



Legislation Text

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Proposed Int. No. 585-A

By Council Members Gennaro, Avella, Brewer, Comrie, Gerson, Koppell, Quinn, Sanders, Sears, Weprin, Yassky, Felder, Nelson, DeBlasio and Lopez

A Local Law to amend the administrative code of the city of New York, in relation to increasing the penalties for violations of the community right-to-know law.

e it enacted by the Council as follows:

Section 1. Section 24-713 of the administrative code of the city of New York is amended to read as follows:

§ 24-713 Violations. (a) Any person who knowingly or recklessly makes any false statement, representation or certification on a facility inventory form, risk management plan, or any other document filed with the department, or on any label required, pursuant to this chapter, shall, upon conviction, be subject to a fine of not more than [one] two thousand dollars, or imprisonment of up to one year, or both. In addition to its application to any other person, the penalty provided for in this subdivision shall be deemed a special fine for a corporation within the meaning of section 80.10 of the penal law of the state of New York.

(b) Any person who violates the requirements of sections 24-706, 24-711 or 24-718 of this chapter shall be liable for a civil penalty, as follows: (1) for a first violation, in an amount of not less than [two hundred fifty] five hundred nor more than [two thousand five hundred] five thousand dollars; (2) for a second violation, in an amount of not less than [one thousand seven hundred fifty] three thousand five hundred nor more than [five] ten thousand dollars; and (3) for each subsequent violation, in an amount of not less than [three thousand seven hundred fifty] seven thousand five hundred nor more than [ten] twenty thousand dollars. For purposes of this section, the second and any subsequent violation shall only occur after notice of the first violation has been properly served and an opportunity to cure said violation has been provided to the violator, provided that such

opportunity to cure shall not exceed thirty days. For purposes of this section, a second or subsequent violation shall occur where a person violates section 24-706, 24-711 or 24-718 of this chapter within five years of having been found to have violated this chapter. Such penalties may be recovered in a civil action brought in the name of the commissioner or in a proceeding before the environmental control board. In determining the civil penalty, the hearing officer or judge shall consider any evidence presented by the defendant showing a good faith effort to comply with relevant requirements of this chapter, the nature and seriousness of the defendant's violation of the chapter, whether the violation was voluntarily disclosed, previous violations, if any, of this chapter and any other evidence found to be relevant.

(c) Any person who without justification refuses to allow an inspection of a facility pursuant to section 24-712 of this chapter shall be subject to a civil penalty, returnable before the environmental control board or in civil court in the name of the commissioner, in an amount not to exceed [ten] twenty thousand dollars.

§ 2. This local law shall take effect sixty days after its enactment.

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