



Legislation Text

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Int. No. 1090

By Council Members Crowley, James, DeBlasio, the Speaker (Council Member Quinn), Vellone Jr., Gentile, Stewart and Gerson

A Local Law to amend the administrative code of the city of New York, in relation to notices of violation issued by the department of sanitation for illegal postings.

Be it enacted by the Council as follows:

Section 1. Section 16-133 of the administrative code of the city of New York is amended by adding a new subdivision (f) to read as follows:

f. Service of a notice of violation returnable to the environmental control board or any court of competent jurisdiction for any provision of the New York city charter or the administrative code, the enforcement of which is under the jurisdiction of the commissioner, shall be made upon any person or entity deemed to be in violation of any such provision within five days after an authorized employee or agent of the department observes such violation, using the methods of service as pursuant to the rules of the department.

§2. Section 10-121 of the administrative code of the city of New York is amended by adding new subdivisions (h) and (i) to read as follows:

h. No business entity or not for profit organization, as defined in section 6-109 of the code, that (1) employs one hundred or fewer persons, (2) is not part of a group of five or more establishments that conduct business under the same business name and (3) does not operate under common ownership or management or pursuant to a franchise agreement with the same franchisor shall be liable for a subsequent notice of violation of section 10-119 of the code for the same underlying violation until five days after service of the first notice of violation for such underlying violation is made, provided that, during a hearing before the environmental

control board or court of competent jurisdiction, it is determined that such business entity or not for profit organization has not previously been found to have violated section 10-119 of the code prior to the date of the initial underlying violation.

i. If a not for profit organization as defined in section 6-109 of the code or a business entity has been charged with multiple violations of section 10-119 of the code in five consecutive days and such not for profit organization or business entity (1) employs one hundred or fewer persons, (2) is not part of a group of five or more establishments that conduct business under the same business name and (3) does not operate under common ownership or management or pursuant to a franchise agreement with the same franchisor, the multiple violations charged to the business entity shall be deemed to be one single violation for which one criminal fine or one civil penalty shall be imposed, if, during a hearing before the environmental control board or court of competent jurisdiction, it is determined that such not for profit organization or business entity has not previously been found to have violated section 10-119 of the code prior to the first date of the charged multiple violations.

§3. This local law shall take effect ninety days after its enactment into law.

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