



Legislation Text

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Int. No. 455

By Council Members Ung, Restler, Brewer and Gennaro

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting smoking on sidewalks immediately adjoining parks, imposing civil penalties for violating such prohibition, and increasing civil penalties for smoking in parks

Be it enacted by the Council as follows:

Section 1. Paragraph 3 of subdivision d of section 17-503 of the administrative code of the city of New York, as amended by local law number 152 for the year 2013, is amended to read as follows:

3. Any park or other property under the jurisdiction of the department of parks and recreation, and any sidewalk immediately adjoining such park; provided, however, that this paragraph shall not apply to: (a) the sidewalks immediately adjoining [parks, squares and] public places that are not parks; (b) any pedestrian route through any park strip, median or mall that is adjacent to vehicular traffic; (c) parking lots; and (d) theatrical productions.

§ 2. Paragraph 3 of subdivision e of section 17-508 of the administrative code of the city of New York, as amended by local law number 147 for the year 2017 and redesignated by local law number 80 for the year 2021, is amended to read as follows:

3. Every person who violates subdivision d of this section [shall be] is liable for a civil penalty of [one hundred dollars] \$100 for each violation, except that every person who violates subdivision d of this section by smoking[,] or using an electronic cigarette[,] in a pedestrian plaza as prohibited by paragraph [seven] 7 of subdivision c of section 17-503 [or] is liable for a civil penalty of \$50 for each violation, and every person who violates subdivision d of this section by smoking or using an electronic cigarette in a park or on other property

under the jurisdiction of the department of parks and recreation, or on any sidewalk immediately adjoining such park, as prohibited by paragraph [three] 3 of subdivision d of section 17-503 [shall be] is liable for a civil penalty of [fifty dollars] \$50 for [each] a first violation and \$200 for each subsequent violation committed within a period of 12 months. Every owner of a class A multiple dwelling who violates subdivision d-1 of this section, and every tenant-shareholder, condominium unit owner and tenant who violates subdivision d-2 of this section, [shall be] is liable for a civil penalty of [one hundred dollars] \$100 for each violation, provided that a violation of paragraph [two] 2, [three] 3 or [four] 4 of subdivision d-1 [shall be] is considered a single violation regardless of whether such owner failed to disclose a smoking policy, to provide notification of adoption of such policy or a material change to such policy, or to make available copies of such policy to more than one person.

§ 3. This local law takes effect immediately.

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