



Legislation Text

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Int. No. 90-A

By Council Members Reed, Baez, Comrie, DeBlasio, Diaz, Koppell, McMahon, Martinez, Monserrate, Nelson, Quinn, Reyna, Rivera, Sears, Liu, Gerson and Lopez

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to establishing minimum fines for the violation of or nonconformance with provisions of the health code or any other applicable law, rule or regulation pertaining to the eradication of rodents, the elimination of rodent harborages or other rodent related nuisances.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 17-133 of chapter one of title 17 of the administrative code of the city of New York is hereby REPEALED.

§ 2. Subdivision b of section 17-133 of chapter one of title 17 of the administrative code of the city of New York is amended to read as follows:

[b.] Every person, corporation, or body[,] that shall violate or not conform to any provisions of the health code of the city of New York, or any rule or sanitary regulation duly made, shall be liable to pay a penalty not exceeding [fifty dollars nor less than twenty dollars for each offense, which may be sued for and recovered by and in the name of the department, with costs, before any justice or tribunal in the city having jurisdiction over similar actions.] the maximum amount allowed by the health code of the city of New York, or any other applicable law, rule or regulation. The judge [or], justice, administrative law judge or hearing examiner who presided at a trial or hearing where such penalty is [claimed, on such trial, in writing,] determined and assessed shall fix, in writing, the amount of the penalty to be recovered, and shall direct that such amount [to be, and it shall] be included in the judgment or decision.

§ 3. Chapter one of title 17 of the administrative code of the city of New York is amended by adding a new section 17-133.1, to read as follows:

§ 17-133.1 Failure to abate rodents; penalties. Every person, corporation, or body that shall violate or not conform to any provisions of the health code of the city of New York or any applicable law, rule or regulation pertaining to the eradication of rodents, the elimination of rodent harborages or other rodent related nuisances shall be liable to pay a civil penalty of not less than three hundred dollars for the first violation. The penalty for each subsequent violation of the same provision of law, rule or regulation, at the same premises and under the same ownership or control, within a two-year period, shall be double the amount of the previous violation; provided, however, that such penalty shall not exceed the maximum allowable penalty set forth in section 17-133 of this code. Such penalties may be sued for and recovered by and in the name of the department, with costs, before any judge, justice, administrative law judge or hearing examiner in the city having jurisdiction of such or similar actions. The judge, justice, administrative law judge or hearing examiner who presided at a trial or hearing where such penalty is determined and assessed shall fix, in writing, the amount of the penalty to be recovered, and shall direct that such amount be included in the judgment or decision.

§ 4. This local law shall take effect immediately.

JM
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