



Legislation Text

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Int. No. 541

By Council Members Brewer, Avella, Comrie, Fidler, Gentile, Gerson, Gioia, Jackson, McMahon, Nelson, Provenzano, Quinn, Seabrook, Weprin, Moskowitz and Felder

A Local Law to amend the administrative code of the city of New York, in relation the improper placement of stickers.

Be it enacted by the Council as follows:

Section 1. Section 10-117 of the administrative code of the city of New York, as amended by local law number 68 for the year 1995, is hereby amended by amending paragraph a and adding new paragraphs i, j and k to read as follows:

§10-117 Defacement of property, possession, sale and distribution of aerosol spray paint cans and broad tipped markers prohibited in certain instances. a. No person shall write, paint, or draw any inscription, figure or mark or affix, attach or place by whatever means a sticker or decal of any type on any public or private building or other structure or any other real or personal property owned, operated or maintained by a public benefit corporation, the city of New York or any agency or instrumentality thereof or by any person, firm, or corporation, or any personal property maintained on a city street or other city-owned property pursuant to a franchise, concession or revocable consent granted by the city, unless the express permission of the owner or operator of the property has been obtained.

i. There shall be a rebuttable presumption that the person whose name, telephone number, or other identifying information appears on any sticker or decal affixed, attached or placed in violation of subdivision a of this section violated this section by either (i) affixing, attaching or placing by whatever means such sticker or decal or (ii) directing, suffering or permitting a servant,

agent, employee or other individual under such persons control to engage in such activity.

j. There shall be a rebuttable presumption that if a telephone number that appears on any sticker or decal placed in violation of subdivision a of this section belongs to a telephone answering service and no other telephone number or address is readily obtainable to locate the person or business advertised therein, such telephone answering service shall be held liable for a violation of subdivision a in accordance with the provisions of this section.

k. The commissioner of the department of sanitation shall be authorized to issue subpoenas to obtain official telephone records for the purpose of determining the identity and location of any person or entity reasonably believed by the commissioner to have violated subdivision a of this section by affixing, attaching or placing by whatever means a sticker or decal .

§2. This law shall take effect immediately upon its enactment into law.

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