



Legislation Text

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Int. No. 40

By Council Members Borelli, Yeger, Holden and Carr

A Local Law to amend the administrative code of the city of New York, in relation to removing public urination from the list of offenses diverted to the office of administrative trials and hearings, and to repeal paragraph b of subdivision 9 of section 16-118 of the administrative code of the city of New York, relating to the penalties for public urination

Be it enacted by the Council as follows:

Section 1. Paragraph b of subdivision 4 of section 1049 of the New York city charter, as added by local law number 73 for the year 2016, is amended to read as follows:

(b) For purposes of this section, the term “specified violation” means a violation of: subparagraph (i) of paragraph 9 of subdivision a of section 533; section 10-125 of the administrative code; subdivision 1 of section 16-118 of the administrative code; [subdivision 6 of section 16-118 of the administrative code, with respect to the act of public urination;] section 18-146 of the administrative code, excluding paragraphs 2, 3, 21, 23, and 24 of subdivision c; or subdivision (a) of section 24-218 of the administrative code. Specified violations shall not include violations arising during the course of conducting any commercial activity or violations arising from any activity carried out for a commercial purpose, except that a violation of paragraph 15 of section 18-146 of the administrative code is a specified violation, regardless of whether such violation arose during the course of conducting a commercial activity or from an activity carried out for a commercial purpose.

§ 2. Section 14-101 of the administrative code of the city of New York, as amended by local law number 71 for the year 2016, is amended to read as follows:

§ 14-101 Definitions. As used in this title, the following terms have the following meanings:

Civil enforcement. The term “civil enforcement” means the issuance of a civil summons.

Civil summons. The term “civil summons” means a civil notice of violation.

Commissioner. The term “commissioner” means the commissioner of the department.

Criminal enforcement. The term “criminal enforcement” means the charging of a misdemeanor or violation.

Criminal summons. The term “criminal summons” means an appearance ticket issued by the department pursuant to article 150 of the criminal procedure law that is an accusatory instrument pursuant to article 100 of the criminal procedural law, and returnable to the criminal court.

Department. The term department means the police department of the city of New York.

Desk appearance ticket. The term “desk appearance ticket” means an appearance ticket issued by the department pursuant to article 150 of the criminal procedure law that is not an accusatory instrument pursuant to article 100 of the criminal procedure law.

Specified unlawful act. The term “specified unlawful act” means an act that violates any of the following provisions: subdivision b of section 10-125 of the code, subdivision 1 of section 16-118 of the code, [subdivision 6 of section 16-118 of the code with respect to the act of public urination,] subdivision a of section 24-218 of the code, section 18-146 of the code, section 18-147 of the code, and rules and regulations of the department of parks and recreation described in paragraph 9 of subdivision a of section 533 of the charter.

§ 3. Paragraph b of subdivision 9 of section 16-118 of the administrative code of the city of New York is REPEALED and a new paragraph b is added to read as follows:

b. Reserved.

§ 4. This local law takes effect 90 days after it becomes law.

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