



Legislation Details (With Text)

File #: Int 0435-2010 **Version:** * **Name:** Defining unrelated violations of vending rules and regulations as separate offenses.

Type: Introduction **Status:** Filed

In control: Committee on Consumer Affairs

On agenda: 11/30/2010

Enactment date: **Enactment #:**

Title: A Local Law to amend the administrative code of the city of New York, in relation to defining unrelated violations of vending rules and regulations as separate offenses.

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Indexes:

Attachments: 1. Committee Report 4/24/12, 2. Hearing Testimony 4/24/12, 3. Hearing Testimony 4/24/12 - Deborah Glick, 4. Hearing Transcript 4-24-12

Date	Ver.	Action By	Action	Result
11/30/2010	*	City Council	Introduced by Council	
11/30/2010	*	City Council	Referred to Comm by Council	
4/24/2012	*	Committee on Consumer Affairs	Hearing Held by Committee	
4/24/2012	*	Committee on Consumer Affairs	Laid Over by Committee	
12/31/2013	*	City Council	Filed (End of Session)	

Int. No. 435

By Council Members Levin, Mark-Viverito, James, Barron, Rodriguez, Arroyo, Cabrera, Eugene, Gonzalez, Koppell, Lander, Reyna, Williams, Greenfield, Dromm, Mendez, Crowley, Dickens, Nelson, Chin, Jackson, Mealy, Palma, Rivera, Rose, Koslowitz, Brewer, Vann, Wills, Comrie, Dilan, Ferreras, Gennaro, Garodnick, Ulrich and Halloran

A Local Law to amend the administrative code of the city of New York, in relation to defining unrelated violations of vending rules and regulations as separate offenses.

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 17-325 of the administrative code of the city of New York is amended to read as follows:

b. Except as provided in subdivision a of this section, a person who violates any provision of this

subchapter or any of the rules or regulations promulgated hereunder shall be guilty of an offense punishable by the court as follows:

1. For the first violation, a fine of not less than twenty-five nor more than fifty dollars.
2. For the second violation issued for the same offense within a period of two years of the date of a first violation, a fine of not less than fifty dollars nor more than one hundred dollars.
3. For a third violation issued for the same offense within a period of two years of the date of a first violation, a fine of not less than one hundred dollars nor more than two hundred and fifty dollars, in addition to the remedy provided for in subdivision f of section 17-317 of this subchapter.
4. For any subsequent violations issued for the same offense within a period of two years of the date of a first violation, a fine of not less than two hundred fifty dollars nor more than one thousand dollars.

§2. Paragraph 2 of subdivision c of section 17-325 of the administrative code of the city of New York is amended to read as follows:

2. In addition to the penalties prescribed by subdivision b of this section, any person who violates any of the provisions of this subchapter, other than subdivision a, b, or c of section 17-307 of this subchapter, or any of the rules and regulations promulgated hereunder shall be liable for a civil penalty as follows:

- (a) For the first violation, a penalty of not less than twenty-five nor more than fifty dollars.
- (b) For the second violation issued for the same offense within a period of two years of the date of a first violation, a penalty of not less than fifty dollars nor more than one hundred dollars.
- (c) For the third violation issued for the same offense within a period of two years of the date of a first violation, a penalty of not less than one hundred dollars nor more than two hundred and fifty dollars, in addition to the remedy provided for in subdivision f of section 17-317 of this subchapter.
- (d) For any subsequent violations issued for the same offense within a period of two years of the date of a first violation, a penalty of not less than two hundred fifty dollars nor more than one thousand dollars.

§3. Subdivision b of section 20-472 of the administrative code of the city of New York is hereby

amended to read as follows:

b. Except as provided in subdivision a of this section, a person who violates any provision of this subchapter or any of the rules or regulations promulgated hereunder shall be guilty of an offense punishable by the court as follows:

1. For the first violation, a fine of not less than twenty-five nor more than fifty dollars.

2. For the second violation issued for the same offense within a period of two years of the date of a first violation, a fine of not less than fifty dollars nor more than one hundred dollars.

3. For a third violation issued for the same offense within a period of two years of the date of a first violation, a fine of not less than one hundred dollars nor more than two hundred and fifty dollars.

4. For any subsequent violations issued for the same offense within a period of two years of the date of a first violation, a fine of not less than two hundred fifty dollars nor more than one thousand dollars.

§4. Paragraph 2 of subdivision c of section 20-472 of the administrative code of the city of New York is amended to read as follows:

2. In addition to the penalties prescribed by subdivision b of this section, any person who violates any of the provisions of this subchapter, other than section 20-253, or any of the rules and regulations promulgated hereunder shall be liable for a civil penalty as follows:

(a) For the first violation, a penalty of not less than twenty-five nor more than fifty dollars.

(b) For the second violation issued for the same offense within a period of two years of the date of a first violation, a penalty of not less than fifty dollars nor more than one hundred dollars.

(c) For the third violation issued for the same offense within a period of two years of the date of a first violation, a penalty of not less than one hundred dollars nor more than two hundred and fifty dollars.

(d) For any subsequent violations issued for the same offense within a period of two years of the date of a first violation, a penalty of not less than two hundred fifty dollars nor more than one thousand dollars.

§5. This local law shall take effect one hundred twenty days after it shall have been enacted into law;

provided that the commissioner may take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, promulgating rules.

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