



Legislation Text

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Int. No. 684-A

By Council Members Gerson, Fidler, James, Koppell, Nelson, Sanders Jr., Liu, Brewer, Arroyo, White Jr., Garodnick, Eugene, Gennaro and Weprin

A Local Law to amend the administrative code of the city of New York, in relation to the use of ultra low sulfur diesel fuel in diesel-powered generators used in the production of films, television programs and advertisements, and at street fairs in New York City.

Be it enacted by the Council as follows:

Section 1. Title 24 of the administrative code of the city of New York is amended by adding a new section 24-163.8 to read as follows:

§24-163.8 Use of ultra low sulfur diesel fuel in diesel-powered generators used in the production of films, television programs and advertisements, and at street fairs. a. Definitions. When used in this chapter:

(1) “Alternative fuel” means a fuel, other than gasoline or standard diesel fuel, which may be used to power a generator subject to the provisions of this section so long as the respective quantities of each pollutant emitted by such generator when operated using such fuel do not exceed the respective quantities of each pollutant emitted when such generator is operated using ultra low sulfur diesel fuel.

(2) “City agency” means a city, county, borough, administration, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury.

(3) “Generator” means a machine or device that combusts fossil fuel to create electricity.

(4) “Person” means any natural person, partnership, firm, company, association, joint stock association, corporation or other legal entity.

(5) “Ultra low sulfur diesel fuel” means diesel fuel that has a sulfur content of

no more than fifteen parts per million.

b. (1) Any diesel-powered generator that is used to provide electrical power for equipment used in the production of any film, television program or advertisement, or for a street fair, where such production or street fair requires a permit from a city agency, shall be powered by ultra low sulfur diesel fuel.

(2) The mayor's office of film, theatre, and broadcasting shall issue to all film, television and advertising production companies that apply for a filming permit a notice that recites the provisions of this section and states that any diesel-powered generator that is utilized in a film, television or advertising production must use ultra low sulfur diesel fuel or an alternative fuel.

(3) The street activity permit office shall issue to all applicants for a street activity permit for a street fair a notice that recites the provisions of this section and states that any diesel-powered generator that is utilized for a street fair must use ultra low sulfur diesel fuel or an alternative fuel.

c. Any person who violates any provision of this section or has been found to have made a false claim to a city agency with respect to the provisions of this section shall be liable for a civil penalty in the amount of five hundred dollars for each false claim to a city agency and five hundred dollars for each day in which they are otherwise in violation of such provision.

§2. If any section, subdivision, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction such portion shall be deemed severable, and such unconstitutionality or invalidity shall not effect the validity of the remaining portions of this law, which remaining portions shall continue in full force and effect.

§3. This local law shall take effect ninety days after enactment, except that the commissioner of environmental protection shall take all actions necessary, including the promulgation of rules, to implement this local law prior to such effective date.

2/18/09
6:30pm