



Legislation Details (With Text)

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Int. No. 117

Introduced by the Speaker (Council Member Miller) and Council Members McMahon, Clarke, Katz and Liu

A Local Law to amend the administrative code of the city of New York, in relation to the projection of visual advertisements.

Be it enacted by the Council as follows:

Section 1. Chapter one of title 10 of the administrative code of the city of New York is hereby amended by the addition of a new section 10-119.1 to read as follows:

§10-119.1 Projection of advertisements. a. It shall be unlawful for any person to project, beam, radiate, shine or transmit an advertisement through the use of visual, light laser or holographic technology so as to produce an advertisement on or onto city property, or any portion thereof, including buildings or structures, parks, spaces, streets, or 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 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 advertisement so projected, beamed, radiated, shined or transmitted by or under the direction of the council, or by, under the direction of, or with the permission 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, address, logo, symbol or other identifying information appears in such visual advertisement on or onto public property violated this section by either (i) projecting, beaming, radiating, shining or transmitting such advertisement, or (ii) directing, suffering or permitting a servant, agent, employee or other individual under such person's control to engage in such activity.

§2. Section 10-121 of the administrative code of the city of New York is amended to read as follows:

§10-121 Violation. 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 dollars nor more than [one] five hundred dollars, for the first offense and not less than one hundred dollars nor more than two [hundred fifty] thousand dollars for the second and each subsequent offense, plus the cost of the removal of the unauthorized signs, imprisonment for not more than ten days, or both; any person convicted of a violation of any of the provisions of section 10-119.1 of the code shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, for the first offense and not less than one hundred dollars nor more than two thousand dollars for the second and each subsequent offense, imprisonment for not more than ten days, or both; provided, however, that subdivision b of section 10-119 of the code and subdivision b of section 10-119.1 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, 10-119.1 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 dollars nor more than one [hundred] thousand dollars for the first offense and not less than one hundred dollars nor more than two [hundred fifty] thousand dollars for the second and each subsequent offense.

c. 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, he or she shall become liable for additional penalties. The additional penalties shall not exceed [fifty] one hundred dollars for each violation.

d. Any person found in violation of any of the provisions of section 10-119, 10-119.1 or 10-120 of the code shall be liable for a civil penalty as provided for in subdivision b of this section.

e. Liability and responsibility for any civil penalty imposed pursuant to this section for any violation of section 10-119, 10-119.1 or 10-120 of the code shall be joint and severable on the part of any corporation found to be liable and responsible and its officers, principals, and stockholders owning more than ten percent of its outstanding voting stock.

§3. This local law shall take effect sixty days after it is enacted.