr., Christine C. Quinn, G. Oliver Koppell, David Yassky
Indexes:
Attachments: 1. Committee Report 6/13/02, 2. Hearing Transcript 6/13/02, 3. Committee Report 11/15/02, 4. Hearing Transcript - Stated Meeting - 12/18/02, 5. Fiscal Impact Statement, 6. Local Law, 7. Hearing Transcript 11/15/02

Date	Ver.	Action By	Action	Result
4/10/2002	*	City Council	Introduced by Council	
4/10/2002	*	City Council	Referred to Comm by Council	
6/13/2002	*	Committee on Sanitation and Solid Waste Management	Laid Over by Committee	
6/13/2002	*	Committee on Sanitation and Solid Waste Management	Hearing Held by Committee	
11/15/2002	*	Committee on Sanitation and Solid Waste Management	Hearing Held by Committee	
11/15/2002	A	Committee on Sanitation and Solid Waste Management	Approved by Committee	Pass
11/15/2002	*	Committee on Sanitation and Solid Waste Management	Amended by Committee	
11/15/2002	*	Committee on Sanitation and Solid Waste Management	Amendment Proposed by Comm	
11/20/2002	A	City Council	Laid Over by Council	
11/25/2002	A	City Council	Laid Over by Council	
12/4/2002	A	City Council	Laid Over by Council	
12/18/2002	A	City Council	Approved by Council	Pass
12/18/2002	A	City Council	Sent to Mayor by Council	
1/7/2003	A	Mayor	Hearing Held by Mayor	
1/7/2003	A	Mayor	Signed Into Law by Mayor	
1/8/2003	A	City Council	Recved from Mayor by Council	

Int. No.146-A

By Council Members McMahon, Weprin, Golden, Fidler, Oddo, Provenzano and Liu; also Council Members Addabbo, Quinn, Koppell and Yassky

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

Be it enacted by the Council as follows:

Section 1. Section 10-119 of the administrative code of the city of New York, subdivision a as amended by local law number 68 for the year 1995 and subdivision b as added by local law number 111 for the year 1993, and by adding new subdivisions c and d is amended to read as follows:

§10-119 Posting. a. It shall be unlawful for any person to paste, post, paint, print [or], nail or attach or affix by any means whatsoever any handbill, poster, notice, sign [or], advertisement, sticker or other printed material upon any curb, gutter, flagstone, tree, lamppost, awning post, telegraph pole, telephone pole, public utility pole, public garbage bin, bus shelter, bridge [abutment], elevated train structure, highway fence, barrel, box, parking meter, mailbox, traffic [signal] control device, traffic stanchion, traffic sign (including pole), tree box, tree pit protection device, bench, traffic barrier, hydrant, public pay telephone, any personal property maintained on a city street or other city-owned property pursuant to a franchise, concession or revocable consent granted by the city or other such item or structure in any street, or to direct, suffer or permit any servant, agent, employee or other person under his or her control to engage in such activity; provided, however, that this section shall not apply to any handbill, poster, notice, sign [or], advertisement, sticker or other printed material so posted by or under the direction of the council, or by or under the direction of any city agency, or pursuant to a franchise, concession or revocable consent granted pursuant to chapter fourteen of the charter.

b. There shall be a rebuttable presumption that the person whose name, telephone number, or other identifying information appears on any handbill, poster, notice, sign [or], advertisement, sticker or other printed material on any item or structure described in subdivision a of this section in any street violated this section by either (i) pasting, posting, painting, printing [or], nailing or attaching or affixing by any means whatsoever such handbill, poster, notice, sign [or], advertisement, sticker or other printed material, or (ii) directing, suffering or permitting a servant, agent, employee or other individual

under such persons control to engage in such activity.

b. There shall be a rebuttable presumption that if a telephone number that appears on any handbill, poster, notice, sign or advertisement placed in violation of subdivision a of this section belongs to a telephone answering service and no other telephone number or address is readily obtainable to locate the person or business advertised therein, such telephone answering service shall be held liable for a violation of subdivision a in accordance with the provisions of section 10-121.

d. The commissioner of the department of sanitation shall be authorized to issue subpoenas to obtain official telephone records for the purpose of determining the identity and location of any person or entity reasonably believed by the commissioner to have violated subdivision a of this section.

§2. Section 10-120 of the administrative code of the city of New York, as amended by local law number 111 for the year 1993, is amended to read as follows:

§10-120 Protection of city advertisements. It shall be unlawful for any person to tear down, deface or destroy any notice, handbill, sign, advertisement [or], poster, sticker or other printed material, put up or posted by, or under the direction of the council or by or under the direction of any city agency or pursuant to a franchise, concession or revocable consent granted pursuant to chapter fourteen of the charter.

§3. Subdivisions a and b of section 10-121 of the administrative code of the city of New York, subdivision a as amended by local law number 111 for the year 1993, and by adding new subdivision g are amended to read as follows:

a. Any person convicted of a violation of any of the provisions of section 10-119 or 10-120 of the code shall be punished by a fine of not less than [fifty] seventy-five dollars nor more than one hundred fifty dollars, for the first offense and not less than one hundred fifty dollars nor more than two hundred fifty dollars for the second and each subsequent offense[, within a twelve month period], plus the cost of the removal of the unauthorized signs, imprisonment for not more than ten days, or both; provided, however, that subdivision b of section 10-119 of the code shall not apply with

respect to criminal prosecutions brought pursuant to this subdivision.

b. In the instance where the notice of violation, appearance ticket or summons is issued for breach of the provisions of section 10-119 or 10-120 of the code and sets forth thereon civil penalties only, such process shall be returnable to the environmental control board, which shall have the power to impose the civil penalties of not less than [fifty] seventy-five dollars nor more than one hundred fifty dollars for the first offense and not less than one hundred fifty dollars nor more than two hundred fifty dollars for the second and each subsequent offense[,] within a twelve month period[,]. Anyone found to have violated the provisions of section 10-119 or 10-120, in addition to any penalty imposed, shall be responsible for the cost of the removal of the unauthorized signs.

g. For the purposes of imposing a criminal fine or civil penalty pursuant to this section, every handbill, poster, notice, sign or advertisement pasted, posted, painted, printed or nailed in violation of section 10-119 of the code or torn down, defaced or destroyed in violation of section 10-120 of the code, shall be deemed to be the subject of a separate violation for which a separate criminal fine or civil penalty shall be imposed.

§4. Chapter one of title ten of the administrative code of the city of New York is amended by adding a new section 10-121.1 to read as follows:

§10-121.1 Rewards for providing information leading to criminal conviction of a person for unlawful posting. The mayor, upon the recommendation of the sanitation commissioner, the transportation commissioner, the parks and recreation commissioner, the citywide administrative services commissioner or the police commissioner, shall be authorized to offer and pay a reward in an amount not exceeding five hundred dollars to any person who provides information leading to the criminal conviction of any person who may have violated the provisions of section 10-119 or section 10-120 of the code. No police officer, peace officer or any other law enforcement officer, and no officer, official or employee of the city of New York shall be entitled, directly or indirectly, to collect or receive any such reward.

§5. This local law shall take effect immediately.