



Legislation Text

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Int. No. 717-A

By Council Members Rosenthal, Richards, Chin, Constantinides, Levine, Palma, Cornegy, Reynoso, Koslowitz, Menchaca, Lander and Miller

A Local Law to amend the administrative code of the city of New York, in relation to civil penalties for idling infractions and enforcement through citizen complaints

Be it enacted by the Council as follows:

Section 1. Section 24-163 of the administrative code of the city of New York, as amended by local law number 38 for the year 2015, is amended to read as follows:

(g) A report shall be submitted to the city council on an annual basis by: (1) the [environmental control board] office of administrative trials and hearings pursuant to section 1049-a of the charter that states the number of notices of violation [issued] for engine idling violations [returnable to the environmental control board] filed with such office, including the total amount of penalties imposed for such notices of violations; [and] (2) the department of finance that states the number of summonses issued for engine idling violations pursuant to subdivision (p) of section 4-08 of title 34 of the rules of the city of New York, including the total amount of penalties imposed for such summonses; (3) the department of environmental protection that states the number of 311 idling complaints, disaggregated by borough and including any other information related to such complaints the department deems relevant; and (4) the department of environmental protection that states the number of complaints received by the department of environmental protection pursuant to subdivision (a) of section 24-182 regarding violations of this section, disaggregated by the following: (i) the number of violations issued by the department pursuant to such complaints and (ii) the number of complaints filed pursuant to subdivision (b) of section 24-182 with the office of administrative trials

and hearings pursuant to section 1049-a of the charter.

§ 2. The row setting the minimum and maximum penalties for violations of 24-163 in the TABLE OF CIVIL PENALTIES following subparagraph (i) of paragraph (3) of subdivision (a) of section 24-178 of the administrative code of the city of New York, as added by local law number 38 for the year 2015, is amended to read as follows:

24-163	[200] <u>350</u>	<u>2000</u>
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§ 3. Section 24-182 of the administrative code of the city of New York, as amended by local law number 38 for the year 2015, is amended to read as follows:

§ 24-182 Citizen's complaint. (a) Any natural person, other than personnel of the department and other employees of the city of New York authorized by law to serve summonses for violations of the code, may serve upon the department a complaint, in a form prescribed by the department, alleging that a person has violated any provision of this code or order or regulation promulgated by the commissioner or the board, except with respect to sections 24-143 and 24-163 of this code, but still applicable to buses as defined in section one hundred four of the vehicle and traffic law and trucks as defined in section one hundred fifty eight of the vehicle and traffic law, together with evidence of such violation. With respect to section 24-142 of this code, only such person who has been certified as a smoke watcher, by passing a course of smoke observation approved by the department within three years prior to the observation, may serve such complaint.

(b) A person who has served a complaint pursuant to subdivision (a) of this section may serve upon the person allegedly in violation, and [upon the board] file with the office of administrative trials and hearings pursuant to section 1049-a of the charter, a notice of violation in a form prescribed by [the board] such office within forty-five days from service of such complaint if[;]:

(1) The department has failed to serve a notice of violation, pursuant to the rules of the environmental control board within the office of administrative trials and hearings, for the violation alleged in a complaint

pursuant to subdivision (a) of this section; or

(2) The department fails to serve a written notice upon the complainant of its determination that his or her complaint is frivolous or duplicitous.

(c) A person commencing a proceeding pursuant to this section shall provide notice to the department at the time of commencement and prosecute such proceeding at his or her own expense. The department may intervene in such a proceeding at any time.

(d) In any proceeding brought by the department after receiving a complaint, pursuant to subdivision (a) of this section, [pertaining to a violation of this code or any regulation or order promulgated by the commissioner or the board, wherein the source of the violation is a manufacturing or industrial facility or a facility for the generation of steam for off-premises sale or electricity or equipment used by any such facility,] the [board] office of administrative trials and hearings pursuant to section 1049-a of the charter shall award the complainant, out of the proceeds collected, [an amount which shall not exceed] twenty-five percent of such proceeds, for disclosure of information or evidence, not in the possession of the department prior to the receipt of the complaint by the department, which leads to the imposition of the civil penalty.

(e) In any proceeding brought by a complainant pursuant to subdivision (a) of this section, [the board] such office shall award, out of the proceeds collected, fifty percent of any civil penalty as fair and reasonable compensation to such person.

(f) On or before January 1, 2019, the department shall publish on the city's website information related to best practices for filing citizen complaints pursuant to this section. Such information shall include but need not be limited to guidance on procedures for filing such complaints and for gathering supporting documentation.

§ 4. This local law takes effect 30 days after it becomes law.

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