



Legislation Text

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Int. No. 128

By Council Members McMahon, Weprin, Fidler and Oddo; also Council Members Addabbo and Quinn

A Local Law to amend the administrative code of the city of New York, in relation to increasing the fines and penalties for unlawful posting.

Be it enacted by the Council as follows:

Section 1. Section 10-121 of the administrative code of the city of New York is amended to read as follows:

a. For the purposes of imposing a criminal fine or civil penalty pursuant to this section, every handbill, poster, notice, sign or advertisement pasted, posted, painted, printed or nailed in violation of section 10-119 of the code or torn down, defaced or destroyed in violation of section 10-120 of the code, shall be deemed to be the subject of a separate violation for which a separate criminal fine or civil penalty shall be imposed.

[a]b. 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] one hundred dollars nor more than [one hundred] two hundred twenty-five dollars, for the first offense and not less than one hundred dollars nor more than [two hundred fifty] five hundred dollars for the second offense and each subsequent offense, plus the cost of the removal of the unauthorized signs, imprisonment for not more than ten days, or both; provided, however, that subdivision b of section 10-119 of the code shall not apply with respect to criminal prosecutions brought pursuant to this subdivision.

[b]c. In the instance where the notice of violation, appearance ticket or summons is issued for breach of the provisions of section 10-119 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] one hundred dollars nor more than [one hundred] two hundred twenty-five dollars for the

first offense and not less than one hundred dollars nor more than [two hundred fifty] five hundred dollars for the second and each subsequent offense.

[c]d. In the event that a violator fails to answer such notice of violation, appearance ticket or summons within the time provided therefore 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 dollars for each violation.

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

[e]f. Liability and responsibility for any civil penalty imposed pursuant to this section for any violation of section

10-119 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.

§2. This local law shall take effect immediately.