



Legislation Text

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Int. No. 389

By Council Member Ulrich

A Local Law to amend the administrative code of the city of New York, in relation to creating a civil penalty for any individual who is convicted of fraud or property related crimes that occur in a mandatory evacuation zone during a mandatory evacuation period

Be it enacted by the Council as follows:

Section 1. The administrative code of the city of New York is amended by adding Section 10-177 to read as follows:

§10-177. Civil penalty for fraud or property related crimes committed in a mandatory evacuation zone during a mandatory evacuation period.

a. Definitions. For the purposes of this section:

Fraud Related Offenses. The term "fraud related offenses" means any of the felonies, misdemeanors, or violations as defined in the following sections of the New York Penal Law: 170.10, 170.15, 190.25, 190.26, 190.60, 190.65, 195.20.

Mandatory Evacuation Period. The term "mandatory evacuation period" means the timeframe during which the occupancy and use of buildings and homes is prohibited for public safety purposes in response to a natural or man-made disaster as determined by the mayor, pursuant to section 24 of the executive law.

Mandatory Evacuation Zone. The term "mandatory evacuation zone" means any area where the occupancy and use of buildings and homes is prohibited for public safety purposes in response to a natural or man-made disaster as determined by the mayor, pursuant to section 24 of the executive law.

Property Related Offenses. The term "property related offenses" means any of the felonies,

misdemeanors, or violations as defined in the following articles or sections of the penal law: 140.10, 140.15, 140.17, 140.20, 140.25, 140.30, 145.00, 145.05, 145.10, 145.12, 145.15, 145.20, 150.01, 150.05, 150.10, 150.15, 150.20; and shall also mean the following sections of the penal law provided that the offense involves real property: 155.25, 155.30, 155.35, 155.40, 155.42.

b. Civil penalties. Any individual convicted of committing any of the offense set forth in subsection a of this section, against a person or property located in a mandatory evacuation zone during a mandatory evacuation period, shall be liable to the city for a civil penalty in the amount of not more than fifty thousand dollars. The corporation counsel, upon notification by an appropriate law enforcement agency that such a conviction has occurred, may commence a civil action under this section. Such civil penalty shall be in addition to any criminal penalty or sanction that may be imposed, and shall not limit or preclude any cause of action available to any person or entity aggrieved by any of the acts applicable to this section

§ 2. This local law takes effect immediately.

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