



Legislation Details (With Text)

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**Attachments:** 1. Summary of Int. No. 1091, 2. February 24, 2016 - Stated Meeting Agenda with Links to Files, 3. Committee Report 2/27/17, 4. Hearing Testimony 2/27/17, 5. Hearing Transcript 2/27/17

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| 2/24/2016  | *    | City Council                         | Referred to Comm by Council |        |
| 2/27/2017  | *    | Committee on Governmental Operations | Hearing Held by Committee   |        |
| 2/27/2017  | *    | Committee on Governmental Operations | Laid Over by Committee      |        |
| 12/31/2017 | *    | City Council                         | Filed (End of Session)      |        |

Int. No. 1091

By Council Members Kallos, Palma, Rose, Constantinides, Torres, Cabrera and the Public Advocate (Ms. James)

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to amending references to the tribunal functions of the environmental control board to include reference to a consolidated administrative tribunal of the office of administrative trials and hearings

Be it enacted by the Council as follows:

Section 1. Subparagraph (i) of paragraph 9 of subdivision a of section 533 of the New York city charter, as amended by chapter 167 of the 2010 laws of New York state, is amended to read as follows:

(i) Any violation of such rules or regulations, except any violation of subparagraph (ii) of this paragraph, shall be a misdemeanor triable by a judge of the criminal court of the city of New York and

punishable by not more than ninety days imprisonment or by a fine of not more than one thousand dollars or by both. Any violation of such rules or regulations shall also subject the violator to a civil penalty of not more than ten thousand dollars for each violation which may be recovered in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings. Such proceeding shall be commenced by the service of a notice of violation returnable to the environmental control board or an authorized tribunal of the office of administrative trials and hearings.

§ 2. Subparagraph (ii) of paragraph 9 of subdivision a of section 533 of the New York city charter, as amended by chapter 167 of the 2010 laws of New York state, is amended to read as follows:

(ii) Any violation of a rule or regulation concerning the unlawful cutting, removal or destruction of any tree shall be a misdemeanor triable by a judge of the criminal court of the city of New York and punishable by not more than one year imprisonment or by a fine of not more than fifteen thousand dollars or by both. Any violation of a rule or regulation concerning the unlawful cutting, removal or destruction of any tree shall also subject the violator to a civil penalty of not more than ten thousand dollars for each violation which may be recovered in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings. Such proceeding shall be commenced by the service of a notice of violation returnable to the environmental control board or an authorized tribunal of the office of administrative trials and hearings. The environmental control board or an authorized tribunal of the office of administrative trials and hearings shall have the power to impose the civil penalties prescribed herein;

§ 3. Paragraph 9-a of subdivision a of section 533 of the New York city charter, as amended by local law 35 for the year 2008, is amended to read as follows:

9-a. by agreement with the battery park city authority (a public benefit corporation established pursuant to title twelve of article eight of the public authorities law), to enforce the rules and regulations of such authority or of a not-for-profit corporation acting on behalf of such authority, relating to the use, government and protection of public parks and recreational facilities of and adjacent to battery park city within the

jurisdiction of such authority. In addition to or as an alternative to any of the remedies or penalties provided under any other provision of law, violation of such rules and regulations shall be punishable by a civil penalty of not more than five hundred dollars for each violation, which may be recovered in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings. Such proceeding shall be commenced by a notice of violation returnable before such board or tribunal. The procedures set forth in section one thousand forty-nine-a of this charter applicable to the adjudication by the environmental control board or an authorized tribunal of the office of administrative trials and hearings of violations within the jurisdiction of the commissioner shall apply to the adjudication of violations of such rules and regulations by such board or tribunal and final orders of such board or tribunal imposing civil penalties for such violations shall constitute judgments that may be entered and enforced as set forth in such section.

§ 4. Paragraph 9-b of subdivision a of section 533 of the New York city charter, as amended by local law 35 for the year 2008, is amended to read as follows:

9-b. by agreement with the Hudson river park trust (a public benefit corporation established pursuant to section five of the Hudson river park act, chapter five hundred ninety-two of the laws of nineteen hundred ninety-eight), to enforce the rules and regulations of such trust relating to the use, government and protection of the Hudson river park, created pursuant to section four of such act. In addition to or as an alternative to any of the remedies or penalties provided under any other provision of law, violation of such rules and regulations shall be punishable by a civil penalty of not more than five hundred dollars for each violation, which may be recovered in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings. Such proceeding shall be commenced by a notice of violation returnable before such board or tribunal. The procedures set forth in section one thousand forty-nine-a of this charter applicable to the adjudication by the environmental control board or an authorized tribunal of the office of administrative trials and hearings of violations within the jurisdiction of the commissioner shall apply to the adjudication of violations of such rules and regulations by such board or tribunal and final orders of such board

or tribunal imposing civil penalties for such violations shall constitute judgments that may be entered and enforced as set forth in such section.

§ 5. Paragraph 9-c of subdivision a of section 533 of the New York city charter, as added by chapter 167 of the 2010 laws of New York state, is amended to read as follows:

9-c. by agreement with the Brooklyn bridge park corporation (a not-for-profit corporation formed pursuant to section four hundred two of the not-for-profit corporation law), to enforce the rules and regulations of such corporation, relating to the use, government and protection of public parks and recreational facilities within the jurisdiction of such corporation. In addition to or as an alternative to any of the remedies or penalties provided under any other provision of law, violation of such rules and regulations shall be punishable by a civil penalty of not more than five hundred dollars for each violation, which may be recovered in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings. Such proceeding shall be commenced by a notice of violation returnable before such board or tribunal. The procedures set forth in section one thousand forty-nine-a of this charter applicable to the adjudication by the environmental control board or an authorized tribunal of the office of administrative trials and hearings of violations within the jurisdiction of the commissioner shall apply to the adjudication of violations of such rules and regulations by such board or tribunal and final orders of such board or tribunal imposing civil penalties for such violations shall constitute judgments that may be entered and enforced as set forth in such section.

§ 6. Subdivisions b-1, c and d of section 1049-a of the New York city charter, as amended and renumbered by local law 35 for the year 2008, are amended to read as follows:

b-1. [The environmental control board] An authorized tribunal of the office of administrative trials and hearings shall promulgate rules or regulations not inconsistent with any provision of law:

(1) providing that appropriate language assistance services are afforded respondents whose primary languages are not English to assist such respondents in communicating meaningfully with hearing officers;

(2)(a) providing that if a notice of violation sets forth a specific hearing date and hearing office and the

respondent timely appears on such date at such office pursuant to that notice of violation, then the hearing officer may exercise his or her discretion to adjourn the hearing only: (i) if a representative of the petitioning agency appears at the hearing; (ii) if, due to extraordinary circumstances, a representative of the petitioning agency is not present at the hearing; or (iii) if the respondent consents to the adjournment;

(b) notwithstanding any other provision of this charter, for the purpose of making an appearance under this paragraph, any city agency that issues notices of violations returnable to the environmental control board or an authorized tribunal of the office of administrative trials and hearings may delegate authority to appear on its behalf to any representative authorized to appear on behalf of any other city agency that issues notices of violation returnable to the environmental control board or an authorized tribunal of the office of administrative trials and hearings; and

(3) providing that if (i) a hearing has been adjourned by a hearing officer solely for the purpose of obtaining the presence and testimony of the officer of the petitioning agency who issued the subject notice of violation, (ii) the respondent timely appears on the adjourned hearing date, and (iii) such officer of such agency fails to timely appear on the adjourned hearing date, then the hearing shall not be further adjourned solely to obtain the presence and testimony of such officer of such agency, unless the respondent consents to the adjournment or the hearing officer determines that extraordinary circumstances warrant the adjournment.

c. (1) The environmental control board or an authorized tribunal of the office of administrative trials and hearings shall enforce the provisions of the charter and the administrative code, and any rules and regulations made thereunder, which relate to:

- (a) the cleanliness of the streets;
- (b) the disposal of wastes;
- (c) the provision of a pure, wholesome and adequate supply of water;
- (d) the prevention of air, water and noise pollution;
- (e) the regulation of street peddling;

(f) the prevention of fire and danger to life and property therefrom which are within the jurisdiction of the fire department and which the fire commissioner shall designate by rule or regulation;

(g) the construction, alteration, maintenance, use, occupancy, safety, sanitary condition, mechanical equipment and inspection of buildings or structures and the regulation, inspection and testing of wiring and appliances for electric light, heat and power in or on buildings or structures in the city which are within the jurisdiction of the department of buildings or the department of small business services and which the commissioner of buildings or the commissioner of small business services shall designate by rule or regulation;

(h) the response to emergencies caused by releases or threatened releases of hazardous substances;

(i) the use and regulation of all property subject to the jurisdiction of the department of parks and recreation;

(j) the reporting of information relating to the amount, location and nature of hazardous substances, and the labeling of hazardous substances;

(k) the construction, maintenance and repair and obstruction or closure of public roads, streets, highways, parkways, bridges and tunnels which are within the jurisdiction of the department of transportation and the department of information technology and telecommunications;

(l) the use and regulation of all property subject to the jurisdiction of the department of small business services;

(m) the defacement of property; and

(n) landmarks and historic districts within the jurisdiction of the landmarks preservation commission.

(2) The board or an authorized tribunal of the office of administrative trials and hearings shall have concurrent jurisdiction with the board of health to enforce those provisions of the health code and the rules and regulations relating thereto which the board of health shall designate.

(3) [The board] An authorized tribunal of the office of administrative trials and hearings shall have authority from time to time to make, amend and rescind such rules and regulations as may be necessary to carry

out [its] the duties of the board or tribunal under this subdivision.

d. (1) (a) The environmental control board or an authorized tribunal of the office of administrative trials and hearings shall conduct proceedings for the adjudication of violations of the laws, rules and regulations enforced by it pursuant to the provisions of subdivision c of this section or of any other law providing for enforcement by the environmental control board or an authorized tribunal of the office of administrative trials and hearings in accordance with this paragraph (1) and with rules and regulations promulgated by [the board] an authorized tribunal of the office of administrative trials and hearings, and shall have the power to render decisions and orders and to impose the civil penalties provided under law for such violations.

(b) The form and wording of notices of violation shall be prescribed by [the board] an authorized tribunal of the office of administrative trials and hearings. The notice of violation or copy thereof when filled in and served shall constitute notice of the violation charged, and, if sworn to or affirmed, shall be prima facie evidence of the facts contained therein.

(c) The notice of violation shall contain information advising the person charged of the manner and the time in which such person may either admit or deny the violation charged in the notice. Such notice of violation shall also contain a warning to advise the person charged that failure to plead in the manner and time stated in the notice may result in a default decision and order being entered against such person. The original or a copy of the notice of violation shall be filed and retained by the board or an authorized tribunal of the office of administrative trials and hearings and shall be deemed a record kept in the ordinary course of business.

(d) Where a respondent has failed to plead within the time allowed by the rules of [the board] an authorized tribunal of the office of administrative trials and hearings or has failed to appear on a designated hearing date or a subsequent date following an adjournment, such failure to plead or appear shall be deemed, for all purposes, to be an admission of liability and shall be grounds for rendering a default decision and order imposing a penalty in the maximum amount prescribed under law for the violation charged.

(e) Where a proceeding has been referred by the board or an authorized tribunal of the office of

administrative trials and hearings to a hearing officer, upon the failure of any party to respond properly to a lawful discovery order or request made pursuant to rules of [the board] an authorized tribunal of the office of administrative trials and hearings governing discovery, or upon any party's wrongful refusal to answer questions or produce documents, the hearing officer may take whatever action he or she deems appropriate including, but not limited to, preclusion of evidence or witnesses, or striking the pleadings or defenses of such party. It shall not be necessary for a party to have been subpoenaed to appear or produce documents at any properly ordered discovery proceeding for such sanctions to be applicable.

(f) Where the rules of [the board] an authorized tribunal of the office of administrative trials and hearings permit exceptions to be filed with the board or tribunal from a recommended decision and order issued pursuant to this subdivision and such exceptions are filed pursuant to the rules of [the board] an authorized tribunal of the office of administrative trials and hearings, if no final decision and order has been issued by the board or tribunal to the parties after the expiration of one hundred eighty days from the filing of the exceptions, a respondent who filed such exceptions may seek, at any time after the expiration of the one hundred eighty days, judicial review pursuant to article seventy-eight of the New York civil practice law and rules, and if a respondent does so, the recommended decision and order issued pursuant to this subdivision shall be deemed the final decision and order of the board or tribunal, provided that no respondent may rely upon this subparagraph to have a recommended decision and order deemed a final decision and order of the board or tribunal unless: (i) at least forty-five days before the filing of any petition pursuant to article seventy-eight of the New York civil practice law and rules, such respondent shall have filed with the board or tribunal written notice, pursuant to [its] the rules of such tribunal, of the respondent's intention to file such petition; and (ii) such respondent has served such petition on the board or tribunal pursuant to the New York civil practice law and rules. The board or tribunal may issue a final decision and order at any time after the respondent has filed with the board or tribunal written notice of his or her intention to file such petition, provided that the respondent has not filed such petition on a day prior to the [board's] issuance of [its] a final decision by the board or tribunal.

(g) Any final order of the board or an authorized tribunal of the office of administrative trials and hearings imposing a civil penalty, whether the adjudication was had by hearing or upon default or otherwise, shall constitute a judgment rendered by the board or tribunal which may be entered in the civil court of the city of New York or any other place provided for the entry of civil judgments within the state, and may be enforced without court proceedings in the same manner as the enforcement of money judgments entered in civil actions; provided, however, that no such judgment shall be entered which exceeds the sum of twenty-five thousand dollars for each respondent.

(h) Notwithstanding the foregoing provision, before a judgment based upon a default may be so entered the board or an authorized tribunal of the office of administrative trials and hearings must have notified the respondent by first class mail in such form as the board or tribunal may direct: (i) of the default decision and order and the penalty imposed; (ii) that a judgment will be entered in the civil court of the city of New York or any other place provided for the entry of civil judgments within the state of New York; and (iii) that entry of such judgment may be avoided by requesting a stay of default for good cause shown and either requesting a hearing or entering a plea pursuant to the rules of [the board] an authorized tribunal of the office of administrative trials and hearings within thirty days of the mailing of such notice.

(i) A judgment entered pursuant to this paragraph shall remain in full force and effect for eight years.

(j) The board or an authorized tribunal of the office of administrative trials and hearings shall develop and implement technology to enable electronic case management, including but not limited to: online adjudication and payments in appropriate cases; more efficient administration of case conferences, hearings and appeals; electronic case scheduling; and generation of data and other reports to enhance the efficiency and increase public accountability of board or tribunal adjudication functions. Not later than December 1, 2008, the board or tribunal shall report to the city council on its plans and progress in fulfilling the requirements of this subparagraph and shall include in its report a projected schedule for implementation.

(2) (a) The environmental control board or an authorized tribunal of the office of administrative trials

and hearings shall not enter any final decision or order pursuant to the provisions of paragraph one of this subdivision unless the notice of violation shall have been served in the same manner as is prescribed for service of process by article three of the civil practice law and rules or article three of the business corporation law, except that:

(i) service of a notice of violation of any provisions of the charter or administrative code the enforcement of which is the responsibility of the fire commissioner, the commissioner of buildings, the commissioner of environmental protection, the commissioner of transportation, the commissioner of small business services, the landmarks preservation commission or the commissioner of the department of information technology and telecommunications and over which the environmental control board or an authorized tribunal of the office of administrative trials and hearings has jurisdiction, may be made by delivering such notice to a person employed by the respondent on or in connection with the premises where the violation occurred, provided however, that the department of buildings and the fire department may not utilize the procedures set forth in this item to serve a notice of violation relating to commercial premises or residential premises with a legal occupancy of four or more dwelling units; and

(ii) service of a notice of violation of any provision of the charter or administrative code, the enforcement of which is the responsibility of the commissioner of sanitation, the commissioner of buildings or the commissioner of the fire department and over which the environmental control board or an authorized tribunal of the office of administrative trials and hearings has jurisdiction, may be made by affixing such notice in a conspicuous place to the premises where the violation occurred; and

(iii) service of a notice of violation of any provision of the administrative code relating to the prevention of noise pollution caused by an audible motor vehicle burglar alarm and over which the environmental control board or an authorized tribunal of the office of administrative trials and hearings has jurisdiction may be served upon the owner of a motor vehicle by affixing such notice to said vehicle in a conspicuous place; and

(iv) service of a notice of violation of any of the provisions of section 10-119 or 10-120 of the

administrative code of the city of New York and over which the environmental control board or an authorized tribunal of the office of administrative trials and hearings has jurisdiction, may be made by certified mail, return receipt requested, to the respondent's last known residence or business address, provided that delivery of such notice shall be restricted to the respondent. Service by certified mail shall be deemed complete upon mailing of the notice of violation unless the notice of violation is returned to the sender by the United States postal service for any reason other than refusal of delivery.

(b) Such notice may only be affixed or delivered pursuant to items (i) and (ii) of subparagraph (a) of this paragraph where a reasonable attempt has been made to deliver such notice to a person in such premises upon whom service may be made as provided for by article three of the civil practice law and rules or article three of the business corporation law. When a copy of such notice has been affixed or delivered, pursuant to items (i) and (ii) of subparagraph (a) of this paragraph, a copy shall be mailed to the respondent at the address of such premises. In addition to the foregoing mailing, if the respondent is neither the owner nor the managing agent nor the occupying tenant of such premises, then a copy of the notice shall also be mailed to the respondent at such respondent's last known residence or business address, and, if the respondent is the owner or agent of the building with respect to which such notice was issued and the identity of and an address for such person is contained in any of the files specified in items (i), (ii) and (iii) of this subparagraph, a copy of the notice shall also be mailed:

(i) to the person registered with the department of housing preservation and development as the owner or agent of the premises, at the address filed with such department in compliance with article two of subchapter four of chapter two of title twenty-seven of the administrative code; or

(ii) to the person designated as owner or agent of the building or designated to receive real property tax or water bills for the building at the address for such person contained in one of the files compiled by the department of finance for the purpose of the assessment or collection of real property taxes and water charges or in the file compiled by the department of finance from real property transfer forms filed with the city register

upon the sale or transfer of real property; or

(iii) to the person described as owner or agent of the premises, at the address for such person contained in the files of the agency which issued such notice of violation compiled and maintained for the purpose of the enforcement of the provisions of the charter or administrative code or other law over which such agency has jurisdiction.

(c) Proof of such service made pursuant to item (i) or (ii) of subparagraph (a) of this paragraph and subparagraph (b) of this paragraph shall be filed with the environmental control board or an authorized tribunal of the office of administrative trials and hearings within twenty days; service shall be complete ten days after such filing.

(3) The environmental control board or an authorized tribunal of the office of administrative trials and hearings may apply to a court of competent jurisdiction for enforcement of any other decision or order issued by such board or tribunal or of any subpoena issued by such board or tribunal.

§ 7. Subdivision a of section 1060 of the New York city charter, as added by general election, November 7, 1989, is amended to read as follows:

a. Except as otherwise provided pursuant to subdivision b of this section, the public may attend all sessions, hearings or meetings of the following agencies whenever items on the calendar of such agency are to be considered and acted upon in a preliminary or final manner; art commission, conciliation and appeals board, environmental control board or an authorized tribunal of the office of administrative trials and hearings, board of health, landmarks preservation commission, city planning commission, board of standards and appeals, tax commission, youth board, and the council and its committees.

§ 8. Subparagraph (iii) paragraph (1) of subdivision d of section 3-121 of the administrative code of the city of New York, as added by local law 55 for the year 2011, is amended to read as follows:

(iii) the total amount of civil penalties imposed for such notices of violation by the environmental control board or an authorized tribunal of the office of administrative trials and hearings;

§ 9. Paragraph 2 of subdivision j of section 10-108 of the administrative code of the city of New York, as amended by local law 13 for the year 1996, is amended to read as follows:

2. Any person who shall violate any provision of this section, any rule promulgated pursuant thereto or the terms of a permit issued pursuant to subdivision f of this section, shall be liable for a civil penalty recoverable in a civil action brought in the name of the police commissioner or the commissioner of environmental protection or in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings in an amount of two hundred fifty dollars for the first violation, five hundred dollars for the second violation and seven hundred fifty dollars for the third and each subsequent violation. However, any person who commits a fourth and any subsequent violation within a period of six months shall be classified as a persistent violator and shall be liable for a civil penalty of one thousand dollars for each such violation.

§ 10. Subdivision g of section 10-117 of the administrative code of the city of New York, as amended by local law 5 for the year 2004, is amended to read as follows:

g. In addition to the criminal penalties imposed pursuant to subdivision f of this section, a person who violates the provisions of subdivision a, b, c or d of this section shall be liable for a civil penalty of not more than five hundred dollars for each violation which may be recovered in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings. Any person who has been previously convicted of violating the provisions of subdivision a, b, c or d of this section shall be liable for a civil penalty of not more than one thousand dollars for each violation which may be recovered in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings. Such proceeding shall be commenced by the service of a notice of violation returnable before such board or tribunal. Anyone found to have violated the provisions of subdivision a of this section, by affixing, attaching or placing by whatever means a sticker or decal, in addition to any penalty imposed, shall be responsible for the cost of the removal of the unauthorized stickers or decals.

§ 11. Subparagraph i of paragraph 4 of subdivision h of section 10-117.3 of the administrative code of the city of New York, as added by local law 65 for the year 2009, is amended to read as follows:

i. Penalty for failure to remove graffiti from commercial and residential buildings. The owner of a commercial or residential building who has been given written notice pursuant to subdivision h of this section and who fails to remove or conceal such graffiti within sixty days of receipt of such notice or to consent to the marking shall be liable for a civil penalty of not less than one hundred fifty dollars nor more than three hundred dollars. Such civil penalty may be recovered in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings.

§ 12. Subdivision b of section 10-118.1 of the administrative code of the city of New York, as added by local law 55 for the year 2013, is amended to read as follows:

b. Any person who violates any provision of this section shall be liable for a civil penalty of not less than two thousand five hundred dollars nor more than ten thousand dollars. A notice of violation issued pursuant to this section shall be returnable to the environmental control board or an authorized tribunal of the office of administrative trials and hearings, which shall have the power to impose such civil penalty.

§ 13. Subdivision b of section 10-121 of the administrative code of the city of New York, as amended by local law 29 for the year 2003, is amended to read as follows:

b. In the instance where the notice of violation, appearance ticket or summons is issued for breach of the provisions of section 10-119 or 10-120 of the code and sets forth thereon civil penalties only, such process shall be returnable to the environmental control board or an authorized tribunal of the office of administrative trials and hearings, which shall have the power to impose the civil penalties of not less than seventy five dollars nor more than one hundred fifty dollars for the first offense and not less than one hundred fifty dollars nor more than two hundred fifty dollars for the second and each subsequent offense within a twelve month period. Anyone found to have violated the provisions of Section 10-119 or 10-120, in addition to any penalty imposed, shall be responsible for the cost of the removal of the unauthorized signs. Anyone found to have violated

section 10-119 of this chapter by affixing any handbill, poster, notice, sign or advertisement to a tree by means of nailing or piercing the tree by any method shall have an additional penalty imposed equal to the amount of the original penalty.

§ 14. Subdivision c of section 10-121 of the administrative code of the city of New York is amended to read as follows:

c. In the event that a violator fails to answer such notice of violation, appearance ticket or summons within the time provided therefor by the rules and regulations of [the environmental control board] an authorized tribunal of the office of administrative trials and hearings, he or she shall become liable for additional penalties. The additional penalties shall not exceed fifty dollars for each violation.

§ 15. Subdivision a of section 10-149 of the administrative code of the city of New York, as amended by local law 7 for the year 1996, is amended to read as follows:

a. Any individual, firm, corporation, agent, employee or person under the control of such individual, firm or corporation violating the provisions of section 10-148 of this code concerning a tree shall be liable to arrest and upon conviction thereof shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than fifteen thousand dollars or by imprisonment of not more than one year or by both such fine and imprisonment for each such violation. Such individual, firm, corporation, agent, employee or person under the control of such individual, firm or corporation shall also be liable for a civil penalty of not more than ten thousand dollars for each such violation which may be recovered in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings. A proceeding to recover any civil penalty authorized by this section shall be commenced by the service of a notice of violation returnable to the environmental control board or an authorized tribunal of the office of administrative trials and hearings. The environmental control board or an authorized tribunal of the office of administrative trials and hearings shall have the power to impose the civil penalties prescribed herein.

§ 16. Subdivision c of section 10-149 of the administrative code of the city of New York, as amended by

local law 7 for the year 1996, is amended to read as follows:

c. Any individual, firm, corporation, agent, employee or person under the control of such individual, firm or corporation found to be guilty of violating the provision of section 10-148 of this code or subdivision a of section 18-129 of this code by a court of competent jurisdiction or by the environmental control board or an authorized tribunal of the office of administrative trials and hearings shall be denied the opportunity to obtain written consent from the commissioner of parks and recreation or from an agency having control of public property to cut, remove or in any way destroy or cause to be destroyed, any tree or other form of vegetation on such property for a maximum of two years from the date of conviction, or from the date the civil penalty was imposed.

§ 17. Subdivision g of section 10-157 of the administrative code of the city of New York, as amended by local law 56 for the year 2012, is amended to read as follows:

g. Any business using a bicycle for commercial purposes shall be responsible for the compliance with the provisions of this section of any employees it shall retain. Violation of any of the provisions of this section by any such business, or of any of the rules or regulations that may be promulgated pursuant hereto, shall be a violation triable by a judge of the criminal court of the city of New York and upon conviction thereof shall be punishable by a fine of not less than one hundred dollars nor more than two hundred fifty dollars or imprisonment for not more than fifteen days or both such fine and imprisonment. In addition, any business using a bicycle for commercial purposes that violates any of the provisions of this section or any of the rules promulgated pursuant hereto shall be subject to a civil penalty of one hundred dollars. Any such business that violates a provision of this section or rule promulgated pursuant hereto more than thirty days after such business has already violated the same provision or rule shall be subject to an additional civil penalty of two hundred fifty dollars. Such civil penalties may be in addition to any criminal penalty imposed, and shall be recoverable against such business in an action or proceeding in any court or tribunal of competent jurisdiction or the environmental control board or an authorized tribunal of the office of administrative trials and hearings.

§ 18. Subdivision d of section 10-157.1 of the administrative code of the city of New York, as amended by local law 56 for the year 2012, is amended to read as follows:

d. The violation of any provision of subdivision a or b of this section, or of any of the rules or regulations that may be promulgated pursuant hereto, shall be a violation triable by a judge of the criminal court of the city of New York and upon conviction thereof shall be punishable by a fine of not less than one hundred dollars nor more than two hundred fifty dollars or imprisonment for not more than fifteen days or both such fine and imprisonment. In addition, any business using a bicycle for commercial purposes, as defined in subdivision a of section 10-157 of this chapter who violates any provision of subdivision a or b of this section or any of the rules or regulations promulgated pursuant hereto shall be subject to a civil penalty of one hundred dollars. Any such business that violates a provision of this section or rule promulgated pursuant hereto more than thirty days after such business has already violated the same provision or rule shall be subject to an additional civil penalty of two hundred fifty dollars. Such civil penalties may be in addition to any criminal penalty imposed, and shall be recoverable against such business in an action or proceeding in any court or tribunal of competent jurisdiction or the environmental control board or an authorized tribunal of the office of administrative trials and hearings.

§ 19. Paragraph 6 of subdivision b of section 10-169 of the administrative code of the city of New York, as amended by local law 67 for the year 2014, is amended to read as follows:

6. In addition to penalties provided for in any other provisions of law, in the event that a publicly accessible collection bin is placed on any city property, or property maintained by the city, or on any public sidewalk or roadway, the department shall have the authority to remove such bin. Any publicly accessible collection bin placed on any city property, or property maintained by the city, or on any public sidewalk or roadway, shall be presumed to have been placed there intentionally. If the name and address of the owner of such publicly accessible collection bin are located on the bin and are legible, such owner shall be notified by the department by certified mail, return receipt requested, that such publicly accessible collection bin was

removed by the department and that the owner can claim such bin through the procedure established by rule. If the name and address of the owner of such publicly accessible collection bin are not located on the bin or are not legible, the commissioner may dispose of such bin in accordance with applicable law and rules thirty days after removal. Any owner who seeks to claim a publicly accessible collection bin that has been removed by the department shall pay the penalty established by this section and the costs of removal and storage, unless, after adjudication by the environmental control board or an authorized tribunal of the office of administrative trials and hearings, the owner is found not liable for violating this section, in which case such bin shall be released forthwith, and no removal or storage costs shall be imposed as a condition of such release. If any publicly accessible collection bin is not claimed within thirty days of the mailing of notice to the owner, the commissioner may dispose of such bin in accordance with applicable law and rules.

§ 20. Subdivision c of section 10-169 of the administrative code of the city of New York, as amended by local law 67 for the year 2014, is amended to read as follows:

c. Any person who violates the provisions of paragraph two of subdivision b of this section shall be liable for a civil penalty recoverable in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings of two hundred fifty dollars for the first offense and five hundred dollars for each subsequent offense within any eighteen-month period. Any person who violates the provisions of paragraph two of subdivision b of this section by attaching or enclosing by any means any publicly accessible collection bin to or on any city property, or property maintained by the city, or on any public sidewalk or roadway, shall be liable for a civil penalty recoverable in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings of five hundred dollars for the first offense and one thousand dollars for each subsequent offense within any eighteen-month period. For purposes of this section, each publicly accessible collection bin placed on any city property, or property maintained by the city, or on any public sidewalk or roadway, shall be deemed a separate violation.

§ 21. Subdivision d of section 10-169 of the administrative code of the city of New York, as amended by

local law 67 for the year 2014, is amended to read as follows:

d. Any person who violates the provisions of paragraphs one, four or five of subdivision b of this section shall be liable for a civil penalty recoverable in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings of fifty dollars for the first offense and one hundred dollars for each subsequent offense within any eighteen-month period.

§ 22. Section 11-136 of the administrative code of the city of New York, as added by local law 11 for the year 2015, is amended to read as follows:

§ 11-136 Report on notices of violations returnable to the environmental control board or an authorized tribunal of the office of administrative trials and hearings. a. No later than November first of each year, the department of finance shall submit to the council, and make available on the department's website, a report on the outstanding debt for base penalties, default penalties, and default [judgements] judgments issued for notices of violations returnable to the environmental control board or an authorized tribunal of the office of administrative trials and hearings and referred to the department for collection during the previous fiscal year, and base penalties, default penalties, and default judgments issued for notices of violations returnable to the environmental control board or an authorized tribunal of the office of administrative trials and hearings and referred to the department for collection that remain in full force and effect, pursuant to subparagraph (i) of paragraph one of subdivision d of section 1049-a of the charter. Such report shall include: (1) the total number of [judgements] judgments referred to the department by the environmental control board or an authorized tribunal of the office of administrative trials and hearings, including the number of default [judgements] judgments; (2) the total dollar amount of [judgements] judgments referred to the department, disaggregated by base penalty, interest, and default penalty; (3) the average length of time for referral of a [judgement] judgment from the environmental control board or an authorized tribunal of the office of administrative trials and hearings to the department; (4) the total dollar amount collected by the department for [judgements] judgments; (5) an analysis of the length of time for collection of [judgements] judgments described in paragraph four; (6)

the total number of [judgements] judgments that require corrective action by a respondent; (7) the enforcement efforts used by the department to collect [judgements] judgments described in paragraph four; and (8) the total number of [judgements] judgments that are no longer in full force and effect, pursuant to subparagraph (i) of paragraph one of subdivision d of section 1049-a of the charter, and the total dollar amount of such [judgements] judgments. The department shall disaggregate the information required by paragraphs one through eight of this subdivision by the agency in which the notice of violation originated, and the fiscal year in which the [judgement] judgment was entered.

b. For purposes of this section, the following terms shall have the specified meanings:

"Base penalty" means, with respect to any notice of violation returnable to the environmental control board or an authorized tribunal of the office of administrative trials and hearings, the penalty that would be imposed upon a timely admission by the respondent or finding of liability after a hearing, pursuant to the environmental control board penalty schedule or such other penalty schedule as may be set by the administrative tribunal of the office of administrative trials and hearings, without regard to reductions of penalty in cases of mitigation or involving stipulations.

"Default [judgement] judgment" means a [judgement] judgment of the environmental control board or an authorized tribunal of the office of administrative trials and hearings, pursuant to subparagraph (d) of paragraph one of subdivision d of section 1049-a of the charter, determining a respondent's liability based upon that respondent's failure to plead within the time allowed by the rules of [the environmental control board] an authorized tribunal of the office of administrative trials and hearings or failure to appear before the environmental control board or an authorized tribunal of the office of administrative trials and hearings on a designated hearing date or on a subsequent date following an adjournment.

"Default penalty" means a penalty imposed by the environmental control board or an authorized tribunal of the office of administrative trials and hearings, pursuant to section 1049-a of the charter, in the maximum amount prescribed by law for the violation charged.

"Respondent" means a person or entity named as the subject of a notice of violation returnable to, or a [judgement] judgment issued by, the environmental control board or an authorized tribunal of the office of administrative trials and hearings, or such other person or entity who asserts legal responsibility for the liability of the person or entity named in the notice or the [judgement] judgment.

§ 23. Subdivision a of section 11-266 of the administrative code of the city of New York is amended to read as follows:

a. If a court, or the environmental control board or an authorized tribunal of the office of administrative trials and hearings with respect to matters within its jurisdiction, finds that at the property which is the subject of a certificate of eligibility there has been a violation of any of the provisions of the building, fire and air pollution control codes set forth in subdivision b of this section, all benefits pursuant to such certificate shall be suspended unless within one hundred eighty days after the department of finance has sent notice of such finding to the recipient, and all other persons having a financial interest in the property who have filed a timely request for such notice in such form as may be prescribed by the department of finance, the recipient submits to the department of finance, certification from the department of buildings, the fire department or the department of environmental protection respectively that the underlying code violation has been cured. If the recipient fails to submit the required certification within the one hundred eighty day period, the period of suspension shall be effective retroactively to the time of the finding by the court or the environmental control board or an authorized tribunal of the office of administrative trials and hearings. The suspension of benefits shall continue until the recipient submits to the department of finance the required certification that the violation has been cured. If the original finding of violation or the denial of certification is appealed and a court or appropriate governmental agency finally determines that the finding of violation or denial of certification was invalid, any benefits lost pursuant to this section to which the recipient was entitled shall be restored retroactively. As applied to a recipient who is eligible for deferral of tax payments pursuant to subdivision d of section 11-257 of this part, suspension of benefits shall be deferred by operation of such section and interest at the rate charged by

the department of finance for overdue taxes shall be charged on the amount of any tax payments already deferred by operation of such section. The interest charged shall accrue from the beginning of the period of suspension.

§ 24. Subdivision a of section 11-277 of the administrative code of the city of New York, as added by local law 61 for the year 2008, is amended to read as follows:

a. If a court, or the environmental control board or an authorized tribunal of the office of administrative trials and hearings with respect to matters within its jurisdiction, finds that there has been a violation of the city construction codes, the 1968 building code or other law or rule enforced by the department of buildings classified as immediately hazardous pursuant to chapter two of title twenty-eight of the administrative code or the rules of the department of buildings; a violation of subdivision a of section 1-102 of title fifteen of the rules of the city of New York; or a violation of the city fire code or title three of the rules of the city of New York, relating to the failure to provide a fire protection system or emergency power system, or maintain it in good working order, to prepare or, where required, submit for fire department approval, a fire safety and evacuation plan or emergency action plan, or to provide a fire safety and evacuation plan or emergency action plan staff, or relating to the obstruction of a means of egress at any property receiving benefits pursuant to this part, such benefits shall be suspended unless, within one hundred eighty days after the department of finance has sent notice of such finding to the recipient, the recipient submits to the department of finance documentation from the department of buildings, the department of environmental protection or the fire department, whichever is applicable, certifying that the underlying violation has been legally cured or corrected. Such notice may be in any form determined by the department of finance, including in electronic form, and shall be sent to the recipient on the next quarterly statement of account after the department of finance has learned of such finding. If the recipient fails to make the required submission within the one hundred eighty day period, the suspension of benefits shall continue until the recipient makes such submission to the department of finance. After the recipient makes such submission, benefits shall resume, but benefits lost during the period of suspension shall

not be restored.

§ 25. Paragraph 4 of subdivision a of section 14-150 of the administrative code of the city of New York, as amended by local law 2 for the year 2014, is amended to read as follows:

4. A crime status report. Such report shall include the total number of crime complaints (categorized by class of crime, indicating whether the crime is a misdemeanor or felony) for each patrol precinct, including a subset of housing bureau and transit bureau complaints within each precinct; arrests (categorized by class of crime, indicating whether the arrest is for a misdemeanor or felony) for each patrol precinct, housing police service area, transit district, street crime unit and narcotics division; summons activity (categorized by type of summons, indicating whether the summons is a parking violation, moving violation, environmental control board or an authorized tribunal of the office of administrative trials and hearings notice of violation, or criminal court summons) for each patrol precinct, housing police service area and transit district; domestic violence radio runs for each patrol precinct; average response time for critical and serious crimes in progress for each patrol precinct; overtime statistics for each patrol borough and operational bureau performing an enforcement function within the police department, including, but not limited to, each patrol precinct, housing police service area, transit district and patrol borough street crime unit, as well as the narcotics division, fugitive enforcement division and the special operations division, including its subdivisions, but shall not include internal investigative commands and shall not include undercover officers assigned to any command. Such report shall also include the total number of major felony crime complaints for properties under the jurisdiction of the department of parks and recreation, pursuant to the following timetable:

1. Beginning January first, two thousand fourteen, the thirty largest parks, as determined by acreage;
2. Beginning June first, two thousand fourteen, the one hundred largest parks, as determined by acreage;
3. Beginning January first, two thousand fifteen, the two hundred largest parks, as determined by acreage;

4. Beginning January first, two thousand sixteen, the three hundred largest parks, as determined by acreage;

5. Beginning January first, two thousand seventeen, all parks one acre or greater in size; and

6. Beginning January first, two thousand eighteen, all public pools, basketball courts, recreation centers, and playgrounds that are not located within parks one acre or greater in size.

The department shall conspicuously post all quarterly reports of major felony crime complaints for properties under the jurisdiction of the department of parks and recreation online via the department's website within five business days of the department's submission of such reports to the council.

§ 26. Subdivision b of section 15-220.1 of the administrative code of the city of New York is amended to read as follows:

b. Such person shall also be liable for a civil penalty of not less than one thousand dollars nor more than five thousand dollars which may be recovered in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings. In any such proceeding which relates to a false statement in a certification filed pursuant to section 15-230, if an inspection made within six months after the filing of the certification finds a condition constituting a violation which is the same as the condition described in the notice of violation with respect to which such certification was filed, there shall be a rebuttable presumption that the condition described in such notice of violation continued and is the same condition found in the inspection.

§ 27. Section 15-223.1 of the administrative code of the city of New York is amended to read as follows:

§ 15-223.1 Orders; penalty for noncompliance. a. Any person who shall violate or fail to comply with an order issued by the commissioner, except an order issued pursuant to section 15-230, shall be guilty of a violation and, upon conviction thereof, shall be punished by a fine not to exceed five thousand dollars. Such person shall also be subject to the payment of a civil penalty of not more than five thousand dollars to be recovered in a civil action brought in the name of the commissioner or in a proceeding before the

environmental control board or an authorized tribunal of the office of administrative trials and hearings.

b. Any person who shall knowingly violate or fail to comply with any order of the commissioner, except an order issued pursuant to section 15-230, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than ten thousand dollars or imprisonment for not more than six months or both for each offense. Such person shall also be subject to a civil penalty of not more than ten thousand dollars to be recovered in a civil action brought in the name of the commissioner or in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings.

§ 28. Paragraph (i) of subdivision d of section 15-227 of the administrative code of the city of New York, as amended by local law 23 for the year 1990, is amended to read as follows:

d. (i) Any order to seal, secure and close issued pursuant to item (ii) of subdivision b of this section shall contain notice of the opportunity for a hearing with respect to such order, to determine if the order was properly issued in accordance with the provisions of this section. Such hearing shall be conducted by the commissioner, or in the commissioner's discretion, by the office of administrative trials and hearings or the environmental control board or an authorized tribunal of the office of administrative trials and hearings. If the matter is referred to such office or board or tribunal, the hearing officer shall submit his or her findings of fact and a recommended decision to the commissioner. The hearing shall be held within three business days after the receipt of the written request of an owner, lessor, lessee or mortgagee for such hearing and the commissioner shall render a decision within three business days after such hearing is concluded.

§ 29. Section 15-229 of the administrative code of the city of New York, as amended by local law 33 for the year 2004, is amended to read as follows:

§ 15-229 Environmental control board or an authorized tribunal of the office of administrative trials and hearings; civil penalties.

a. In addition to or as an alternative to any of the remedies and penalties provided in any laws, rules, or

regulations enforceable by the department, any person who shall violate or fail to comply with any such laws, rules, or regulations shall, except as otherwise specifically provided in subdivision c of section 15-230, be liable for a civil penalty which may be recovered in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings. Such proceeding shall be commenced by the service of a notice of violation returnable before the board or tribunal. Except as otherwise specifically provided, such civil penalty shall be determined as follows: (1) The maximum penalty for the first violation shall be one thousand dollars (\$1,000); (2) the maximum penalty for the second and any subsequent violation of the same provision of law, rule or regulation shall be five thousand dollars (\$5,000), provided the violation is committed by the same respondent, is for the same provision of law, rule or regulation, and occurs within eighteen months of first violation, and provided, further, that if the respondent is the owner, agent, lessee or other person in control of the premises with respect to which the violation occurred, the violation occurred at the same premises.

b. For the purposes of the multiple offense schedule, if the respondent is the owner or agent of the building or structure with respect to which the violation occurred or a lessee of the entire building or structure, the term premises shall mean the entire building or structure. If the respondent is the lessee or person in control of a part of such building or structure, the term premises shall mean that part of such building or structure leased to or under the control of the respondent.

c. Notwithstanding any other provision of this section, if the respondent is the owner or agent of the building or structure with respect to which the violation occurred or a lessee of the entire building or structure, a prior violation by the same respondent shall not serve as a predicate for purposes of the multiple offense schedule set forth in this section if the prior violation or the violation for which penalties are to be imposed occurred within an area of the building or structure which, at the time of the violation, was leased to and under the control of a person other than the respondent except that this provision shall not apply if both the prior violation and the violation for which penalties are to be imposed occurred within areas leased to and under the

control of the same lessee. In any proceeding before the board or tribunal, the burden of proof with respect to this exception shall be upon the respondent.

d. The commissioner may, by rule or regulation, establish a schedule of civil penalties providing a maximum penalty for the violation of each separate provision of law, rule or regulation based on the degree of seriousness of the violation. Such maximum penalties shall not exceed the maximum penalties for such violation set forth in this section.

§ 30. Section 15-230 of the administrative code of the city of New York is amended to read as follows:

§ 15-230 Environmental control board or an authorized tribunal of the office of administrative trials and hearings proceedings; order to certify correction.

a. Except as otherwise provided in subdivision e of this section, whenever the commissioner serves a notice of violation such notice shall include an order which requires the respondent to correct the condition constituting the violation and to file a certification with the department that the condition has been corrected. Such order shall require that the condition be corrected within thirty days from the date that the order is issued and that certification of the correction of the condition shall be filed with the department in a manner and form and within such further period of time as shall be established by rule or regulation of the department.

b. If the board or tribunal finds, upon good cause shown, that the respondent cannot correct the violation within the period specified in subdivision a, it may, with the concurrence of the commissioner, postpone the period for compliance with such order upon such terms and conditions and for such period of time as shall be appropriate under the circumstances.

c. For violations which are subject to the penalties for a first violation as set forth in section 15-229, if the respondent complies with the order issued pursuant to subdivision a of this section within the time set forth in such subdivision there shall be no civil penalty for such first violation. Such violation may however serve as a predicate for purposes of the multiple offense schedule set forth in section 15-229.

d. In any proceeding before the environmental control board or an authorized tribunal of the office of

administrative trials and hearings, if the board or tribunal finds that the commissioner has failed to prove the violation charged it shall notify the commissioner and the order requiring the respondent to correct the condition constituting the violation shall be deemed to be revoked.

e. Subdivisions a, b, c, and d of this section shall not apply to environmental control board or an authorized tribunal of the office of administrative trials and hearings proceedings to impose penalties for violations of sections 15-220.1, 15-223.1 and 15-231 or to impose penalties for any violation which the commissioner, in his discretion, determines to be hazardous.

§ 31. Section 15-231 of the administrative code of the city of New York is amended to read as follows:

a. Any person who shall fail to comply with an order of the commissioner issued pursuant to subdivision a of section 15-230 within the time specified in such subdivision or within such further period of time as may be provided by the environmental control board or an authorized tribunal of the office of administrative trials and hearings pursuant to subdivision b of section 15-230 shall, in addition to the penalties which may be imposed for the violation pursuant to section 15-229, be liable for a civil penalty of not more than five thousand dollars for each violation for which there has been a failure to comply with such order. Such civil penalty may be recovered in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings.

b. For the purposes of this section, if the environmental control board or an authorized tribunal of the office of administrative trials and hearings finds that a respondent has knowingly made false statements relating to the correction of a violation in a certification filed pursuant to section 15-230, such certification as to correction shall be null and void and the penalties set forth in this section may be imposed as if such false certification had not been filed with and accepted by the department.

§ 32. Section 15-232 of the administrative code of the city of New York, as amended by local law 26 for the year 2008, is amended to read as follows:

§ 15-232 Limitations on power of commissioner to designate administrative code provisions which may

be enforced by the environmental control board or an authorized tribunal of the office of administrative trials and hearings. Notwithstanding any other provision of law, the commissioner may not designate the following provisions of the administrative code for enforcement by the environmental control board or an authorized tribunal of the office of administrative trials and hearings:

- (1) Section 15-208
- (2) Section 15-125
- (3) Subdivision a of section 15-126
- (4) Section 15-214
- (5) Paragraph one of subdivision b of section 15-127
- (6) Subdivision c of section 15-127

§ 33. Subdivision d of section 16-116 of the administrative code of the city of New York, as amended by local law 153 for the year 2013, is amended to read as follows:

d. (i) Except as provided in paragraph (ii) of this subdivision, violation of any of the provisions of this section or any rules promulgated pursuant thereto shall be punishable by a civil penalty of not less than fifty nor more than one hundred dollars, provided that a first-time violation of subdivision (b) of this section or any rules promulgated thereto by any owner, lessee or person in control of a commercial establishment shall be mitigated to zero dollars if, on or before the initial return date stated on the notice of violation, such owner, lessee or person submits proof of having cured the violation at the hearing of such notice of violation. Any notice of violation, appearance ticket or summons issued for a violation of this section shall be returnable before the environmental control board or an authorized tribunal of the office of administrative trials and hearings which shall impose the penalty herein provided.

(ii) A commercial establishment required by subdivision b of section 16-505 of this code to register with the New York city trade waste commission shall be subject to a penalty for the violation of such subdivision or any rule pertaining thereto as provided in subdivision c of section 16-515 of this code. Such penalty may be

recoverable in the manner provided therein or may be returnable in a civil action brought in the name of the commissioner before the environmental control board or an authorized tribunal of the office of administrative trials and hearings which shall impose a penalty not be exceed one thousand dollars.

§ 34. Paragraph (2) of subdivision (g) of section 16-117.1 of the administrative code of the city of New York is amended to read as follows:

(2) In addition to any other criminal or civil penalty authorized by law, any violation of this section or any rule or regulation adopted pursuant to this section shall be punishable by a civil penalty of not less than five hundred dollars and not more than twenty-five thousand dollars. Such penalty may be recovered in a civil action brought in the name of the commissioner or in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings.

§ 35. Subdivision 10 of section 16-118 of the administrative code of the city of New York is amended to read as follows:

10. In the instance where the notice of violation, appearance ticket or summons is issued for breach of the provisions of this section and sets forth thereon civil penalties only, such process shall be returnable to the environmental control board or an authorized tribunal of the office of administrative trials and hearings, which shall have the power to impose the civil penalties hereinabove provided in subdivision nine of this section.

§ 36. Subdivision 11 of section 16-118 of the administrative code of the city of New York, as amended by local law 1 for the year 2003, is amended to read as follows:

11. In the event that a violator fails to answer such notice of violation, appearance ticket or summons within the time provided therefor by the rules and regulations of [the environmental control board] an authorized tribunal of the office of administrative trials and hearings, he or she shall become liable for additional penalties. The additional penalties shall not exceed four hundred fifty dollars for each violation.

§ 37. Paragraph (2) of subdivision c of section 16-119 of the administrative code of the city of New York, as amended by chapter 500 of the 1999 laws of New York state, is amended to read as follows:

(2) Any owner, owner-operator or operator who is found in violation of this section in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings and who shall fail to pay the civil penalty imposed by such environmental control board or an authorized tribunal of the office of administrative trials and hearings shall be subject to the suspension of his or her driver's license, privilege to operate or vehicle registration or renewal thereof imposed pursuant to section twelve hundred twenty-a of the vehicle and traffic law, in addition to any other civil and criminal fines and penalties set forth in this section.

§ 38. Subdivision d of section 16-119 of the administrative code of the city of New York, as amended by chapter 500 of the 1999 laws of New York state, is amended to read as follows:

d. In the instance where the notice of violation, appearance ticket or summons is issued for a breach of the provisions of subdivision a of this section and sets forth thereon civil penalties only, such process shall be returnable to the environmental control board or an authorized tribunal of the office of administrative trials and hearings, which board or tribunal shall have the power to impose the civil penalties hereinabove provided in subdivision c of this section, provided further, that, notwithstanding any other provision of law, the environmental control board or an authorized tribunal of the office of administrative trials and hearings shall have such powers and duties as are set forth under section twelve hundred twenty-a of the vehicle and traffic law.

§ 39. Paragraph (2) of subdivision e of section 16-119 of the administrative code of the city of New York, as amended by local law 58 for the year 1985, is amended to read as follows:

(2) In addition to any other penalties provided in this section, the interest of an owner as defined in subdivision c of this section in any vehicle impounded pursuant to paragraph (1) of this subdivision shall be subject to forfeiture upon notice and judicial determination thereof if such owner (i) has been convicted of or found liable for a violation of this section in a civil or criminal proceeding or in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings three or

more times, all of which violations were committed within an eighteen month period or (ii) has been convicted of or found liable for a violation of this section in a civil or criminal proceeding or in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings if the material unlawfully dumped is a material identified as a hazardous waste or an acute hazardous waste in regulations promulgated pursuant to section 27-0903 of the environmental conservation law.

§ 40. Paragraph (1) of subdivision f of section 16-119 of the administrative code of the city of New York, as added by local law 32 for the year 1995, is amended to read as follows:

(1) Where a notice of violation, appearance ticket or summons is issued for a violation of subdivision a of this section based upon a sworn statement by one or more individuals and where the commissioner determines, in the exercise of his or her discretion, that such sworn statement, either alone or in conjunction with testimony at a civil or criminal proceeding or in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings, results in the conviction of or the imposition of a civil penalty upon any person for a violation of subdivision a of this section, the commissioner shall offer as a reward to such individual or individuals an amount that, in the aggregate, is equal to:

- (i) fifty percent of any fine or civil penalty collected; or
- (ii) five hundred dollars when a conviction is obtained, but no fine or civil penalty is imposed.

§ 41. Paragraph (3) of subdivision f of section 16-119 of the administrative code of the city of New York, as added by local law 32 for the year 1995, is amended to read as follows:

(3) No peace officer, employee of the department or of the environmental control board or an authorized tribunal of the office of administrative trials and hearings, or employee of any governmental entity that, in conjunction with the department, conducts enforcement activity relating to a violation of subdivision a of this section shall be entitled to obtain the benefit of any such reward or obtain the benefit of such reward when acting in the discharge of his or her official duties.

§ 42. Subdivision g of section 16-120 of the administrative code of the city of New York is amended to

read as follows:

g. In the instance where a notice of violation is issued for breach of the provisions of this section such process shall be returnable to the environmental control board or an authorized tribunal of the office of administrative trials and hearings, which shall have the power to impose the civil penalties provided in subdivision f of this section.

§ 43. Subdivision h of section 16-120 of the administrative code of the city of New York, as amended by local law 1 for the year 2003, is amended to read as follows:

h. In the event that a person fails to answer such notice of violation within the time provided therefor by [the environmental control board] an authorized tribunal of the office of administrative trials and hearings, that person shall become liable for additional penalties. The additional penalties shall not exceed three hundred dollars for each violation.

§ 44. Paragraph 5 of subdivision i of section 16-120.1 of the administrative code of the city of New York, as amended by local law 75 for the year 1989, is amended to read as follows:

5. In addition to any other penalties provided under paragraph one of this subdivision or any other provisions of law, any violation of the provisions of this section other than subdivision d shall be punishable by a civil penalty of not less than twenty-five hundred dollars nor more than ten thousand dollars for the first violation, not less than five thousand dollars nor more than ten thousand dollars for the second violation and ten thousand dollars for the third and any subsequent violation. Civil penalties shall be recovered in a civil action brought in the name of the commissioner or in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings. For the purposes of this paragraph, each bag or container of solid waste with a capacity of not larger than one cubic yard shall constitute a separate violation of this section.

§ 45. Subdivision (d) of section 16-120.2 of the administrative code of the city of New York, as added by local law 38 for the year 2015, is amended to read as follows:

(d) Any person who violates the requirements of this section shall be liable for a civil penalty of two hundred fifty dollars for the first offense, five hundred dollars for the second offense committed within any twelve-month period and one thousand dollars for the third and any subsequent offense committed within any twelve-month period. 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 such violation has been provided to the violator, provided that such opportunity to cure shall not exceed thirty days. 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 or an authorized tribunal of the office of administrative trials and hearings.

§ 46. Subdivision i of section 16-122 of the administrative code of the city of New York is amended to read as follows:

i. In the instance where the notice of violation, appearance ticket or summons is issued for breach of the provisions of this section and sets forth thereon civil penalties only, such process shall be returnable to the environmental control board or an authorized tribunal of the office of administrative trials and hearings, which shall have the power to impose the civil penalties hereinabove provided in subdivision h of this section.

§ 47. Subdivision j of section 16-122 of the administrative code of the city of New York is amended to read as follows:

j. In the event that a violator fails to answer such notice of violation, appearance ticket or summons within the time provided therefor by the rules and regulations of [the environmental control board] an authorized tribunal of the office of administrative trials and hearings, he or she shall become liable for additional penalties. The additional penalties shall not exceed fifty dollars for each violation.

§ 48. Subdivision i of section 16-123 of the administrative code of the city of New York is amended to read as follows:

i. In the instance where the notice of violation, appearance ticket or summons is issued for breach of the provisions of this section and sets forth thereon civil penalties only, such process shall be returnable to the

environmental control board or an authorized tribunal of the office of administrative trials and hearings, which shall have the power to impose the civil penalties hereinabove provided in subdivision h of this section.

§ 49. Subdivision j of section 16-123 of the administrative code of the city of New York, as amended by local law 1 for the year 2003, is amended to read as follows:

j. In the event that a violator fails to answer such notice of violation, appearance ticket or summons within the time provided therefor by the rules and regulations of [the environmental control board] an authorized tribunal of the office of administrative trials and hearings, he or she shall become liable for additional penalties. The additional penalties shall not exceed three hundred fifty dollars for each violation.

§ 50. Subdivisions f and g of section 16-127 of the administrative code of the city of New York are amended to read as follows:

f. In the instance where the notice of violation, appearance ticket or summons is issued for a breach of the provisions of this section and sets forth thereon civil penalties only, such process shall be returnable to the environmental control board or an authorized tribunal of the office of administrative trials and hearings, which shall have the power to impose the civil penalties hereinabove provided in subdivision e of this section.

g. In the event that a violator fails to answer such notice of violation, appearance ticket or summons within the time provided therefor by the rules and regulations of [the environmental control board] an authorized tribunal of the office of administrative trials and hearings, such violator shall become liable for additional penalties. The additional penalties shall not exceed fifty dollars for each violation.

§ 51. Paragraph 2 of subdivision a of section 16-133 of the administrative code of the city of New York, as repealed and added by local law 40 for the year 1990, is amended to read as follows:

2. In addition to any other penalties provided under paragraph one of this subdivision, any violation of section 16-129, 16-130, 16-131, 16-131.2, 16-131.3 or 16-131.5 of this chapter, or article one hundred fifty-seven of the New York city health code, shall be punishable by a civil penalty of not less than twenty-five hundred dollars nor more than ten thousand dollars for the first violation, not less than five thousand nor more

than ten thousand dollars for the second violation committed in a period of three years, and ten thousand dollars for the third and any subsequent violation committed in such period. Every owner of premises or of equipment, vehicles or other personal property shall be punishable by a civil penalty of not less than twenty-five hundred dollars nor more than ten thousand dollars for the first violation, not less than five thousand nor more than ten thousand dollars for the second violation committed in a period of three years, and ten thousand dollars for the third and any subsequent violation committed in such period by any person using or operating the same, in the business of such owner or otherwise, with the permission, express or implied, of such owner. In the case of a continuing violation, every day's continuance thereof may be deemed to be a separate and distinct violation. Civil penalties shall be recovered in a civil action brought in the name of the commissioner or in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings, provided however that civil penalties for violations of article one hundred fifty-seven of the New York city health code may only be recovered as provided by law for violations of the New York city health code. As used in this paragraph, "owner" means a person, other than a holder of a security interest, having the property in or title to premises or equipment, vehicles or other personal property, including but not limited to a person entitled to use and possession of premises or equipment, vehicles or other personal property subject to a security interest in another person and also includes any lessee or bailee having exclusive use thereof.

§ 52. Paragraph 2 of subdivision b of section 16-133 of the administrative code of the city of New York, as repealed and added by local law 40 for the year 1990, is amended to read as follows:

2. In addition to any other penalties provided under paragraph one of this subdivision, any violation of section 16-117 of this chapter shall be punishable by a civil penalty of not less than two hundred fifty dollars nor more than five hundred dollars. Civil penalties shall be recovered in a civil action brought in the name of the commissioner or in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings.

§ 53. Subdivision d of section 16-133 of the administrative code of the city of New York, as repealed

and added by local law 40 for the year 1990, is amended to read as follows:

d. The commissioner of health shall have the power to issue notices of violation for violations of sections 16-130 and 16-131 of this chapter, and such notices of violation shall be returnable in a civil action brought in the name of the commissioner of health or in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings.

§ 54. Subdivisions a, b and d of section 16-206 of the administrative code of the city of New York, as added by local law 39 for the year 1986, are amended to read as follows:

a. The commissioner shall issue a notice of violation returnable to the environmental control board or an authorized tribunal of the office of administrative trials and hearings to any person violating a provision of this chapter or any regulation promulgated by the commissioner pursuant to this chapter.

b. The environmental control board or an authorized tribunal of the office of administrative trials and hearings shall impose penalties as provided in subdivisions c and d.

d. Violations not listed in subdivision c may be punishable as determined by the environmental control board or an authorized tribunal of the office of administrative trials and hearings by a penalty not to exceed ten thousand dollars.

§ 55. Subdivision b of section 16-306 of the administrative code of the city of New York, as amended by local law 32 for the year 2010, is amended to read as follows:

b. The rules promulgated pursuant to subdivision a of this section shall require that generators of waste collected by businesses required to be licensed pursuant to section 16-505 of this code source separate the designated materials in such manner and to such extent as the commissioner determines to be necessary to minimize contamination and maximize the marketability of such materials. However, in promulgating such rules the commissioner shall not require source separation of a material unless the commissioner has determined that an economic market exists for such material. For the purpose of this section, the term "economic market" refers to instances in which the full avoided costs of proper collection, transportation and

disposal of source separated materials are equal to or greater than the cost of collection, transportation and sale of said materials less the amount received from the sale of said materials. The New York city business integrity commission shall adopt and implement rules requiring businesses licensed to remove, collect or dispose of trade waste to provide for the collection of, and ensure the continued separation of, designated materials that have been source separated, provide for the separation of all other designated materials, and provide for recycling of all the designated materials. Rules promulgated by the business integrity commission pursuant to this subdivision shall be enforced in the manner provided in section 16-517 of this code and violations of such rules shall be subject to the penalties provided in subdivision a of section 16-515 of this code for violation of the provisions of chapter one of title 16-A of this code. In addition, the commissioner shall have the authority to issue notices of violation for any violation of such rule and such notices of violation shall be returnable in a civil action brought in the name of the commissioner before the environmental control board or an authorized tribunal of the office of administrative trials and hearings which shall impose a penalty not to exceed ten thousand dollars for each such violation.

§ 56. Subdivision a of section 16-324 of the administrative code of the city of New York, as amended by local law 142 for the year 2013, is amended to read as follows:

a. Subject to the provisions of subdivision b of this section, any person who violates this chapter, except section 16-306.1 of this chapter, subdivision g of section 16-308 of this chapter, section 16-310.1 of this chapter or section 16-329 of this chapter, or any rule promulgated pursuant thereto, shall be liable for a civil penalty recoverable in a civil action brought in the name of the commissioner or in a proceeding returnable before the environmental control board or an authorized tribunal of the office of administrative trials and hearings, as follows:

1. For residential buildings containing fewer than nine dwelling units, the civil penalty shall be in an amount of twenty-five dollars for the first violation, fifty dollars for the second violation committed on a different day within a period of twelve months, and one hundred dollars for the third and each subsequent

violation committed on a different day within a period of twelve months, provided that the court before which such civil action is brought or such board or tribunal may waive the penalty for the first violation upon a showing of good cause.

2. For residential buildings containing nine or more dwelling units and commercial, manufacturing or industrial buildings, the civil penalty shall be in an amount of one hundred dollars for the first violation, two hundred dollars for the second violation committed on a different day within a period of twelve months, and four hundred dollars for the third and each subsequent violation committed on a different day within a period of twelve months, provided that the court before which such civil action is brought or such board or tribunal may waive the penalty for the first violation upon a showing of good cause. The owner, net lessee or person in charge of any residential building of nine or more dwelling units or a commercial, manufacturing or industrial building with respect to which four or more violations were committed on different days within a period of six months shall be classified as a persistent violator.

3. For persistent violators only, each container or bag containing solid waste that has not been source separated or placed out for collection in accordance with the rules promulgated by the commissioner pursuant to this chapter shall constitute a separate violation, provided that no more than twenty separate violations are issued on a per bag or per container basis during any twenty-four hour period. Before issuing any such notices of violation to a persistent violator on a per bag or per container basis, the commissioner shall give such violator a reasonable opportunity to correct the condition constituting the violation.

4. There shall be a rebuttable presumption that the number of dwelling units designated on a notice of violation issued pursuant to this section reflects the number of dwelling units in the residential building for which the notice of violation was issued. Where such presumption is rebutted, the number of dwelling units on such notice of violation shall be deemed modified accordingly, and in no event shall such notice of violation be dismissed solely on the ground that the number of dwelling units on the original notice of violation was incorrectly stated.

5. The commissioner or the commissioner's designee shall establish a recycling training program for owners or employees of residential buildings of nine or more dwelling units for which at least three notices of violation for failing to properly source separate designated recyclable material have been issued within a twelve-month period and which the commissioner determines to be in need of recycling training. Such training program shall require the building owner, or an employee who is primarily responsible for waste disposal and/or janitorial services for any such building, to attend a training program established by the commissioner or the commissioner's designee designed to improve recycling practices at such building and a fee may be imposed on any owner or employee who participates in such training program. Such training program may be held in any location designated by the commissioner or the commissioner's designee, including, in order to facilitate tenant participation, at such building.

§ 57. Paragraph 2 of subdivision c of section 16-324 of the administrative code of the city of New York, as amended by local law 34 for the year 2010, is amended to read as follows:

2. Any owner or other person responsible for an impermissibly placed publicly accessible textile drop-off bin that fails to respond within twenty days of receipt of such notice under paragraph one of this subdivision or otherwise fails to establish that the publicly accessible textile drop-off bin is not on city property, or property maintained by the city, or on any public sidewalk or roadway pursuant to paragraph one of this subdivision, shall be liable for a civil penalty in the amount of one hundred dollars, recoverable in a proceeding returnable before the environmental control board or an authorized tribunal of the office of administrative trials and hearings.

§ 58. Subdivision e of section 16-324 of the administrative code of the city of New York, as amended by local law 34 for the year 2010, is amended to read as follows:

e. (1) Any covered establishment that violates section 16-306.1 of this chapter or rules of the department, the department of health and mental hygiene, or the department of consumer affairs promulgated pursuant thereto shall be liable for a civil penalty recoverable in a civil action brought in the name of the

commissioner or the commissioner of health and mental hygiene, or the commissioner of consumer affairs, or in a proceeding returnable before the environmental control board or an authorized tribunal of the office of administrative trials and hearings, the health tribunal at the office of administrative trials and hearings, or the administrative tribunal of the department of consumer affairs, in the amount of two hundred fifty dollars for the first violation, five hundred dollars for the second violation committed on a different day within a period of twelve months, and one thousand dollars for the third and each subsequent violation committed on different days within a period of twelve months, except that the department, the department of health and mental hygiene, and the department of consumer affairs shall not issue a notice of violation, but shall issue a warning, for any violation by a designated covered establishment that occurs during the first twelve months after the commissioner designates such covered establishment pursuant to subdivision b of section 16-306.1.

(2) Any transfer station that violates section 16-306.1 of this chapter or rules of the department promulgated pursuant thereto shall be liable for a civil penalty recoverable in a civil action brought in the name of the commissioner or in a proceeding returnable before the environmental control board or an authorized tribunal of the office of administrative trials and hearings in the amount of two hundred fifty dollars for the first violation, five hundred dollars for the second violation committed on a different day within a period of twelve months, and one thousand dollars for the third and each subsequent violation committed on different days within a period of twelve months, except that the department shall not issue a notice of violation, but shall issue a warning, for any violation by a designated covered establishment that occurs during the first twelve months after the commissioner designates such covered establishment pursuant to subdivision b of section 16-306.1.

§ 59. Subdivision f of section 16-324 of the administrative code of the city of New York, as added by local law 142 for the year 2013, is amended to read as follows:

f. Any person who violates section 16-329 of this chapter or any rule promulgated pursuant thereto shall be liable for a civil penalty recoverable in a civil action brought in the name of the commissioner, the commissioner of health and mental hygiene or the commissioner of consumer affairs, or in a proceeding before

the environmental control board or an authorized tribunal of the office of administrative trials and hearings, the health tribunal at the office of administrative trials and hearings, or the administrative tribunal of the department of consumer affairs, in the amount of two hundred fifty dollars for the first violation, five hundred dollars for the second violation committed on a different day within a period of twelve months, and one thousand dollars for the third and each subsequent violation committed on different days within a period of twelve months, except that the department, the department of health and mental hygiene, and the department of consumer affairs shall not issue a notice of violation, but shall issue a warning and provide information on replacement material, for any violation that occurs before January first, two thousand sixteen.

§ 60. Section 16-328 of the administrative code of the city of New York, as added by local law 13 for the year 2009, is amended to read as follows:

§ 16-328 Penalties. In addition to any other applicable penalties, any producer/event manager, or any sponsor when there is no producer/event manager, who violates subdivision a or b of section 16-327 of this subchapter shall be liable for a civil penalty of one hundred dollars for each such violation, except that a sponsor or producer/event manager shall not be liable for more than five hundred dollars per day or more than two thousand dollars per street event. Such civil penalties shall be recoverable in a proceeding returnable before the environmental control board or an authorized tribunal of the office of administrative trials and hearings.

§ 61. Section 16-406 of the administrative code of the city of New York, as added by local law 97 for the year 2005, is amended to read as follows:

§ 16-406 Penalties. a. Any person who violates section 16-404 of this chapter shall be liable for a civil penalty recoverable in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings in the amount of fifty dollars for the first violation, one hundred dollars for a second violation committed within twelve months of a prior violation and two hundred dollars for a third or subsequent violation committed within twelve months of any prior violation.

b. Any retailer who violates section 16-405 of this chapter shall be liable for a civil penalty in a

proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings in the amount of two hundred dollars for the first violation, four hundred dollars for a second violation committed within twelve months of a prior violation, and five hundred dollars for a third or subsequent violation committed within twelve months of any prior violation.

c. Any battery manufacturer who violates section 16-405 of this chapter shall be liable for a civil penalty recoverable in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings in the amount of two thousand dollars for the first violation, four thousand dollars for a second violation committed within twelve months of a prior violation, and five thousand dollars for a third or subsequent violation committed within twelve months of any prior violation.

§ 62. Subdivision a of section 16-427 of the administrative code of the city of New York, as added by local law 13 for the year 2008, is amended to read as follows:

a. The department and the department of consumer affairs shall have the authority to enforce the provisions of this chapter. Any notice of violation charging a violation of any provision of this chapter shall be returnable to the environmental control board or an authorized tribunal of the office of administrative trials and hearings, which shall have the power to impose civil penalties as provided herein.

§ 63. Subdivisions a-f of section 16-455 of the administrative code of the city of New York, as added by local law 1 for the year 2008, are amended to read as follows:

a. Any operator who violates subdivision a of section 16-453 of this chapter shall be liable for a civil penalty recoverable in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings in the amount of three hundred dollars per day for each day that a recycling program meeting the requirements of such subdivision is not in effect. It shall be an affirmative defense to a violation of paragraph one or five of subdivision a of section 16-453 of this chapter that the operator used its best efforts to comply with such paragraph but was unable to because of circumstances beyond such operator's control.

b. Any operator who violates subdivision b of section 16-453 of this chapter shall be liable for a civil penalty recoverable in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings in the amount of: (1) one hundred dollars for the first violation; (2) seven hundred dollars for the second violation within a twelve-month period of the first violation; and (3) one thousand dollars for the third violation within such twelve-month period.

c. Any operator who violates subdivision c of section 16-453 of this chapter shall be liable for a civil penalty recoverable in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings in the amount of: (1) one hundred dollars for the first violation within twelve months of the date the report referred to in such subdivision is due; (2) seven hundred dollars for the second violation within such twelve-month period; and (3) one thousand dollars for the third violation within such twelve-month period.

d. Any manufacturer who violates subdivision a of section 16-454 of this chapter shall be liable for a civil penalty recoverable in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings in the amount of five hundred dollars per day for each day that such violation continues.

e. Any manufacturer who violates subdivision b of section 16-454 of this chapter shall be liable for a civil penalty recoverable in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings in the amount of: (1) one hundred dollars for the first violation within twelve months of the date the report referred to in such subdivision is due; (2) one thousand dollars for the second violation within such twelve-month period; and (3) fifteen hundred dollars for the third violation within such twelve-month period.

f. Any manufacturer who violates subdivision c of section 16-454 of this chapter shall be liable for a civil penalty recoverable in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings in the amount of: (1) one hundred dollars for the first violation;

(2) one thousand dollars for the second violation within a twelve-month period of the first violation; and (3) fifteen hundred dollars for the third violation within such twelve-month period.

§ 64. Paragraph 3 of subdivision b of section 16-461 of the administrative code of the city of New York, as added by local law 56 for the year 2013, is amended to read as follows:

3. For any department-marked item removed in violation of this subdivision, a written agreement between the owner of a residential building or an authorized agent of such owner and the person removing such item shall not be a defense in any proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings or other court of appropriate jurisdiction to the improper removal of such item.

§ 65. Section 16-462 of the administrative code of the city of New York, as added by local law 56 for the year 2013, is amended to read as follows:

§ 16-462 Rewards. The commissioner shall establish a program to allow individuals to submit a sworn statement affirming the observation of a violation of section 16-461 of this chapter and, where the commissioner deems it appropriate, allow for a reward for any such sworn statement. Where a notice of violation or summons is issued for a violation of section 16-461 of this chapter based upon a sworn statement by one or more individuals and where the commissioner determines, in the exercise of his or her discretion, that such sworn statement, either alone or in conjunction with the testimony of the person submitting such sworn statement at a civil or criminal proceeding or in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings, contributes to the imposition of a civil or criminal penalty upon any person for a violation of section 16-461 of this chapter, the commissioner shall offer as a reward to such individual or individuals an amount that, in the aggregate, is equal to fifty percent of any civil or criminal penalty collected. No peace officer, employee of the department or of the environmental control board or an authorized tribunal of the office of administrative trials and hearings, employee of any company under contract with the department, or employee of any governmental entity that, in conjunction with

the department, conducts enforcement activity relating to a violation of section 16-461 of this chapter, shall be entitled to obtain the benefit of any such reward when acting in the discharge of his or her official duties.

§ 66. Subdivision c of section 16-463 of the administrative code of the city of New York, as added by local law 56 for the year 2013, is amended to read as follows:

c. No person shall receive for storage, collection or processing any department-marked item from any person other than an authorized employee or agent of the department. A written agreement between the owner of a residential building or an authorized agent of such owner, and anyone delivering a department-marked item to such person shall not be a defense in any proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings or other court of appropriate jurisdiction to the improper receipt of such item.

§ 67. Paragraph 4 of subdivision d of section 16-464 of the administrative code of the city of New York, as added by local law 56 for the year 2013, is amended to read as follows:

4. In addition to any other penalties provided in this subdivision, the interest of a vehicle owner in any motor vehicle impounded pursuant to paragraph three of this subdivision shall be subject to forfeiture upon notice and judicial determination thereof if such vehicle owner has been convicted of or found liable for a violation of this chapter in a criminal or civil proceeding or in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings three or more times, all of which violations were committed within any eighteen-month period.

§ 68. Subdivision i of section 16-464 of the administrative code of the city of New York, as added by local law 56 for the year 2013, is amended to read as follows:

i. Where a notice of violation is issued for a violation of any of the provisions of this chapter, such process shall be returnable to the environmental control board or an authorized tribunal of the office of administrative trials and hearings or court of appropriate jurisdiction, which shall have the power to impose the civil penalties provided in this section.

§ 69. Subdivisions a-c of section 16-476 of the administrative code of the city of New York, as added by local law 56 for the year 2013, is amended to read as follows:

a. Any person who violates section 16-471 of this chapter shall be liable for a civil penalty recoverable in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings of one thousand dollars for each such violation.

b. Any person who violates section 16-472 of this chapter shall be liable for a civil penalty recoverable in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings of five hundred dollars for each such violation.

c. Any person who violates sections 16-473 or 16-474 of this chapter shall be liable for a civil penalty recoverable in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings of two hundred fifty dollars for each such violation.

§ 70. Subdivision e of section 17-321 of the administrative code of the city of New York, as added by local law 20 for the year 2013, is amended to read as follows:

e. Any notice of violation issued to a food vendor by an officer or employee described in subdivision a of this section that is returnable to the environmental control board or an authorized tribunal of the office of administrative trials and hearings shall state the permit number of the vehicle or pushcart associated with such notice of violation.

§ 71. Subdivision d of section 17-325 of the administrative code of the city of New York is amended to read as follows:

d. A proceeding to recover any civil penalty authorized pursuant to the provisions of subdivision c of this section shall be commenced by the service of a notice of violation which shall be returnable to the environmental control board or an authorized tribunal of the office of administrative trials and hearings or the administrative tribunal established by the board of health. The environmental control board or an authorized tribunal of the office of administrative trials and hearings or the board of health's administrative tribunal shall

have the power to impose the civil penalties prescribed by subdivision c of this section.

§ 72. Subdivision f of section 17-508 of the administrative code of the city of New York, as amended by local law 11 for the year 2011, is amended to read as follows:

f. A proceeding to recover any civil penalty authorized pursuant to the provisions of subdivision e of this section shall be commenced by the service of a notice of violation which shall be returnable to the administrative tribunal established by the board of health, except that a proceeding to recover a civil penalty authorized pursuant to subdivision e for violation of subdivision d by smoking, or using an electronic cigarette, in a pedestrian plaza or in a park or other property under the jurisdiction of the department of parks and recreation, as prohibited by paragraph seven of subdivision c and by paragraph three of subdivision d of section 17-503 respectively, shall be commenced by the service of a notice of violation which shall be returnable to the environmental control board or an authorized tribunal of the office of administrative trials and hearings. The board of health's administrative tribunal and the environmental control board or an authorized tribunal of the office of administrative trials and hearings shall have the power to impose the civil penalties prescribed by subdivision e of this section.

§ 73. Subdivisions h and i of section 17-508 of the administrative code of the city of New York, as amended by local law 11 for the year 2011, is amended to read as follows:

h. If the administrative tribunal established by the board of health or the environmental control board or an authorized tribunal of the office of administrative trials and hearings finds, upon good cause shown, that the respondent cannot correct the violation specified in subdivision g of this section, it may postpone the period for compliance with such order upon such terms and conditions and for such period of time as shall be appropriate under the circumstances.

i. In any proceeding before the administrative tribunal established by the board of health or the environmental control board or an authorized tribunal of the office of administrative trials and hearings, if the tribunal finds that the department or other agency issuing the notice of violation has failed to prove the

violation charged, it shall notify the department or other agency issuing the notice of violation, and the order requiring the respondent to correct the condition constituting the violation shall be deemed to be revoked.

§ 74. Subdivision c of section 17-1103 of the administrative code of the city of New York, as amended by local law 35 for the year 2008, is amended to read as follows:

c. A proceeding to recover any civil penalty authorized pursuant to section 17-1104 shall be commenced by the service of a notice of violation returnable to the administrative tribunal established by the board of health pursuant to section 558 of the charter of the city of New York where the department issues such notice, the environmental control board or an authorized tribunal of the office of administrative trials and hearings established pursuant to section 1049-a of the charter of the city of New York where the department of environmental protection issues such notice, or the adjudication division of the department of consumer affairs established pursuant to section 20-104(e) of the administrative code of the city of New York where that department issues such notice. The notice of violation or copy thereof when filled in and served shall constitute notice of the violation charged, and, if sworn to or affirmed, shall be prima facie evidence of the facts contained therein. The administrative tribunal of the board of health, the environmental control board or an authorized tribunal of the office of administrative trials and hearings and the adjudication division of the department of consumer affairs shall have the power to render decisions and orders and to impose the remedies and penalties provided for in section 17-1104, in addition to any other remedies or penalties provided for the enforcement of such provisions under any other law including, but not limited to, civil or criminal actions or proceedings.

§ 75. Section 17-1409 of the administrative code of the city of New York, as added by local law 2 for the year 2012, is amended to read as follows:

§ 17-1409 Enforcement and penalties. The provisions of this chapter shall be enforced by the department and the department of consumer affairs. Any person found to be in violation of section 17-1402 or 17-1403 of this chapter or rules of the department promulgated pursuant thereto shall be liable for a civil penalty of not more than five hundred dollars for each violation. Any person found to be in violation of section

17-1405 or 17-1407 of this chapter or rules of the department promulgated pursuant thereto shall be liable for a civil penalty of not more than two hundred fifty dollars for each violation. Such civil penalties may be recovered in proceedings before the environmental control board or an authorized tribunal of the office of administrative trials and hearings or the administrative tribunal of the department of consumer affairs or in an action in any court of appropriate jurisdiction. Notices of violation returnable to such board or tribunal may be served by officers and employees of the department and the department of consumer affairs. In any proceeding it shall be an affirmative defense that the respondent is a laborer in the employ of the carpet business to do the physical work of installing the carpet and that he or she has no ownership interest in or control of the business or in any corporation, partnership or other legal entity that owns or controls the business and that he or she has no managerial or supervisory responsibility.

§ 76. Subdivisions c, d and e of section 18-108.1 of the administrative code of the city of New York, as added by local law 42 for the year 1995, are amended to read as follows:

c. (1) A person who violates subdivision (b) of this section shall be guilty of a misdemeanor punishable by not more than ninety days imprisonment or by a fine of not more than one thousand dollars or by both such fine and imprisonment. Notwithstanding the provisions of paragraph nine of subdivision (a) of section five hundred thirty-three of the New York city charter, such person shall also be liable for a civil penalty of not less than five hundred dollars nor more than one thousand dollars which may be recovered in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings. (2) Where the operator is less than fourteen years of age, a notice of violation of this section shall be personally served upon such operator's parent or guardian in accordance with the civil practice law and rules. Where the operator is fourteen years of age or over, but less than eighteen years of age, a notice of violation of this section shall be personally served upon such operator and his or her parent or guardian in accordance with the civil practice law and rules. (3) Notwithstanding the provisions of any other local law, where a summons or a notice of violation is issued for a violation of subdivision (b), an authorized designee of the commissioner or a

member of the police department may seize and impound the motorcycle, all terrain vehicle, snowmobile or motor vehicle.

d. A motorcycle, all terrain vehicle, snowmobile or motor vehicle seized and impounded pursuant to this section shall be released to the owner or other person lawfully entitled to possession upon payment of the costs of removal and storage as set forth in the rules of the department and proof of payment of any fine or civil penalty imposed for the violation or, if a proceeding in connection with the violation is pending before a court or the environmental control board or an authorized tribunal of the office of administrative trials and hearings, upon the posting of a bond or other form of security acceptable to the department in an amount which will secure the payment of such costs and any fine or civil penalty which may be imposed for the violation. If a court or the environmental control board or an authorized tribunal of the office of administrative trials and hearings finds in favor of the respondent, the owner shall be entitled forthwith to possession of the motorcycle, all terrain vehicle, snowmobile or motor vehicle without charge and to the extent that any amount has been previously paid for release of the motorcycle, all terrain vehicle, snowmobile or motor vehicle, such amount shall be refunded.

e. The owner of a motorcycle, all terrain vehicle, snowmobile or motor vehicle shall be given the opportunity for a post seizure hearing within five business days before the environmental control board or an authorized tribunal of the office of administrative trials and hearings regarding the seizure. The environmental control board or an authorized tribunal of the office of administrative trials and hearings shall render a determination within three business days after the conclusion of the hearing. Where the environmental control board or an authorized tribunal of the office of administrative trials and hearings finds that there was no basis for the seizure, the owner shall be entitled forthwith to possession of the motorcycle, all terrain vehicle, snowmobile or motor vehicle without charge and to the extent that any amount has been previously paid for release of the motorcycle, all terrain vehicle, snowmobile or motor vehicle, such amount shall be refunded.

§ 77. Subdivisions b and c of section 18-129 of the administrative code of the city of New York, as

amended by local law 7 for the year 1996, are amended to read as follows:

b. Any individual, firm, corporation, agent, employee or person under the control of such individual, firm or corporation violating the provisions of subdivision a of this section concerning a tree shall be liable to arrest and upon conviction thereof shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than fifteen thousand dollars or by imprisonment of not more than one year or by both such fine and imprisonment for each such violation. Such individual, firm, corporation, agent, employee or person under the control of such individual, firm or corporation shall also be liable for a civil penalty of not more than ten thousand dollars for each such violation which may be recovered in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings. A proceeding to recover any civil penalty authorized pursuant to this section shall be commenced by the service of a notice of violation returnable to the environmental control board or an authorized tribunal of the office of administrative trials and hearings. The environmental control board or an authorized tribunal of the office of administrative trials and hearings shall have the power to impose the civil penalties prescribed herein.

Any individual, firm, corporation, agent, employee or person under the control of such individual, firm or corporation violating the provisions of subdivision a of this section concerning any other form of vegetation shall be liable to arrest and upon conviction thereof shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than one thousand dollars or by imprisonment of not more than ninety days or by both such fine and imprisonment for each such violation.

c. Any individual, firm, corporation, agent, employee or person under the control of such individual, firm or corporation found to be guilty of violating the provisions of subdivision a of this section or section 10-148 of this code by a court of competent jurisdiction or by the environmental control board or an authorized tribunal of the office of administrative trials and hearings shall be denied the opportunity to obtain written consent from the commissioner or from an agency having control of public property to cut, remove or in any way destroy or cause to be destroyed, any tree or other form of vegetation on public property under the

jurisdiction of the commissioner, or such agency, for a maximum of two years from the date of conviction, or from the date the civil penalty was imposed.

§ 78. Subdivision d of section 19-103 of the administrative code of the city of New York, as amended and renumbered by local law 104 for the year 1993, is amended to read as follows:

d. The commissioner may suspend review of application for permits pending (i) payment by an applicant of outstanding fines, civil penalties or judgments imposed or entered against such applicant by a court or the environmental control board or an authorized tribunal of the office of administrative trials and hearings pursuant to this subchapter, (ii) payment by an applicant of outstanding fees or other charges lawfully assessed by the commissioner against such applicant pursuant to this subchapter and/or (iii) satisfactory compliance by an applicant with a request for corrective action or order issued by the commissioner pursuant to this subchapter.

§ 79. Subdivision f of section 19-103 of the administrative code of the city of New York, as amended and renumbered by local law 104 for the year 1993, is amended to read as follows:

f. The commissioner may refuse to issue a permit to an applicant (i) who has exhibited a pattern of disregard for the provisions of this subchapter, of section 24-521 of the code, the rules or orders of the department in relation thereto or the terms or conditions of permits issued pursuant to such provisions, or (ii) who has been found liable by a court or in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings for a violation of any provision of this subchapter, of section 24-521 of the code, of a rule or order of the department in relation thereto or of a term or condition of a permit issued pursuant to such provision, which violation caused an imminent peril to life or property.

§ 80. Paragraph 2 of subdivision h of section 19-103 of the administrative code of the city of New York, as amended and renumbered by local law 104 for the year 1993, is amended to read as follows:

2. The provisions of this subdivision shall not be construed to limit the power of the commissioner to

take any other action authorized pursuant to this subchapter with respect to any violation, including but not limited to, the commencement of an action or proceeding in a court or before the environmental control board or an authorized tribunal of the office of administrative trials and hearings or to require that the commissioner resort to the procedure set forth in this subdivision as a prerequisite to the commencement of an action or proceeding in a court or before the environmental control board or an authorized tribunal of the office of administrative trials and hearings or the taking of any other action authorized pursuant to this subchapter with respect to a violation.

§ 81. Subdivision c of section 19-121 of the administrative code of the city of New York, as amended and renumbered by local law 104 for the year 1993, is amended to read as follows:

c. Removal of unauthorized obstructions. The commissioner may remove any construction material or equipment placed in or upon any street in violation of this section, the rules of the department or the terms or conditions of a permit issued pursuant to this section. If the identity and address of the owner is reasonably ascertainable, notice of the removal shall be sent to the owner within a reasonable period of time after the removal. If such material or equipment is not claimed within thirty days after its removal, it shall be deemed to be abandoned. If the equipment is a vehicle, its disposition shall be governed by section twelve hundred twenty-four of the vehicle and traffic law. All other unclaimed material or equipment may be sold at public auction after having been advertised in the City Record and the proceeds paid into the general fund or such unclaimed material or equipment may be used or converted for use by the department or by another city agency or by a not-for-profit corporation engaged in the construction of subsidized housing. Material or equipment removed pursuant to this subdivision shall be released to the owner or other person lawfully entitled to possession upon payment of the costs of removal and storage as set forth in the rules of the department and any fines or civil penalties imposed for the violation or, if an action or proceeding for the violation is pending in court or before the environmental control board or an authorized tribunal of the office of administrative trials and hearings, upon the posting of a bond or other form of security acceptable to the department in an amount which will

secure the payment of such costs and any fines or civil penalties which may be imposed for the violation.

§ 82. Paragraph 7 of subdivision a of section 19-128.1 of the administrative code of the city of New York, as added by local law 23 for the year 2002, is amended to read as follows:

7. "Board" shall mean the environmental control board of the city of New York or an authorized tribunal of the office of administrative trials and hearings.

§ 83. Subdivision e of section 19-133.1 of the administrative code of the city of New York, as added by local law 4 for the year 2011, is amended to read as follows:

e. In addition to any other fines, penalties, sanctions or remedies provided for in this section, an ATM booth which remains in violation of subdivision d of this section shall be deemed abandoned. The department shall be authorized to provide for the seizure of such ATM booth, after the owner has been provided with notice and an opportunity to be heard before the appropriate administrative tribunal, if the owner of such ATM booth has accumulated an aggregate of fifty thousand dollars in civil penalties that have remained unpaid for ninety days following the expiration of the time to appeal the imposition of such penalties in accordance with the procedures of the environmental control board or an authorized tribunal of the office of administrative trials and hearings.

§ 84. Paragraphs 2 and 3 of subdivision b of section 19-150 of the administrative code of the city of New York, as added by local law 104 for the year 1993, are amended to read as follows:

2. The civil penalties provided for in this subdivision may be recovered in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings or in an action in any court of competent jurisdiction.

3. The environmental control board or an authorized tribunal of the office of administrative trials and hearings shall have the power to impose the civil penalties provided for in this subdivision. A proceeding before such board or tribunal shall be commenced by the service of a notice of violation returnable before such board or tribunal.

§ 85. Subdivision a of section 19-151 of the administrative code of the city of New York, as added by local law 104 for the year 1993, is amended to read as follows:

a. In addition to police officers, authorized officers and employees of the department of transportation and of other city agencies who are designated by the commissioner shall have the power to enforce the provisions of this subchapter and the rules and orders of the commissioner in relation thereto and to issue summonses and appearance tickets returnable in the criminal court and notices of violation returnable before the environmental control board or an authorized tribunal of the office of administrative trials and hearings for violations thereof.

§ 86. Subdivisions c, e, g and h of section 19-171.1 of the administrative code of the city of New York, as added by local law 19 for the year 2007, are amended to read as follows:

c. Any person who violates subdivision b of this section may be issued a notice of violation and shall be subject to a civil penalty that shall not be: (1) less than two hundred nor more than five hundred dollars for the first violation; (2) less than five hundred nor more than one thousand dollars for the second violation committed within a one year period; (3) less than one thousand nor more than four thousand dollars for the third violation committed within a one year period. Such penalty may be recovered in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings.

e. Where a police or peace officer or an authorized employee of a department designated by the commissioner serves a summons or notice of violation for violation of this section on a person operating a multi-passenger wheeled device or motorized pedicab, such multi-passenger wheeled device or motorized pedicab may be seized. Any device seized pursuant to this subdivision shall be delivered into the custody of the police department. The environmental control board or an authorized tribunal of the office of administrative trials and hearings shall hold a hearing to adjudicate the violation of subdivision b of this section on an expedited schedule and shall render its determination accordingly.

g. Where the environmental control board or an authorized tribunal of the office of administrative trials

and hearings finds that there was no violation of subdivision b of this section, the owner shall be entitled forthwith to possession of the multi-passenger wheeled device or motorized pedicab without charge or to the extent that any amount has been previously paid for release of the device, such amount shall be refunded.

h. Where the board or tribunal, after adjudication of the violation of subdivision b of this section, finds a violation of such subdivision, then (i) if the multi-passenger wheeled device or motorized pedicab is not subject to forfeiture pursuant to paragraph one of subdivision j, the police department shall release such device to its owner upon payment of all applicable civil penalties and all reasonable costs of removal and storage; or (ii) if the multi-passenger wheeled device or motorized pedicab is subject to forfeiture pursuant to paragraph one of subdivision j of this section, the police department may release such device to its owner upon payment of all civil penalties and all reasonable costs of removal and storage, or may commence a forfeiture action within ten days after the written demand by such owner for such device.

§ 87. Subdivisions b and c of section 19-176 of the administrative code of the city of New York, as amended by local law 14 for the year 2002, are amended to read as follows:

b. No person shall ride a bicycle upon any sidewalk unless permitted by an official sign. A person who violates this subdivision may be issued a notice of violation and shall be liable for a civil penalty of not more than one hundred dollars which may be recovered in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings.

c. A person who violates subdivision b of this section in a manner that endangers any other person or property shall be guilty of a misdemeanor, punishable by a fine of not more than one hundred dollars or imprisonment for not more than twenty days or both such fine and imprisonment. Such person shall also be liable for a civil penalty of not less than one hundred dollars nor more than three hundred dollars, except where a hearing officer has determined that where there was physical contact between the rider and another person, an additional civil penalty of not less than one hundred dollars nor more than two hundred dollars may be imposed. Such civil penalties may be recovered in a proceeding before the environmental control board or an

authorized tribunal of the office of administrative trials and hearings. Enforcement agents shall indicate on the summons or notice of violation issued pursuant to this subdivision whether physical contact was made between the rider and another person. Any person who violates any provision of this subdivision more than once within any six month period shall be subject to the imposition of civil penalties in an amount that is double what would otherwise have been imposed for the commission of a first violation. It shall be an affirmative defense that physical contact between a rider and another person was in no way the fault of the rider.

§ 88. Subdivisions e and f of section 19-176 of the administrative code of the city of New York, as relettered by local law 14 for the year 2002, are amended to read as follows:

e. A bicycle impounded pursuant to this section shall be released to the owner or other person lawfully entitled to possession upon payment of the costs of removal and storage as set forth in the rules of the police department and proof of payment of any fine or civil penalty for the violation or, if a proceeding for the violation is pending in a court or before the environmental control board or an authorized tribunal of the office of administrative trials and hearings, upon the posting of a bond or other form of security acceptable to the police department in an amount which will assure the payment of such costs and any fine or civil penalty which may be imposed for the violation. If the court or the environmental control board or an authorized tribunal of the office of administrative trials and hearings finds in favor of the defendant or respondent, the owner shall be entitled forthwith to possession of the bicycle without charge or to the extent that any amount has been previously paid for release of the bicycle, such amount shall be refunded. The police department shall establish by rule the time within which bicycles which are not redeemed may be deemed abandoned and the procedures for disposal.

f. The owner of a bicycle shall be given the opportunity for a post seizure hearing within five business days before the environmental control board or an authorized tribunal of the office of administrative trials and hearings regarding the impoundment. The environmental control board or an authorized tribunal of the office of administrative trials and hearings shall render a determination within three business days after the conclusion of

the hearing. Where the board or tribunal finds that there was no basis for the impoundment, the owner shall be entitled forthwith to possession of the bicycle without charge or to the extent that any amount has been previously paid for release of the bicycle, such amount shall be refunded.

§ 89. Subdivision c of section 19-176.2 of the administrative code of the city of New York, as added by local law 51 for the year 2004, is amended to read as follows:

c. Any person who violates subdivision b of this section shall be liable for a civil penalty in the amount of five hundred dollars. Authorized employees of the police department and department of parks and recreation shall have the authority to enforce the provisions of this section. Such penalties shall be recovered in a civil action or in a proceeding commenced by the service of a notice of violation that shall be returnable before the environmental control board or an authorized tribunal of the office of administrative trials and hearings. In addition, such violation shall be a traffic infraction and shall be punishable in accordance with section eighteen hundred of the New York state vehicle and traffic law.

§ 90. Subdivisions a and b of section 19-190 of the administrative code of the city of New York, as added by local law 29 for the year 2014, are amended to read as follows:

a. Except as provided in subdivision b of this section, any driver of a motor vehicle who fails to yield to a pedestrian or person riding a bicycle when such pedestrian or person has the right of way shall be guilty of a traffic infraction, which shall be punishable by a fine of not more than fifty dollars or imprisonment for not more than fifteen days or both such fine and imprisonment. In addition to or as an alternative to such penalty, such driver shall be subject to a civil penalty of not more than one hundred dollars which may be recovered in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings. For purposes of this section, "motor vehicle" shall have the same meaning as in section one hundred twenty-five of the vehicle and traffic law.

b. Except as provided in subdivision c of this section, any driver of a motor vehicle who violates subdivision a of this section and whose motor vehicle causes contact with a pedestrian or person riding a

bicycle and thereby causes physical injury, shall be guilty of a misdemeanor, which shall be punishable by a fine of not more than two hundred fifty dollars, or imprisonment for not more than thirty days or both such fine and imprisonment. In addition to or as an alternative to such penalty, such driver shall also be subject to a civil penalty of not more than two hundred fifty dollars which may be recovered in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings. For purposes of this section, "physical injury" shall have the same meaning as in section 10.00 of the penal law.

§ 91. Subdivisions a and b of section 19-191 of the administrative code of the city of New York, as added by local law 50 for the year 2014, are amended to read as follows:

a. Except as provided in the vehicle and traffic law, in addition to or as an alternative to any penalties assessed thereunder, any driver who, knowing or having cause to know that damage has been caused to the real property or the personal property of another due to an incident involving the driver's motor vehicle, leaves the scene of an incident without complying with all of the provisions of paragraph a of subdivision one of section six hundred of the vehicle and traffic law, shall be liable for a civil penalty, recoverable at the environmental control board or an authorized tribunal of the office of administrative trials and hearings, of not more than five hundred dollars.

b. Except as provided in the vehicle and traffic law, in addition to or as an alternative to any penalties assessed thereunder, any driver who, knowing or having cause to know that physical injury has been caused to another person due to an incident involving the driver's motor vehicle, leaves the scene of an incident without complying with all of the provisions of paragraph a of subdivision two of section six hundred of the vehicle and traffic law, shall be liable for a civil penalty, recoverable at the environmental control board or an authorized tribunal of the office of administrative trials and hearings, of not less than one thousand dollars nor more than two thousand dollars, except where such injury is a serious physical injury, such driver shall be liable for a civil penalty, recoverable at the environmental control board or an authorized tribunal of the office of administrative trials and hearings, of not less than two thousand dollars nor more than ten thousand dollars, and where such

injury results in death, such driver shall be liable for a civil penalty, recoverable at the environmental control board or an authorized tribunal of the office of administrative trials and hearings, of not less than five thousand dollars nor more than ten thousand dollars.

§ 92. Subdivision d of section 20-472 of the administrative code of the city of New York is amended to read as follows:

d. A proceeding to recover any civil penalty authorized pursuant to the provisions of subdivision c of this section shall be commenced by the service of a notice of violation which shall be returnable to the environmental control board or an authorized tribunal of the office of administrative trials and hearings. The board or tribunal shall have the power to impose the penalties prescribed by subdivision c of this section.

§ 93. Subdivision b of section 20-472.1 of the administrative code of the city of New York, as added by local law 16 for the year 2013, is amended to read as follows:

b. Commencing on June 1, 2013, and every three months thereafter, the environmental control board or an authorized tribunal of the office of administrative trials and hearings shall issue quarterly reports to the council with respect to violations that were issued pursuant to this subchapter or to subchapter two of chapter three of title seventeen of the administrative code, and that were adjudicated by the environmental control board or an authorized tribunal of the office of administrative trials and hearings. Each report shall detail the three-month period prior to the issuance of the report. Such report shall include:

1. the number of hearings held to adjudicate violations of each section of such subchapters;
2. for each section of such subchapters the number of violations: (a) adjudicated during the period; (b) for which vendors were found liable; and (c) for which vendors were found not liable;
3. the dollar amount of each civil penalty imposed by the board or tribunal; and
4. the dollar amount collected on each civil penalty imposed by the board or tribunal.

§ 94. Subdivision d of section 20-910 of the administrative code of the city of New York, as added by local law 38 for the year 2008, is amended to read as follows:

d. The department shall have the authority to enforce the provisions of subdivision b of this section. A proceeding to recover any civil penalty prescribed by subdivision e of this section shall be commenced by the service of a notice of violation, which shall be returnable to the environmental control board or an authorized tribunal of the office of administrative trials and hearings. The environmental control board or an authorized tribunal of the office of administrative trials and hearings shall have the power to impose any civil penalty prescribed by subdivision e of this section.

§ 95. Subdivisions c and d of section 22-112 of the administrative code of the city of New York, as amended by local law 40 for the year 2012, are amended to read as follows:

c. Any person violating paragraph one or two of subdivision a of this section, which is not concurrently a violation of section 16-119 of this code, shall be liable for a civil penalty of not less than one thousand five hundred dollars nor more than ten thousand dollars for a first violation, and not less than five thousand dollars nor more than twenty thousand dollars for each subsequent violation of either paragraph. 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 or an authorized tribunal of the office of administrative trials and hearings.

d. The owner or operator of a ship, steamer, or vessel operating for commercial purposes, carrying passengers for hire, or serving primarily as a residence that violates paragraph three of subdivision a of this section shall be liable for a civil penalty of not less than five hundred dollars nor more than one thousand dollars for a first violation, and not less than one thousand five hundred dollars nor more than five thousand dollars for each subsequent violation. The owner or operator of any other vessel that violates paragraph three of subdivision a of this section shall be liable for a civil penalty of not more than five hundred dollars for a first violation, and not less than five hundred dollars nor more than one thousand dollars for each subsequent violation. All penalties set forth in this subdivision may be recovered in a civil action brought in the name of the commissioner or in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings.

§ 96. Subdivision a of section 22-215 of the administrative code of the city of New York, as amended by local law 54 for the year 1995, is amended to read as follows:

a. Except as otherwise provided in subdivision b of this section, any person who violates any provision of this chapter or any of the rules promulgated pursuant thereto shall be liable for a civil penalty which shall not exceed ten thousand dollars for each such violation. Such civil penalty may be recovered in a civil action brought in a court of competent jurisdiction or an administrative proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings.

§ 97. Paragraph (i) of subdivision b of section 22-215 of the administrative code of the city of New York, as amended by local law 54 for the year 1995, is amended to read as follows:

(i) Any person who violates subdivision a of section 22-204, subdivision a of section 22-206, subdivision c of section 22-208 or section 22-219 of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, be punished for each violation by a criminal fine of not more than ten thousand dollars or by imprisonment not exceeding six months, or both; and any such person shall also be subject to a civil penalty of not more than five thousand dollars for each day of such violation to be recovered in a civil action brought in a court of competent jurisdiction or an administrative proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings.

§ 98. Paragraphs (ii) and (iii) of subdivision b of section 22-215 of the administrative code of the city of New York, as added by local law 50 for the year 1995, are amended to read as follows:

(ii) Any person who interferes or attempts to interfere with the conduct of loading or unloading services authorized pursuant to this chapter, shall be guilty of a misdemeanor and, upon conviction thereof, be punished for each such violation by a criminal fine of not more than ten thousand dollars or by imprisonment not exceeding six months, or both and any such person shall also be subject to a civil penalty of not more than five thousand dollars for each such violation to be recovered in a civil action brought in a court of competent jurisdiction or an administrative proceeding before the environmental control board or an authorized tribunal of

the office of administrative trials and hearings for each day that the violation continues.

(iii) Any person who intentionally or without permission of the owner or other person having lawful possession of such property destroys or damages property or equipment associated with loading or unloading services authorized pursuant to this chapter shall be guilty of a misdemeanor and, upon conviction thereof, be punished for each such violation by a criminal fine of not more than ten thousand dollars or by imprisonment not exceeding six months, or both and any such person shall also be subject to a civil penalty of not more than five thousand dollars for each such violation to be recovered in a civil action brought in a court of competent jurisdiction or an administrative proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings.

§ 99. Subdivision a of section 22-220 of the administrative code of the city of New York, as amended by local law 54 for the year 1995, is amended to read as follows:

a. Any police officer or authorized officer or employee of the department may, upon service of a notice of violation or criminal summons upon the owner or operator of a vehicle or other property or equipment seize such vehicle or such other property or equipment which such police officer or authorized officer or employee has reasonable cause to believe is being used in connection with an act constituting a violation of subdivision a of section 22-204, subdivision a of section 22-206 or subdivision c of section 22-208 of this chapter. Any vehicle, property or equipment seized pursuant to this subdivision shall be delivered into the custody of the department or other appropriate agency. Where a notice of violation has been served, a hearing to adjudicate the violation underlying the seizure shall be held before the environmental control board or an authorized tribunal of the office of administrative trials and hearings within five business days after the seizure and such board or tribunal shall render a decision within five business days after the conclusion of the hearing. Where a criminal summons has been served, a hearing to adjudicate the violation underlying the seizure shall be held before a court of competent jurisdiction. In the event that such court or the environmental control board or an authorized tribunal of the office of administrative trials and hearings determines that there has been no violation, the

vehicle, property or equipment that was seized shall be released forthwith to the owner or any person authorized by the owner to take possession of such vehicle, property or equipment.

§ 100. Subdivisions b and c of section 22-220 of the administrative code of the city of New York, as added by local law 50 for the year 1995, are amended to read as follows:

b. Except as otherwise provided in subdivision a of this section or where notice has been given that forfeiture will be sought pursuant to paragraph (ii) of subdivision e of this section, a vehicle or other property or equipment seized pursuant to subdivision a of this section shall be released upon payment of a fine or civil penalty imposed for the violation underlying the seizure and the costs of removal and storage as set forth in the rules of the department. Where an action or a proceeding relating to the violation underlying the seizure is pending in a court of competent jurisdiction or an administrative proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings, the vehicle or other property or equipment shall be released upon posting of a bond or other form of security sufficient to cover the maximum fine or civil penalty which may be imposed for such violation and the costs of removal and storage.

c. Where a court of competent jurisdiction or the environmental control board or an authorized tribunal of the office of administrative trials and hearings makes a finding that the vehicle or other property or equipment has not been used in connection with an act constituting a violation of subdivision a of section 22-204, subdivision a of section 22-206 or subdivision c of section 22-208 of this chapter, the vehicle or other property or equipment shall be released forthwith to the owner or any person authorized by the owner to take possession of such vehicle, property or equipment.

§ 101. Subdivision d and paragraph (i) of subdivision e of section 22-220 of the administrative code of the city of New York, as amended by local law 54 for the year 1995, are amended to read as follows:

d. Any vehicle or other property or equipment that has not been claimed by the owner within ten business days after mailing by first class mail to such owner of notice of a determination by a court of competent jurisdiction or by the environmental control board or an authorized tribunal of the office of

administrative trials and hearings that there has been no violation or that the vehicle or other property or equipment was not used in connection with a violation of subdivision a of section 22-204, subdivision a of section 22-206 or subdivision c of section 22-208 of this chapter shall be deemed by the department to be abandoned. Any vehicle unclaimed under the provisions of this subdivision shall be disposed of by the department pursuant to section twelve hundred twenty-four of the vehicle and traffic law. Property or equipment other than a vehicle shall be disposed of by sale at public auction following notice by publication in the city record describing such property or equipment not less than ten business days prior to such sale. Such notice shall provide that the owner may reclaim such property or equipment until a date that shall be not sooner than ten business days from the date the notice is published.

e. (i) In addition to any other fines, penalties, sanctions or remedies provided for in this chapter, a vehicle or other property or equipment which has been seized pursuant to subdivision a of this section and all rights, title and interest therein shall be subject to forfeiture upon notice and judicial determination thereof if the owner of such vehicle or other property or equipment has been found liable by a court of competent jurisdiction or the environmental control board or an authorized tribunal of the office of administrative trials and hearings on one or more prior occasions for using such vehicle or such other property or equipment in connection with an act constituting a violation of subdivision a of section 22-204, subdivision a of section 22-206 or subdivision c of section 22-208 of this chapter.

§ 102. Subdivision a and paragraph (i) of subdivision b of section 22-258 of the administrative code of the city of New York, as added by local law 28 for the year 1997, are amended to read as follows:

a. Except as otherwise provided in subdivision b of this section, any person who violates any provision of this chapter or any of the rules promulgated hereto shall be liable for a civil penalty which shall not exceed ten thousand dollars for each such violation. Such civil penalty may be recovered in a civil action or in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings or other administrative tribunal of competent jurisdiction.

b. (i) Any person who violates the requirement to obtain a photo identification card or to register a business contained in section 22-252 or section 22-253 of this chapter or who violates section 22-262 of this chapter shall, upon conviction thereof, be subject to a criminal fine for each violation of not more than ten thousand dollars for each day of such violation or by imprisonment not exceeding six months, or both; and any such person shall be subject to a civil penalty of not more than five thousand dollars for each day of such violation to be recovered in a civil action or proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings or other administrative tribunal of competent jurisdiction.

§ 103. Subdivisions a-d and paragraph (i) of subdivision e of section 22-262.1 of the administrative code of the city of New York, as added by local law 15 for the year 2000, are amended to read as follows:

a. Any police officer or authorized officer or employee of the department may, upon service of a notice of violation or criminal summons upon the owner or operator of a vehicle or other property or equipment, seize such vehicle or such other property or equipment which such police officer or authorized officer or employee has reasonable cause to believe is being used in connection with an act constituting a violation of subdivision a of section 22-253 of this chapter where such vehicle or other property or equipment is owned, leased or rented by a person subject to the provisions of such subdivision or such vehicle or other property or equipment is owned by a person other than an employee and is used directly by a person subject to the provisions of such subdivision. Any vehicle, property or equipment seized pursuant to this subdivision shall be delivered into the custody of the department or other appropriate agency. Where a notice of violation has been served, a hearing to adjudicate the violation underlying the seizure shall be held before the environmental control board or an authorized tribunal of the office of administrative trials and hearings within five business days after the seizure and such board or tribunal shall render a decision within five business days after the conclusion of the hearing. Where a criminal summons has been served, a hearing to adjudicate the violation underlying the seizure shall be held before a court of competent jurisdiction. In the event that such court or the environmental control board

or an authorized tribunal of the office of administrative trials and hearings determines that there has been no violation, the vehicle, property or equipment that was seized shall be released forthwith to the owner or any person authorized by the owner to take possession of such vehicle, property or equipment.

b. Except as otherwise provided in subdivision a of this section or where notice has been given that forfeiture will be sought pursuant to paragraph (ii) of subdivision e of this section, a vehicle or other property or equipment seized pursuant to subdivision a of this section shall be released upon payment of a fine or civil penalty imposed for the violation underlying the seizure and the costs of removal and storage as set forth in the rules of the department. Where an action or a proceeding relating to the violation underlying the seizure is pending in a court of competent jurisdiction or an administrative proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings, the vehicle or other property or equipment shall be released upon posting of a bond or other form of security sufficient to cover the maximum fine or civil penalty which may be imposed for such violation and the costs of removal and storage.

c. Where a court of competent jurisdiction or the environmental control board or an authorized tribunal of the office of administrative trials and hearings makes a finding that the vehicle or other property or equipment has not been used in connection with an act constituting a violation of subdivision a of section 22-253 of this chapter, the vehicle or other property or equipment shall be released forthwith to the owner or any person authorized by the owner to take possession of such vehicle, property or equipment.

d. Any vehicle or other property or equipment that has not been claimed by the owner within ten business days after mailing by first class mail to such owner of notice of a determination by a court of competent jurisdiction or by the environmental control board or an authorized tribunal of the office of administrative trials and hearings that there has been no violation or that the vehicle or other property or equipment was not used in connection with a violation of subdivision a of section 22-253 of this chapter shall be deemed by the department to be abandoned. Any vehicle unclaimed under the provisions of this subdivision shall be disposed of by the department pursuant to section twelve hundred twenty-four of the vehicle and traffic

law. Property or equipment other than a vehicle shall be disposed of by sale at public auction following notice by publication in the city record describing such property or equipment not less than ten business days prior to such sale. Such notice shall provide that the owner may reclaim such property or equipment until a date that shall be not sooner than ten business days from the date the notice is published.

e. (i) in addition to any other fines, penalties, sanctions or remedies provided for in this chapter, a vehicle or other property or equipment which has been seized pursuant to subdivision a of this section and all rights, title and interest therein shall be subject to forfeiture upon notice and judicial determination thereof if the owner of such vehicle or other property or equipment has been found liable by a court of competent jurisdiction or the environmental control board or an authorized tribunal of the office of administrative trials and hearings on one or more prior occasions for using such vehicle or such other property or equipment in connection with an act constituting a violation of subdivision a of section 22-253 of this chapter.

§ 104. Subdivisions b, c, e, paragraph (3) of subdivision i and subdivision k of section 23-408 of the administrative code of the city of New York, as added by local law 68 for the year 1995, are amended to read as follows:

b. An owner who repeatedly fails to provide phone services from a public pay telephone for any sustained period of time or who fails to provide coinless twenty-four hour 911 service from such public pay telephone shall be in violation of this chapter and shall be liable for a civil penalty of not more than two thousand five hundred dollars for each violation which may be recovered in a civil action or in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings. In the case of a continuing violation, each day's continuance shall be a separate and distinct offense.

c. An owner who violates any provision of this chapter, or any term or condition of a permit issued pursuant thereto, or any rule promulgated by the commissioner pursuant thereto shall be liable for a civil penalty of not more than one thousand dollars for each violation which may be recovered in a civil action or in a proceeding before the environmental control board or an authorized tribunal of the office of administrative

trials and hearings. In the case of a continuing violation, each day's continuance shall be a separate and distinct offense.

e. In addition to authorized officers and employees of the department, officers and employees of the department of transportation who are designated by the commissioner shall have the power to issue summonses and appearance tickets returnable in the criminal court and notices of violation returnable before the environmental control board or an authorized tribunal of the office of administrative trials and hearings for violations of the provisions of this chapter.

i. 3. The procedures set forth in this subdivision shall be employed by the commissioner in addition to or in lieu of the other remedies set forth in this section and shall not be construed to limit the power of the commissioner to commence a civil action or proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings, or to require that the commissioner resort to any procedure set forth in this subdivision as a prerequisite to the commencement of any such action or proceeding.

k. Any public pay telephone removed pursuant to this section which is not claimed by the owner within thirty days of removal shall be deemed to be abandoned. All abandoned public pay telephones may be sold at public auction after having been advertised in the City Record and the proceeds paid into the general fund or such abandoned telephones may be used or converted for use by the department or by another city agency. A public pay telephone shall be released to the owner upon payment of the costs of removal, repair and restoration work, and of storage, any fees for any administrative expense or expense of additional inspections incurred by the department as a result of the violation, or, if an action or proceeding for the violation is pending in a court or before the environmental control board or an authorized tribunal of the office of administrative trials and hearings, upon the posting of a bond or other form of security acceptable to the commissioner in an amount which will secure the payment of such costs and any fines or civil penalties which may be imposed for the violation.

§ 105. Subdivision (c) of section 24-128 of the administrative code of the city of New York, as relettered and amended by local law 38 for the year 2015, is amended to read as follows:

(c) An application for a certificate of operation or any renewal or reinstatement thereof may be denied by the commissioner if any board penalty or penalty of an authorized tribunal of the office of administrative trials and hearings against the owner of equipment or apparatus which is the subject of the application has not been complied with or satisfied.

§ 106. Subdivision (a) of section 24-132 of the administrative code of the city of New York, as amended by local law 38 for the year 2015, is amended to read as follows:

(a) The commissioner shall suspend or revoke a work permit or certificate of operation when ordered to do so by the board or by an authorized tribunal of the office of administrative trials and hearings pursuant to subchapter nine of this code.

§ 107. Section 24-137 of the administrative code of the city of New York, as renumbered by local law 38 for the year 2015, is amended to read as follows:

24-137 Enforcement of the labor law. Pursuant to subdivision two of section nine hundred ten of the labor law, the commissioner shall have all the powers and responsibility of the commissioner of labor in enforcing the provisions of article thirty of the labor law and the rules and regulations adopted thereunder; provided, however, that the civil penalties authorized pursuant to subdivisions one and two of section nine hundred nine of such law shall be imposed by the environmental control board or an authorized tribunal of the office of administrative trials and hearings after a hearing in accordance with the rules of [the board] an authorized tribunal of the office of administrative trials and hearings.

§ 108. Paragraph (1) of subdivision (h) of section 24-163 of the administrative code of the city of New York, as amended by local law 38 for the year 2015, as proposed in introduction number 230, is amended to read as follows:

(1) the environmental control board or an authorized tribunal of the office of administrative trials and

hearings that states the number of notices of violation issued for engine idling violations returnable to the environmental control board or an authorized tribunal of the office of administrative trials and hearings, including the total amount of penalties imposed for such notices of violations;

§ 109. Paragraphs (1) - (3) of subdivision d of section 24-163.11 of the administrative code of the city of New York, as amended by local law 38 for the year 2015, are amended to read as follows:

(1) In addition to the department, the business integrity commission shall have the authority to enforce this section and shall have the power to issue notices of violation. All notices of violation issued in accordance with this section shall be returnable to the board or an authorized tribunal of the office of administrative trials and hearings.

(2) Any owner or operator of a heavy duty trade waste hauling vehicle that violates any provision of this section shall be liable for a civil penalty of ten thousand dollars per vehicle that is in violation. Each notice of violation shall contain an order of the commissioner or of the chairperson of the business integrity commission directing the respondent to correct the condition constituting the violation and to file with the department or the business integrity commission electronically, or in such other manner as the department or the business integrity commission shall authorize, respectively, a certification that the condition has been corrected within sixty days from the date of the order. In any proceeding before the board or an authorized tribunal of the office of administrative trials and hearings, no civil penalty shall be imposed for a violation of this section if the respondent complies with the order of the commissioner or chairperson to correct and to certify correction of the violation within sixty days. In addition to such civil penalty, a separate additional penalty may be imposed of not more than five hundred dollars for each day that the violation is not corrected beyond sixty days from such order.

(3) For the purposes of this section, if the board or an authorized tribunal of the office of administrative trials and hearings finds that a certification of correction filed pursuant to paragraph two of this subdivision contained material false statements relating to the correction of a violation, such certification of correction shall

be null and void and the penalties set forth in this section for the violation may be imposed as if such false certification had not been filed with and accepted by the department or the business integrity commission. It shall be an affirmative defense that the respondent neither knew nor should have known that such statements were false.

§ 110. Subdivision (g) of section 24-165 of the administrative code of the city of New York, as amended by local law 38 for the year 2015, is amended to read as follows:

(g) The commissioner may recommend to the board or an authorized tribunal of the office of administrative trials and hearings that there shall be no civil penalty imposed for a first violation of this section if, within forty five days of the return date set forth on the notice of violation, the respondent admits liability for the violation and files a certification with the department in a form and manner and containing such information and documentation as shall be prescribed in the department's rules that the work has been performed to permanently correct the violation. If the commissioner accepts such certification of compliance, he or she shall recommend to the board or an authorized tribunal of the office of administrative trials and hearings that no civil penalty shall be imposed for the violation. Such violation may nevertheless serve as a predicate for purposes of imposing penalties for subsequent violations of this section.

§ 111. Subdivision (c) of section 24-166 of the administrative code of the city of New York, as amended by local law 38 for the year 2015, is amended to read as follows:

(c) The commissioner may recommend to the board or an authorized tribunal of the office of administrative trials and hearings that there shall be no civil penalty imposed for a first violation of this section if, within forty five days of the return date set forth on the notice of violation, the respondent admits liability for the violation and files a certification with the department in a form and manner and containing such information and documentation as shall be prescribed in the department's rules that the work has been performed to permanently correct the violation. If the commissioner accepts such certification of compliance, he or she shall recommend to the board or an authorized tribunal of the office of administrative trials and hearings that no civil

penalty shall be imposed for the violation. Such violation may nevertheless serve as a predicate for purposes of imposing penalties for subsequent violations of this section.

§ 112. Subdivision (a) of section 24-178 of the administrative code of the city of New York, as repealed and added by local law 38 for the year 2015, is amended to read as follows:

(a) The board or an authorized tribunal of the office of administrative trials and hearings may, upon notice pursuant to this chapter, and after a hearing pursuant to the rules of [the board] an authorized tribunal of the office of administrative trials and hearings:

(1) Order the commissioner to seal any equipment or apparatus which causes or is maintained or operated so as to cause a violation of any provision of this code or order or rule promulgated by the commissioner or the board or an authorized tribunal of the office of administrative trials and hearings, except as provided in subdivision (b) of this section;

(2) Order any person to cease and desist from any activity or process that causes or is conducted so as to cause, a violation of any provision of this code or any order or rule promulgated by the commissioner or the board or an authorized tribunal of the office of administrative trials and hearings, except as provided in subdivision (b) of this section;

(3)(i) Impose a civil penalty in each instance in an amount as hereinafter set forth in the table of civil penalties against any person who violates any provision of this code or of any order or rule promulgated thereunder.

TABLE OF CIVIL PENALTIES

| Violation         | Minimum | Maximum |
|-------------------|---------|---------|
| 24-108            | \$200   | \$800   |
| 24-109(a)(1)-(2)  | 800     | 3200    |
| 24-109(a)(3)-(17) | 400     | 1600    |
| 24-109(f)         | 400     | 1600    |
| 24-109(g)         | 400     | 1600    |
| 24-111            | 400     | 1600    |
| 24-112            | 400     | 1600    |
| 24-113            | 200     | 800     |
| 24-118            | 1600    | 6400    |
| 24-120            | 800     | 3200    |

|  |         |          |
|--|---------|----------|
| 24-122   | 800     | 3200     |
| 24-123(d)  | 800     | 3200     |
| 24-131   | 200     | 800      |
| 24-136   | 1000    | 15000    |
| 24-138   | 1000    | 15000    |
| 24-139   | 1600    | 6400     |
| 24-141   | 400     | 1600     |
| 24-142   | 400     | 1600     |
| 24-143   | 200     | 800      |
| 24-143.1   | 200     | 800      |
| 24-145   | 800     | 3200     |
| 24-146(b)-(d)  | 400     | 1600     |
| 24-146(e),(f)  | 800     | 3200     |
| 24-147   | 800     | 3200     |
| 24-148   | 800     | 3200     |
| 24-149   | 200     | 800      |
| 24-149.1   | 400     | 1600     |
| 24-149.2   | 400     | 1600     |
| 24-149.3   | 400     | 1600     |
| 24-149.4   | 800     | 3200     |
| 24-149.5   | 400     | 1600     |
| 24-151   | 800     | 3200     |
| 24-152   | 200     | 800      |
| 24-153   | 800     | 3200     |
| 24-155   | 400     | 1600     |
| 24-156   | 400     | 1600     |
| 24-159   | 200     | 800      |
| 24-160   | 400     | 1600     |
| 24-161   | 200     | 800      |
| 24-163   | 200     | 2000     |
| 24-163.3, 24-163.5, 24-163.6,<br>24-163.7, 24-163.9                | 1000{1} | 10000{1} |
| 24-163.8   | 500     | 500      |
| 24-163.11  | 0       | 10000{2} |
| 24-164   | 400     | 1600     |
| 24-165   | 0       | 1600     |
| 24-166   | 0       | 875      |
| 24-167   | 200     | 800      |
| 24-168   | 800     | 3200     |
| 24-168.1   | 800     | 3200     |
| 24-169   | 1600    | 6400     |
| 24-173   | 1600    | 6400     |
| 24-176   | 200     | 800      |
| 24-177   | 200     | 800      |
| All other sections, subdivisions<br>and paragraphs of this chapter | 400     | 1600     |

{1} Plus twice the amount saved by failing to comply.

{2} Plus five hundred dollars per day for each day the violation is not corrected beyond sixty days from the date of an order of the commissioner or of the chairperson of the business integrity commission to correct the violation.

(ii) Impose a separate penalty for each day on which a violation under this code shall have occurred.

(iii) Impose an additional civil penalty, in the amount of ten percent (10%) of the penalty originally imposed, for late payment of a penalty for each month or part thereof that the penalty payment is in arrears. In no event shall the total additional civil penalty exceed the maximum set forth in the table of civil penalties.

(4) Impose a civil penalty of not less than one thousand nor more than four thousand dollars on any person who willfully breaks, or causes or permits the breaking of, a seal placed on equipment pursuant to this section.

§113. Subdivisions (b), (c), (d) and (e) of section 24-178 of the administrative code of the city of New York, as repealed and added by local law 38 for the year 2015, is amended to read as follows:

(b) The board or an authorized tribunal of the office of administrative trials and hearings may, upon notice pursuant to section 24-180 of this code, order any person to:

(1) Cease and desist from the installation or alteration of equipment or apparatus, without a permit as required by section 24-120 of this code;

(2) Cease and desist from the operation of any equipment or apparatus without a certificate and the board or tribunal may also order the commissioner to seal any such equipment or apparatus;

(3) Cease and desist from the spraying of insulating material on, or the demolition of, any building or structure which does not conform to the requirements of section 24-109 or 24-146 of this code or any rule promulgated thereunder. The board or tribunal may also order the commissioner to seal any equipment used therefor.

(c) The board or tribunal may order the commissioner to install any apparatus or to clean, repair, or alter any equipment or apparatus which causes or is maintained or operated so as to cause a violation of an order

issued pursuant to paragraph two of subdivision (a) of this section, where such installation, cleaning, repairing, or alteration can reasonably be expected to correct such a violation. Any work required under such an order may be executed by the commissioner through the officers, agents or contractors of the department. The department shall be reimbursed promptly for all costs and expenses of such work by the owner of the equipment or apparatus to which the order relates and in respect to which such expenses were incurred. Such expenses may be recovered in a civil action brought in the name of the commissioner.

(d) If an order of the board or tribunal issued pursuant to subdivisions (a) and (b) of this section provides for a period of time during which a person subject to the order is permitted to correct a violation, the board or an authorized tribunal of the office administrative trials and hearings may require the respondent to post a performance bond or other security with the department in a form and amount sufficient to assure the correction of such violation within the prescribed time. In the event of a failure to meet the schedule prescribed by [the board] an authorized tribunal of the office administrative trials and hearings or tribunal, the sum named in the bond or other security shall be forfeited and shall be paid to the commissioner.

(e) The board or an authorized tribunal of the office administrative trials and hearings may order any person to cease and desist from an activity which it reasonably believes causes an emission of an air contaminant which creates an imminent peril to the public health. Such order shall be effective upon service thereof. Any party affected by such an order may request a hearing on written notice, and he or she shall be afforded a hearing, within twenty-four hours after service of such request, pursuant to the rules of [the board] an authorized tribunal of the office administrative trials and hearings. If such an accelerated hearing is not requested, then a hearing shall be afforded within ten days of the issuance of the order. The board or an authorized tribunal of the office administrative trials and hearings shall issue its final decision and order thereon within three days from the conclusion of a hearing held pursuant to this subdivision.

§ 114. Section 24-182 of the administrative code of the city of New York, as amended by local law 38 for the year 2015, is amended to read as follows:

§ 24-182 Citizen's complaint. (a) Any person, other than personnel of the department and employees of the city of New York authorized by law to serve summonses for violations of the code, may serve upon the department a complaint, in a form prescribed by the department, alleging that a person has violated any provision of this code or order or regulation promulgated by the commissioner or the board or an authorized tribunal of the office of administrative trials and hearings, except with respect to sections 24-143 and 24-163 of this code, but still applicable to buses as defined in section one hundred four of the vehicle and traffic law and trucks as defined in section one hundred fifty eight of the vehicle and traffic law, together with evidence of such violation. With respect to section 24-142 of this code, only such person who has been certified as a smoke watcher, by passing a course of smoke observation approved by the department within three years prior to the observation, may serve such complaint.

(b) A person who has served a complaint pursuant to subdivision (a) of this section may serve upon the person allegedly in violation, and upon the board or an authorized tribunal of the office of administrative trials and hearings, a notice of violation in a form prescribed by the board or tribunal within forty-five days from service of such complaint if;

(1) The department has failed to serve a notice of violation, pursuant to the rules of [the board] an authorized tribunal of the office of administrative trials and hearings, for the violation alleged in a complaint pursuant to subdivision (a) of this section; or

(2) The department fails to serve a written notice upon the complainant of its determination that his or her complaint is frivolous or duplicitous.

(c) A person commencing a proceeding pursuant to this section shall prosecute such proceeding at his or her own expense. The department may intervene in such a proceeding at any time.

(d) In any proceeding brought by the department after receiving a complaint, pursuant to subdivision (a) of this section, pertaining to a violation of this code or any regulation or order promulgated by the commissioner or the board or an authorized tribunal of the office of administrative trials and hearings, wherein

the source of the violation is a manufacturing or industrial facility or a facility for the generation of steam for off-premises sale or electricity or equipment used by any such facility, the board or an authorized tribunal of the office of administrative trials and hearings shall award the complainant, out of the proceeds collected, an amount which shall not exceed twenty-five percent of such proceeds, for disclosure of information or evidence, not in the possession of the department prior to the receipt of the complaint by the department, which leads to the imposition of the civil penalty.

(e) In any proceeding brought by a complainant pursuant to subdivision (a) of this section, the board or an authorized tribunal of the office of administrative trials and hearings shall award, out of the proceeds collected, fifty percent of any civil penalty as fair and reasonable compensation to such person.

§115. Section 24-183 of the administrative code of the city of New York, as amended by local law 38 for the year 2015, is amended to read as follows:

§ 24-183 Adjudication, settlement and settlement by stipulation. The adjudication, settlement or settlement by stipulation of any notice of violation issued pursuant to this subchapter shall be in accordance with section 1049-a of the New York city charter and the applicable rules of [the board] an authorized tribunal of the office of administrative trials and hearings.

§ 116. Section 24-189 of the administrative code of the city of New York is amended to read as follows:

§ 24-189 Procedural rules. [The board] An authorized tribunal of the office of administrative trials and hearings shall have authority from time to time to make, amend, and rescind such procedural rules as may be necessary to carry out the provisions of this subchapter.

§ 117. Subdivisions (a) and (b) of section 24-190 of the administrative code of the city of New York, as amended by local law 38 for the year 2015, are amended to read as follows:

(a) Any person who shall knowingly make a false statement or who shall knowingly falsify or allow to be falsified any certification, registration, form, signed statement, application or report required under the provisions of this code or regulation promulgated by the commissioner or the board or an authorized tribunal of

the office of administrative trials and hearings shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars, nor more than one thousand dollars, or by imprisonment not to exceed five months, or both.

(b) Any person, other than a corporation, who violates any order of the commissioner or the board or an authorized tribunal of the office of administrative trials and hearings or any provision of section 24-120, 24-122 or 24-146 of this code or who illegally breaks a seal on equipment, upon conviction shall be punished for each offense by a fine of not less than fifty dollars nor more than five hundred dollars or by imprisonment for not more than thirty days or by both.

Any corporation which violates any order of the commissioner or the board or an authorized tribunal of the office of administrative trials and hearings or any provision of section 24-120, 24-122 or 24-146 of this code, or which illegally causes a seal to be broken, upon conviction shall be punished for each offense by a fine of not less than one hundred dollars nor more than two thousand dollars. Every day during which such violation occurs constitutes a separate offense.

§ 118. Subdivision (f) of section 24-190 of the administrative code of the city of New York, as designated by local law 38 for the year 2015, is amended to read as follows:

(f) Any person convicted of violating any of the provisions of this code or any regulation of the board or an authorized tribunal of the office administrative trials and hearings not otherwise provided for by this section shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars or by imprisonment for twenty days or both for the first offense, and by a fine of not less than one hundred dollars nor more than one thousand dollars or by imprisonment for not more than thirty days or both for a second offense, and by a fine of not less than four hundred dollars nor more than five thousand dollars or by imprisonment for not more than four months or both for a third or subsequent offense.

§ 119. Section 24-209 of the administrative code of the city of New York is amended to read as follows:

§ 24-209 Interfering with or obstructing department personnel. No person shall interfere with or

obstruct the commissioner or any department employee in carrying out any duty for the commissioner or the board or an authorized tribunal of the office of administrative trials and hearings.

§ 120. Subdivision (d) of section 24-227 of the administrative code of the city of New York, as added by local law 153 for the year 2013, is amended to read as follows:

(d) The commissioner may recommend to the board or an authorized tribunal of the office of administrative trials and hearings that there shall be no civil penalty imposed for a first violation of this section if, within forty five days of the return date set forth on the notice of violation, the respondent admits liability for the violation and files a certification with the department in a form and manner and containing such information and documentation as shall be prescribed in the department's rules that (i) permanent improvements or modifications have been made to the establishment, including but not limited to the installation of appropriate sound insulation, isolators, suspension mounting and/or sound mitigation devices or materials; and (ii) appropriate sound measurements taken in accordance with the department's rules substantiate that the establishment is in full compliance with the sound levels set forth in this section. If the commissioner accepts such certification of compliance, he or she shall recommend to the board or an authorized tribunal of the office of administrative trials and hearings that no civil penalty shall be imposed for the violation. Such violation may nevertheless serve as a predicate for purposes of imposing penalties for subsequent violations of this section.

§121. Paragraph (1) of subdivision (b) of section 24-231 of the administrative code of the city of New York, as added by local law 113 for the year 2005, is amended to read as follows:

(1) The commissioner may recommend to the board or an authorized tribunal of the office of administrative trials and hearings that there shall be no civil penalty imposed for a first violation of this section if, within 30 days after the issuance of such violation or, if applicable, within the time granted by the commissioner pursuant to paragraph two of this subdivision, the respondent admits liability for the violation and files a certification with the department in a form and manner and containing such information and documentation as shall be prescribed in the department's rules that (i) permanent improvements or

modifications have been made to the establishment, including but not limited to the installation of appropriate sound insulation, isolators, suspension mounting and/or sound mitigation devices or materials and (ii) appropriate sound measurements taken in accordance with the department's rules substantiate that the establishment is in full compliance with the sound levels set forth in this section. If the commissioner accepts such certification of compliance, he or she shall recommend to the board or an authorized tribunal of the office of administrative trials and hearings that no civil penalty shall be imposed for the violation. Such violation may nevertheless serve as a predicate for purposes of imposing penalties for subsequent violations of this section.

§122. Subdivision (b) of section 24-240 of the administrative code of the city of New York, as added by local law 113 for the year 2005, is amended to read as follows:

(b) An opportunity for a hearing before the board or an authorized tribunal of the office of administrative trials and hearings shall be provided to the owner of a motor vehicle removed pursuant to this section within five business days after a request for a hearing is made to determine whether there was a basis for such removal. The board or an authorized tribunal of the office of administrative trials and hearings shall render a decision within two business days following the conclusion of the hearing. If it is determined that there was no basis for removal of a vehicle pursuant to this section, the owner of such vehicle may recover from the city any amounts paid by such owner for towing and storage.

§ 123. Subdivision (c) of section 24-247 of the administrative code of the city of New York is amended to read as follows:

(c) Information concerning secret processes which may be required, ascertained or discovered by the department shall not be disclosed by any department employee, except that the information may be disclosed by the commissioner if the department is subpoenaed for the information or if in the course of a departmental court proceeding or departmental or board hearing or hearing of an authorized tribunal of the office of administrative trials and hearings, the information is relevant to the proceeding or hearing.

§ 124. Subdivision (a) of section 24-252 of the administrative code of the city of New York is amended

to read as follows:

(a) The commissioner shall suspend or revoke a tunneling permit or certificate when ordered to do so by the board or an authorized tribunal of the office of administrative trials and hearings pursuant to subchapter eight of this chapter of this code.

§ 125. Subdivision (a) of section 24-257 of the administrative code of the city of New York is amended to read as follows:

(a) The board or an authorized tribunal of the office of administrative trials and hearings, in addition to other duties assigned to [it] such board or tribunal by law, shall have the power to conduct hearings pursuant to this subchapter and, by the issuance of a subpoena, compel the attendance of witnesses and the production of any books, papers or other things relating to the matter under investigation.

§ 126. Subdivision (b) of section 24-257 of the administrative code of the city of New York, as amended by local law 153 for the year 2013, is amended to read as follows:

(b) The board or an authorized tribunal of the office of administrative trials and hearings may, upon notice pursuant to section 24-259 of this code, and after a hearing pursuant to section 24-263 of this code, or in default thereof pursuant to section 24-264 of this code: (1) Order the commissioner to revoke or suspend a certificate or tunneling permit issued pursuant to this code for any device or activity where such device or activity causes, or is maintained or operated so as to cause a violation of any provision of this code or order or regulation promulgated by the commissioner or the board or an authorized tribunal of the office of administrative trials and hearings;

(2) Order the owner of any device which causes or is maintained or operated so as to cause a violation of any provision of this code or any order or regulation promulgated by the commissioner or the board or an authorized tribunal of the office of administrative trials and hearings, to install any apparatus which can reasonably be expected to correct the violation, or to repair, properly maintain, replace or alter such device in a manner which can reasonably be expected to correct the violation;

(3) Seal any device which causes or is maintained or operated so as to cause a violation of any provision of this code or order or regulation promulgated by the commissioner or the board or an authorized tribunal of the office of administrative trials and hearings, except as provided in subdivision (c) of this section;

(4) Order any person to cease and desist from any activity which causes or is conducted so as to cause a violation of any provision of this code or any order or regulation promulgated by the commissioner or the board or an authorized tribunal of the office of administrative trials and hearings, except as provided in subdivision (c) of this section;

(5) Impose a civil penalty in each instance in an amount as set out in table I against any person who violates a provision of this code, or of any order, rule or regulation promulgated by the commissioner or the board or an authorized tribunal of the office of administrative trials and hearings. Each day during which such violation continues shall constitute a separate violation. The board or an authorized tribunal of the office of administrative trials and hearings may remit, in whole or in part, such a civil penalty if, at the conclusion of the hearing or at the time of the board determination or determination of an authorized tribunal of the office of administrative trials and hearings under section 24-266 of this code, the respondent is no longer in violation of a provision of this code, or of any order, rule or regulation promulgated by the commissioner or the board or an authorized tribunal of the office of administrative trials and hearings;

TABLE I

| Civil Penalties                               |                 |              |                   |              |                                  |              |
|---|-----------------|--------------|-------------------|--------------|----------------------------------|--------------|
| Violations related to section and subdivision | First Violation |              | Second Violation* |              | Third and Subsequent Violations* |              |
|   | Maxi-<br>mum    | Mini-<br>mum | Maxi-<br>mum      | Mini-<br>mum | Maxi-<br>mum                     | Mini-<br>mum |
| 24-216 (d)                                    | 2,625           | 650          | 5,250             | 1,300        | 7,875                            | 1,950        |
| 24-218  | 1,000           | 350          | 2,000             | 700          | 3,000                            | 1,050        |
| 24-218.1                                      | 50              | 50           | 50                | 50           | 50                               | 50           |
| 24-220  | 1,400           | 440          | 2,800             | 880          | 4,200                            | 1,320        |
| 24-222  | 3,500           | 875          | 7,000             | 1,750        | 10,500                           | 2,625        |
| 24-223  | 3,500           | 875          | 7,000             | 1,750        | 10,500                           | 2,625        |
| 24-224  | 3,500           | 875          | 7,000             | 1,750        | 10,500                           | 2,625        |

|  |       |     |        |       |        |       |
|--|-------|-----|--------|-------|--------|-------|
| 24-225                                     | 1,400 | 440 | 2,800  | 880   | 4,200  | 1,320 |
| 24-226                                     | 1,400 | 440 | 2,800  | 880   | 4,200  | 1,320 |
| 24-227                                     | 875   | 0   | 1,750  | 440   | 2,625  | 660   |
| 24-228                                     | 1,400 | 440 | 2,800  | 880   | 4,200  | 1,320 |
| 24-229                                     | 1,400 | 440 | 2,800  | 880   | 4,200  | 1,320 |
| 24-230                                     | 1,400 | 440 | 2,800  | 880   | 4,200  | 1,320 |
| 24-231 (a)                                 | 8,000 | 0   | 16,000 | 4,000 | 24,000 | 6,000 |
| 24-231 (b)                                 | 1,750 | 440 | 3,500  | 880   | 5,250  | 1,320 |
| 24-231 (c)                                 | 875   | 350 | 1,750  | 700   | 2,625  | 1,050 |
| 24-232                                     | 1,400 | 440 | 2,800  | 880   | 4,200  | 1,320 |
| 24-233 (a)                                 | 175   | 50  | 350    | 100   | 525    | 150   |
| 24-233 (b) (1)                             | 175   | 50  | 350    | 100   | 525    | 150   |
| 24-233 (b) (2)                             | 350   | 100 | 700    | 200   | 1,050  | 300   |
| 24-234                                     | 175   | 50  | 350    | 100   | 525    | 150   |
| 24-235                                     | 175   | 50  | 350    | 100   | 525    | 150   |
| 24-236 (a)                                 | 525   | 150 | 1,050  | 300   | 1,575  | 450   |
| 24-236 (b) (c) (d)                         | 1,440 | 440 | 2,800  | 880   | 4,200  | 1,320 |
| 24-237 (a)                                 | 1,000 | 150 | 2,000  | 300   | 3,000  | 450   |
| 24-237 (b)                                 | 875   | 220 | 1,750  | 440   | 2,625  | 660   |
| 24-237 (c)                                 | 875   | 220 | 1,750  | 440   | 2,625  | 660   |
| 24-237 (d)                                 | 1,000 | 350 | 2,000  | 700   | 3,000  | 1,050 |
| 24-238                                     | 875   | 220 | 1,750  | 440   | 2,625  | 660   |
| 24-239 (b)                                 | 350   | 100 | 700    | 200   | 1,050  | 300   |
| 24-241                                     | 1,400 | 440 | 2,800  | 880   | 4,200  | 1,320 |
| 24-242                                     | 875   | 220 | 1,750  | 440   | 2,625  | 660   |
| 24-244                                     | 1,750 | 440 | 3,500  | 880   | 5,250  | 1,320 |
| 24-245                                     | 2,625 | 660 | 5,250  | 1,320 | 7,875  | 1,980 |
| All remaining sections<br>and subdivisions | 875   | 220 | 1,750  | 440   | 2,625  | 660   |

\* By the same respondent of the same provision of law, order, rule or regulation and, if the respondent is the owner, agent, lessee or other person in control of the premises with respect to which the violation occurred, at the same premises (all violations committed within two years).

Each day during which such violation continues shall constitute a separate violation. The board or an authorized tribunal of the office of administrative trials and hearings may remit, in whole or in part, such a civil penalty if, at the conclusion of the hearing or at the time of the board determination or determination of an authorized tribunal of the office of administrative trials and hearings under section 24-266 of this code, the respondent is no longer in violation of a provision of this code, or of any order, rule or regulation promulgated by the commissioner or the board or an authorized tribunal of the office of administrative trials and hearings;

(6) Impose a civil penalty of not more than two hundred fifty dollars on any owner of a device for each

day such equipment is sealed pursuant to this section;

(7) Impose a civil penalty of not less than one thousand nor more than four thousand dollars on any person who willfully breaks, or causes or permits the breaking of, a seal placed on a device pursuant to this section.

(8) Impose an additional civil penalty in the amount of twenty-five percent of that which would otherwise be imposed for each twelve decibels by which the sound or noise level measured exceeds the maximum sound level as contained in subchapters five and six of this chapter.

(9) Impose an additional civil penalty in the amount of ten percent of the penalty originally imposed, for late payment of penalty for each month, or part thereof, that the penalty payment is in arrears. In no event shall the total additional civil penalty exceed the maximum set forth in the table of civil penalties, or as modified pursuant to paragraph eight of this subdivision or paragraph ten of this subdivision, or both.

(10) Order any person to be classified as a persistent violator if such person is found to be in violation of this code and has also on one or more prior occasions within the preceding five years been found to be in violation of this code, where such repeated violations evidence [substantial] substantial disregard thereof. If a person is classified as a persistent violator, the board or an authorized tribunal of the office of administrative trials and hearings shall in each instance double the amount of the penalty which it would otherwise impose pursuant to paragraph five of this subdivision. Such double penalties shall be imposed for violations which the board or tribunal finds a person committed pursuant to the same proceeding at which it classified such person as a persistent violator and for all violations committed within two years immediately following such classification, after which such classification shall terminate. However, if at the end of such two year period such person is still in violation of this code because of a failure to take or complete a corrective action as required by the board or tribunal, such classification shall continue until such time as such person is no longer in violation of this code because of such failure, at which time such classification shall cease. Thereafter, the board or tribunal may again classify such person as a persistent violator, on the same basis it used originally.

§ 127. Subdivision (c) of section 24-257 of the administrative code of the city of New York, as amended by local law 113 for the year 2005, is amended to read as follows:

(c) The board or an authorized tribunal of the office of administrative trials and hearings may, upon notice pursuant to section 24-259 of this code:

(1) order any person to cease and desist from the operation of any listed device without a certificate as required by section 24-245 of this code and the board or an authorized tribunal of the office of administrative trials and hearings may also seal such device;

(2) order any person to cease and desist from tunneling without a tunneling permit as required by section 24-245 of this code and the board or an authorized tribunal of the office of administrative trials and hearings may also seal any device used in such tunneling;

(3) order any person not in possession of an after hours work authorization issued pursuant to section 24-223 of this code to cease and desist from construction activities other than during the permissible hours specified in section 24-222 of this code and the board or an authorized tribunal of the office of administrative trials and hearings may also seal any device used in such construction activities;

(4) order any person to cease and desist from the operation of a device without registration required by section 24-208 of this code and the board or an authorized tribunal of the office of administrative trials and hearings may also seal such device.

§ 128. Subdivisions (d) and (e) of section 24-257 of the administrative code of the city of New York are amended to read as follows:

(d) The board or an authorized tribunal of the office of administrative trials and hearings may order the commissioner to install any apparatus or to repair or alter any device or apparatus which causes or is maintained or operated so as to cause a violation of an order issued pursuant to paragraph two of subdivision (b) of this section, where such repairing or alteration can reasonably be expected to correct such a violation. Any work required under such an order may be executed by the commissioner through the officers, agents or

contractors of the department. The department shall be reimbursed promptly for all costs and expenses of such work by the owner of the device to which the order relates and in respect to which such expenses were incurred. Such expenses may be recovered in a civil action brought in the name of the commissioner.

(e) If an order of the board or an authorized tribunal of the office of administrative trials and hearings issued pursuant to subdivisions (b) and (c) of this section provides for a period of time during which a person subject to the order is permitted to correct a violation, the board or tribunal may require the respondent to post a performance bond or other security with the department in a form and amount sufficient to assure the correction of such violation within the prescribed time. In the event of a failure to meet the schedule prescribed by the board or tribunal, the sum named in the bond or other security shall be forfeited and shall be paid to the commissioner.

§ 129. Subdivision (f) of section 24-257 of the administrative code of the city of New York, as amended by local law 113 for the year 2005, is amended to read as follows:

(f) (1) The board or an authorized tribunal of the office of administrative trials and hearings may order any person to cease and desist from an activity which it reasonably believes causes unreasonable noise which creates imminent peril to the public health and well being, or to cease and desist from an activity which it reasonably believes constitutes a [wilful] willful or continued violation of any provision of this code or order or regulation, promulgated by the commissioner or board or an authorized tribunal of the office of administrative trials and hearings. Such order shall be effective upon service thereof. Any party affected by such an order may request a hearing on written notice, and he or she shall be afforded a hearing, within twenty-four hours after service of such request, pursuant to section 24-263 of this code. If such an accelerated hearing is not requested, then a hearing shall be afforded within ten days of the issuance of the order. The board or an authorized tribunal of the office of administrative trials and hearings shall issue its final decision and order thereon within three days from the conclusion of a hearing held pursuant to this subdivision.

§ 130. Subdivision (b) of section 24-259 of the administrative code of the city of New York is amended

to read as follows:

(b) Whenever the commissioner has reasonable cause to believe that a violation of any provision of this code or any order or regulation promulgated by the commissioner or the board or an authorized tribunal of the office of administrative trials and hearings may exist, he or she may cause to have a notice of violation issued and served on:

(1) The person in violation; or

(2) An owner with an equity interest in the device in violation, if any; or

(3) If an owner with an equity interest in the device in violation cannot be located with due diligence, any other owner of said device.

§ 131. Subdivision (a) of section 24-260 of the administrative code of the city of New York is amended to read as follows:

(a) A written response in a form prescribed by [the board] an authorized tribunal of the office of administrative trials and hearings shall be served upon the department and filed with the board or tribunal within five days of receipt of the notice of violation.

§ 132. Subdivisions (b), (c), (d) and (e) of section 24-261 of the administrative code of the city of New York are amended to read as follows:

(b) A person who has served a complaint pursuant to subdivision (a) of this section may serve upon the person allegedly in violation and upon the board or an authorized tribunal of the office of administrative trials and hearings a notice of violation in a form prescribed by [the board] an authorized tribunal of the office of administrative trials and hearings, if within thirty days from service of such complaint:

(1) The department has failed to serve a notice of violation, pursuant to section 24-259 of this code, for the violation alleged in a complaint pursuant to subdivision (a) of this section; or

(2) The department fails to serve a written notice upon the complainant of its determination that his or her complaint is frivolous or duplicitous.

(c) A person commencing a proceeding before the board or an authorized tribunal of the office of administrative trials and hearings pursuant to this section, shall prosecute such proceeding at his or her own expense. The department may intervene in such a proceeding at any time.

(d) In any proceeding brought by the department after receiving a complaint pursuant to subdivision (a) of this section, the board or an authorized tribunal of the office of administrative trials and hearings shall award the complainant, out of the proceeds collected, fair and reasonable compensation, which shall not exceed twenty-five percent of the proceeds collected, for disclosure of information or evidence not in the possession of the department, which leads to the imposition of the civil penalty.

(e) In any proceeding brought by a complainant, the board or an authorized tribunal of the office of administrative trials and hearings shall award, out of the proceeds collected, fifty percent of any civil penalty as fair and reasonable compensation to such person.

§133. Section 24-262 of the administrative code of the city of New York is amended to read as follows:

§ 24-262 Settlement of proceedings. The board or an authorized tribunal of the office of administrative trials and hearings may settle any proceeding by stipulation and may exercise any or all of its powers under section 24-257 of this code thereby, at any time prior to the issuance of a decision pursuant to section 24-266 of this code.

§134. Subdivisions (a), (c) and (d) of section 24-263 of the administrative code of the city of New York are amended to read as follows:

(a) The chairperson of the board or an authorized tribunal of the office of administrative trials and hearings shall designate a hearing officer or at least one member of the board or an authorized tribunal of the office of administrative trials and hearings to preside over hearings held pursuant to this subchapter. In any hearing in which a quorum of the board is present, such members shall be deemed to be sitting as the board.

(c) At the request of any party to such a hearing, the board or an authorized tribunal of the office of administrative trials and hearings shall by the issuance of a subpoena compel the attendance of such witnesses

and shall require the production of any such books, papers, or other things relating to the matter under investigation if such a request reasonably relates to such hearing.

(d) Any party to a hearing may be represented by counsel, may make oral and written argument and cross-examine witnesses. All testimony taken before the board or an authorized tribunal of the office of administrative trials and hearings or the designated hearing officer shall be under oath and shall be recorded. The record shall be open to public inspection, and copies thereof shall be made available to any person upon payment of the actual cost of reproduction.

§ 135. Paragraph (3) of subsection (a) and subsection (b) of section 24-264 of the administrative code of the city of New York are amended to read as follows:

(a) (3) Neglected to proceed in a manner ordered by the board or an authorized tribunal of the office of administrative trials and hearings.

(b) Within sixty days of a decision and order of the board or an authorized tribunal of the office of administrative trials and hearings issued pursuant to paragraph two of subdivision (c) of section 24-266 of this subchapter, the respondent may request the board or an authorized tribunal of the office of administrative trials and hearings to grant a stay of such order of the board or an authorized tribunal of the office of administrative trials and hearings and schedule a hearing. If the respondent has shown good cause and a meritorious defense, the board or an authorized tribunal of the office of administrative trials and hearings may grant such a request and hold a hearing pursuant to section 24-263 of this code. At the conclusion of the hearing, the board or an authorized tribunal of the office of administrative trials and hearings may adopt, amend or rescind its decision and order.

§ 136. Section 24-265 of the administrative code of the city of New York is amended to read as follows:

§ 24-265 Hearing officer's decision. (a) At the conclusion of the hearing, the hearing officer or member of the board or an authorized tribunal of the office of administrative trials and hearings conducting the hearing shall prepare a decision stating findings of fact and conclusions, as well as reasons for his or her determination

on all material issues, and making recommendations as to action which should be taken in the matter.

(b) The hearing officer or member of the board or an authorized tribunal of the office of administrative trials and hearings conducting the hearing shall file his or her decision with the board or tribunal and send copies by mail to the parties. Any party may file exceptions with the board or tribunal within twenty days after service of such decision. If no exceptions have been filed within the described time, the recommendations of the hearing officer or member of the board or an authorized tribunal of the office of administrative trials and hearings conducting the hearing shall automatically become the decision of the board or tribunal and shall constitute its findings, conclusions and order.

(c) At the conclusion of a hearing conducted by the board or an authorized tribunal of the office of administrative trials and hearings, the board or tribunal shall issue its decision and order. The decision of the board or tribunal shall conform to the requirements of subdivisions (b) and (c) of section 24-266 of this code.

§137. Section 24-266 of the administrative code of the city of New York is amended to read as follows:

§ 24-266 Board or tribunal decision and order. (a) If any party files exceptions to the decision of the hearing officer or member of the board or an authorized tribunal of the office of administrative trials and hearings conducting a hearing within the prescribed time the board or an authorized tribunal of the office of administrative trials and hearings shall review the record and issue its decision and order in which it may adopt, modify or reject the findings, conclusions and recommendations of the hearing officer or member of the board or an authorized tribunal of the office of administrative trials and hearings who conducted the hearing.

(b) The decision of the board or an authorized tribunal of the office of administrative trials and hearings shall contain findings of fact, conclusions of law and reasons for the decision on all material issues raised, and an order either dismissing the allegations of the notice of violation or sustaining them in whole or in part.

(c) The board or an authorized tribunal of the office of administrative trials and hearings may exercise one or more of its powers pursuant to section 24-257 of this code, as it deems appropriate if:

(1) The allegations in the notice of violation are sustained in whole or in part;

(2) The respondent is in default under section 24-264 of this code.

(d) The decision and order of the board or an authorized tribunal of the office of administrative trials and hearings shall be its final determination. A judicial proceeding must be commenced within two months after the service of such decision and order.

§ 138. Section 24-267 of the administrative code of the city of New York is amended to read as follows:

§ 24-267 Compliance with board or tribunal decisions; orders and civil penalties. (a) If the respondent fails or refuses to comply with the board's order or order of an authorized tribunal of the office of administrative trials and hearings, or the board or an authorized tribunal of the office of administrative trials and hearings otherwise deems it necessary, the corporation counsel for the city of New York, acting in the name of the city, may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any order of the board or an authorized tribunal of the office of administrative trials and hearings.

(b) A civil penalty imposed by the board or an authorized tribunal of the office of administrative trials and hearings pursuant to section 24-257 of this code may be collected in an action brought in the name of the city of New York.

§ 139. Section 24-268 of the administrative code of the city of New York is amended to read as follows:

§ 24-268 Procedural rules. [The board] An authorized tribunal of the office of administrative trials and hearings shall have authority from time to time to make, amend and rescind such procedural rules as may be necessary to carry out the provisions of this subchapter.

§ 140. Subdivisions (a), (b), (c) and (e) of section 24-269 of the administrative code of the city of New York are amended to read as follows:

(a) Any person who shall knowingly make a false statement or who shall knowingly falsify or allow to be falsified any certification, registration, form, signed statement, application or report required under the provisions of this code or regulation promulgated by the commissioner or the board or an authorized tribunal of

the office of administrative trials and hearings shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment not to exceed five months, or both.

(b) Any person, other than a corporation, who violates any order of the commissioner or the board or an authorized tribunal of the office of administrative trials and hearings or any provision of section 24-245 of this code or who illegally breaks a seal on equipment, upon conviction shall be punished for each offense by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment for not more than thirty days or by both. Any corporation which violates any order of the commissioner or the board or an authorized tribunal of the office of administrative trials and hearings or any provision of section 24-245 of this code, or which illegally causes a seal to be broken, upon conviction shall be punished for each offense by a fine of not less than one hundred dollars nor more than two thousand dollars. Every day during which such violation occurs constitutes a separate offense.

(c) Any person, other than a corporation, convicted of willful failure to pay a civil penalty imposed by the board or an authorized tribunal of the office of administrative trials and hearings pursuant to section 24-257 of this code shall be punished by a fine of double the amount of the civil penalty imposed by the board or tribunal, or by imprisonment for not more than sixty days, or by both. Any corporation convicted of a [wilful] willful failure to pay a civil penalty imposed by the board or tribunal pursuant to section 24-257 of this code shall be punished by a fine of double the amount of the civil penalty imposed by the board or tribunal, but not more than two thousand dollars.

(e) Any person convicted of violating any of the provisions of this code or any regulation of the board or an authorized tribunal of the office of administrative trials and hearings not otherwise provided for by this section shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars for the first offense, or by imprisonment for twenty days, or both; and by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment for not more than thirty days, or both, for a second

offense; and by a fine of not less than four hundred dollars nor more than five thousand dollars, or by imprisonment for not more than four months or both for a third or subsequent offense.

§ 141. Subdivisions a-f of section 24-346 of the administrative code of the city of New York are amended to read as follows:

a. Notwithstanding any other provision of law, the commissioner of environmental protection and the environmental control board or an authorized tribunal of the office of administrative trials and hearings shall enforce the provisions of this chapter and chapter four of this title and the regulations promulgated pursuant thereto or pursuant to section fourteen hundred three of the New York city charter as hereinafter provided. Such commissioner and board or tribunal shall have the power to issue such orders as may be provided for herein and such additional orders as may be necessary for the enforcement of such provisions.

b. Any person who violates or fails to comply with any of the provisions of this chapter and chapter four of this title or any order, rule or regulation issued by the board or an authorized tribunal of the office of administrative trials and hearings or commissioner or with the conditions of any permit issued by the commissioner within the city of New York shall be liable for a civil penalty of not less than fifty nor more than one thousand dollars for each violation, except that the civil penalty for the removal of a manhole cover in violation of section 24-304 shall be not less than two thousand five hundred dollars nor more [then] than ten thousand dollars. In the case of a continuing violation each day's continuance shall be a separate and distinct offense. The environmental control board or an authorized tribunal of the office of administrative trials and hearings shall have the power to impose such civil penalties. A proceeding to impose such penalties shall be commenced by the service of a notice of violation returnable to such board or tribunal. Such board or tribunal, after a hearing as provided by the rules and regulations of [the board] an authorized tribunal of the office of administrative trials and hearings, shall have the power to enforce its final decisions and orders imposing such civil penalties as if they were money judgments pursuant to subdivision d of section one thousand forty-nine-a of the New York city charter. A civil penalty imposed by the board or tribunal may also be collected in an

action brought in the name of the city in any court of competent jurisdiction. The board or tribunal, in its discretion, may, within the limits set forth in this subdivision, establish a schedule of civil penalties indicating the minimum and maximum penalty for each separate offense.

c. In addition to the civil penalties set forth in subdivision b of this section and except as otherwise specifically provided, any person who knowingly violates or fails to comply with any provision of this chapter and chapter four of this title or any order, rule or regulation issued by the commissioner or board or an authorized tribunal of the office of administrative trials and hearings or with the conditions of any permit issued by the commissioner shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than two hundred fifty nor more than one thousand dollars, or by imprisonment not exceeding thirty days, or both for each violation, except that the punishment for the removal of a manhole cover in violation of section 24-304 shall be a fine of not less than five hundred dollars nor more than ten thousand dollars, or imprisonment not exceeding thirty days, or both for each violation. In the case of a continuing violation each day's continuance shall be a separate and distinct offense.

d. 1. In the case of any continued or knowing violation of any of the provisions of this chapter and chapter four of this title or any order, rule or regulation issued by the board or an authorized tribunal of the office of administrative trials and hearings or commissioner or of the conditions of any permit issued by the commissioner within the city of New York or where the board or tribunal finds that the violation of any of such provisions or of the conditions of any such permit presents or may present a danger to the water supply or the water supply system, the board or tribunal after notice and the opportunity for a hearing in accordance with the rules and regulations of [the board] an authorized tribunal of the office of administrative trials and hearings, may issue a cease and desist order requiring any person who owns, leases, operates, controls or supervises any building, structure, facility, device, equipment, installation or operation to cease and desist from any activity or process which causes or is conducted so as to cause such violation within the time specified in such order.

2. Such order may provide that if the order is not complied with or so far complied with as the

commissioner of environmental protection may regard as reasonable within the time specified therein, the commissioner may take such action as shall be specified therein, including but not limited to:

- (a) sealing, blocking or inactivating any equipment, facility or device; or
- (b) terminating the water supply.

For such purpose the commissioner or his or her deputies or such other officers or employees as are designated by the commissioner may enter on any public or private property.

e. 1. Whenever the commissioner has reasonable cause to believe that a violation of the provisions of this chapter and chapter four of this title or any order, rule or regulation issued by the board or an authorized tribunal of the office of administrative trials and hearings or commissioner or in violation of the conditions of any permit issued by the commissioner within the city of New York creates or may create an imminent danger to the water supply or to the water supply system or to the public health or to the life or safety of persons, the commissioner may issue a cease and desist order requiring any person who owns, leases, operates, controls or supervises any building, structure, facility, device, equipment, installation or operation to take such action as may be necessary to halt or prevent such violation.

2. If service of the order cannot be made personally because such person cannot be located at such time then service may be made by delivering a copy to a person of suitable age and discretion at the residence or place of business of the person sought to be served. If service cannot be made personally or by such delivery to a person of suitable age and discretion because of inability to locate or to obtain the name or address of such person at such time, service may be made by conspicuously posting a copy of such order upon the property to which it relates. The posting of such order shall be sufficient notice of such order to all persons having a duty in relation thereto under the provisions of this subdivision.

3. If the order is not complied with or so far complied with as the commissioner may regard as reasonable, within the time specified therein the commissioner may act to halt or prevent such violation by:

- (a) sealing, blocking or otherwise inactivating any equipment, facility or device;

(b) terminating the water supply; or

(c) any other means or method that is reasonable under the circumstances. For such purpose the commissioner or his or her deputies or such other officers or employees as are designated by the commissioner may enter on any public or private property.

4. Any person affected by such an order may make written application to the environmental control board or an authorized tribunal of the office of administrative trials and hearings for a hearing. Such hearing shall be provided, pursuant to the rules and regulations of [the board] such authorized tribunal of the office of administrative trials and hearings, and shall be held within forty-eight hours after the receipt of such application. The board or tribunal may suspend, modify or terminate such order.

f. If the respondent fails to comply with any order issued by the board or an authorized tribunal of the office of administrative trials and hearings or commissioner or with the conditions of any permit, or the board or an authorized tribunal of the office of administrative trials and hearings or commissioner otherwise deems it necessary, the corporation counsel, acting in the name of the city, may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any order or permit issued by the board or an authorized tribunal of the office of administrative trials and hearings or commissioner.

§ 142. Section 24-509 of the administrative code of the city of New York, as amended by local law 65 for the year 1996, is amended to read as follows:

d. Any person who violates subdivision c of this section, or any order issued by or rule promulgated by the commissioner pursuant thereto, shall be liable for a civil penalty in an amount not greater than five thousand dollars for each violation, which may be recovered in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings. A proceeding to recover any civil penalty authorized pursuant to this section shall be commenced by the service of a notice of violation returnable before the environmental control board or an authorized tribunal of the office of administrative trials

and hearings, which shall have the power to impose the civil penalties prescribed herein.

§ 143. Section 24-524 of the administrative code of the city of New York, as amended by local law 55 for the year 2013, is amended and relettered as follows:

§ 24-524 Enforcement and penalties. a. Notwithstanding any other provision of law, the commissioner of environmental protection and the environmental control board or an authorized tribunal of the office of administrative trials and hearings shall enforce the provisions of sections 24-504 through 24-522 and 24-523 of this chapter and the regulations promulgated pursuant thereto. Such commissioner, [and] board or tribunal shall have the power to issue such orders as may be provided for therein and such additional orders as may be necessary for the enforcement of such provisions.

b. 1. Whenever the commissioner of environmental protection has reasonable cause to believe that a discharge in violation of the provisions of sections 24-504 through 24-522 and 24-523 of this chapter or any order, rule or regulation issued by the board or an authorized tribunal of the office of administrative trials and hearings or commissioner or in violation of the conditions of any permit issued pursuant to such provisions creates or may create an imminent danger to the sewer system or to the public health or to the life or safety of persons, he or she may issue a cease and desist order requiring any person who owns, leases, operates, controls or supervises any building, structure, facility or installation from which the unlawful discharge is emitted to take such action as may be necessary to halt or prevent such discharge.

2. If service of the order cannot be made personally because such person cannot be located at such time then service may be made by delivering a copy to a person of suitable age and discretion at the residence or place of business of the person sought to be served. If service cannot be made personally or by such delivery to a person of suitable age and discretion because of inability to locate or to obtain the name or address of such person at such time, service may be made by conspicuously posting a copy of such order upon the property to which it relates. The posting of such order shall be sufficient notice of such order to all persons having a duty in relation thereto under the provisions of this subdivision.

3. If the order is not complied with or so far complied with as such commissioner may regard as reasonable, within the time specified therein such commissioner may act to halt or prevent such discharge by:

i. sealing, blocking or otherwise inactivating any equipment, facility, or device;

ii. terminating the water supply to the premises;

iii. sealing, blocking or otherwise inactivating any private sewer or drain emptying directly or indirectly into the sewer system;

iv. any other means or method that is reasonable under the circumstances. For such purpose the commissioner of environmental protection or his or her deputies or such other officers or employees as are designated by the commissioner may enter on any public or private property.

4. Any person affected by such an order may make written application to the environmental control board or an authorized tribunal of the office of administrative trials and hearings for a hearing. Such hearing shall be provided, pursuant to the rules and regulations of [the board] such tribunal, and shall be held within forty-eight hours after the receipt of such application. The board or tribunal may suspend, modify or terminate such order.

c.[d.] 1. In the case of any continued or knowing violation of any of the provisions of sections 24-504 through 24-522 and 24-523 of this chapter or any order, rule or regulation issued by the environmental control board or an authorized tribunal of the office of administrative trials and hearings or commissioner of environmental protection pursuant thereto or of the conditions of any permit issued pursuant to such provisions or where the board or tribunal finds that the violation of any of such provisions or of the conditions of any such permit presents or may present a danger to the environment or threatens to interfere with the operation of the sewer system, the board or tribunal after notice and the opportunity for a hearing in accordance with the rules and regulations of [the board] such tribunal, may issue a cease and desist order requiring any person who owns, leases, operates, controls or supervises any building, structure, facility or installation to cease and desist from any activity or process which causes or is conducted so as to cause such violation within the time specified in

such order.

2. Such order may provide that if the order is not complied with or so far complied with as the commissioner of environmental protection may regard as reasonable within the time specified therein, such commissioner may take such action as shall be specified therein, including but not limited to:

i. sealing, blocking or inactivating any equipment, facility or device;

ii. terminating the water supply to the premises;

iii. sealing, blocking or inactivating any private sewer or drain emptying directly or indirectly into the sewer system.

For such purpose the commissioner of environmental protection or his or her deputies or such other officers or employees as are designated by such commissioner may enter on any public or private property.

d.[e.] If the respondent fails to comply with any order issued by the environmental control board or an authorized tribunal of the office of administrative trials and hearings or commissioner of environmental protection or with the conditions of any permit, or such board, tribunal or commissioner otherwise deems it necessary, the corporation counsel, acting in the name of the city, may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any order or permit issued by such board, tribunal or commissioner.

e.[f.] Any person who violates or fails to comply with any of the provisions of section 24-504 through 24-522 and 24-523 of this chapter or any order, rule or regulation issued by the environmental control board or an authorized tribunal of the office of administrative trials and hearings or commission of environmental protection pursuant thereto or with the conditions of any permit issued pursuant thereto shall be liable for a civil penalty not exceeding ten thousand dollars for each violation, provided that this subdivision shall not apply to subdivision c of section 24-509 or subdivisions a and b of section 24-521, and provided that the penalty for the removal of a manhole cover in violation of section 24-517 shall be not less than two thousand five hundred dollars. In the case of a continuing violation each day's continuance shall be a separate and distinct offense. The

environmental control board or an authorized tribunal of the office of administrative trials and hearings shall have the power to impose such civil penalties. A proceeding to impose such penalties shall be commenced by the service of a notice of violation returnable to such board or tribunal. Such board or tribunal, after a hearing as provided by the rules and regulations of such tribunal[the board], shall have the power to enforce its final decisions and orders imposing such civil penalties as if they were money judgments pursuant to subdivision d of section one thousand forty-nine-a of the New York city charter. A civil penalty imposed by the board or tribunal may also be collected in an action brought in the name of the city in any court of competent jurisdiction. The board or tribunal, in its discretion, may, within the limits set forth in this subdivision, establish a schedule of civil penalties indicating the minimum and maximum penalty for each separate offense.

f.[g.] In addition to the civil penalties set forth in subdivision f of this section, any person who knowingly violates or fails to comply with any provision of sections 24-504 through 24-522 or section 24-523 of this chapter or any order, rule or regulation issued by the commissioner of environmental protection or environmental control board or an authorized tribunal of the office of administrative trials and hearings pursuant thereto or with the conditions of any permit issued pursuant thereto shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than two hundred fifty nor more than ten thousand dollars, or by imprisonment not exceeding thirty days, or both for each offense, provided that this subdivision shall not apply to subdivision c of section 24-509 or subdivisions a and b of section 24-521, and provided that the punishment for the removal of a manhole cover in violation of section 24-517 shall be a fine of not less than five hundred dollars nor more than ten thousand dollars, or imprisonment not exceeding thirty days, or both for each offense. In the case of a continuing violation each day's continuance shall be a separate and distinct offense. In addition to its application to any other person, the fine provided for in this paragraph 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.

g.[h.] Any person who violates or fails to comply with any of the provisions of sections 24-504 through

24-522 and 24-523 of this chapter or any order, rule or regulation issued pursuant thereto or with the conditions of any permit issued pursuant thereto shall be liable to the city for any expense, loss or damage suffered by the city by reason of such violation.

h.[i.] Unless otherwise provided in this section, service of any notice or order required by this section may be made either personally or by mail addressed to the last known address of the person to be served.

§ 144. Subdivision b of section 24-609 of the administrative code of the city of New York, as amended by local law 41 for the year 2001, is amended to read as follows:

b. The commissioner may promulgate regulations requiring any responsible person who knows or has reason to know of any release of a listed hazardous substance to immediately notify the commissioner. Such regulations shall establish the minimum quantity of any listed hazardous substance the release of which shall be reported to the commissioner and shall set forth the form and manner of any notification required. A knowing failure to comply with such notification requirement shall be punishable by a fine of not more than twenty-five thousand dollars, to be recovered in a civil action brought in the name of the commissioner or in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings.

§ 145. Subdivision c of section 24-610 of the administrative code of the city of New York, as amended by local law 41 for the year 2001, is amended to read as follows:

c. Any responsible person who without sufficient cause, willfully violates, or fails or refuses to comply with, any order of the commissioner issued pursuant to section 24-608 may be liable: (1) for a civil penalty of not more than ten thousand dollars for each day in which such violation occurs or such failure or refusal to comply continues; and (2) for an additional civil penalty in an amount at least equal to, and not more than three times, the amount of any costs incurred by the city as a result of such person's willful violation, or failure or refusal to comply. 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 or an authorized tribunal of the office of administrative

trials and hearings.

§ 146. Subdivisions (b), (c) and (d) of section 24-713 of the administrative code of the city of New York, as amended by local law 82 for the year 2003, are amended to read as follows:

(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 five hundred nor more than five thousand dollars; (2) for a second violation, in an amount of not less than three thousand five hundred nor more than ten thousand dollars; and (3) for each subsequent violation, in an amount of not less than seven thousand five hundred nor more than 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 or an authorized tribunal of the office of administrative trials and hearings. 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 an authorized tribunal of the office of administrative trials and hearings or in civil court in the name of the commissioner, in an amount not to exceed twenty thousand dollars.

(d) Any person who violates any rule promulgated pursuant to subdivision b of section 24-716 of this chapter shall be subject to a civil penalty, returnable before the environmental control board or an authorized

tribunal of the office of administrative trials and hearings, in an amount not to exceed ten thousand dollars. Each notice of violation shall contain an order of the commissioner directing such person, within thirty days from the date of the order, to correct the condition constituting the violation and to file with the department electronically, or in such other manner as the department shall authorize, a certification that the condition has been corrected. In any proceeding before the board or an authorized tribunal of the office of administrative trials and hearings, no civil penalty shall be imposed for a violation pursuant to this subdivision if such person complies with the commissioner's order to correct and to certify correction of the violation within thirty days.

§ 147. Section 24-907 of the administrative code of the city of New York, as added by local law 27 for the year 2009, is amended to read as follows:

§ 24-907 Civil Penalties. Any applicant, enrollee, or recipient of a certificate of completion who misrepresents any material fact related to the investigation, remediation or site management of a local brownfield site shall be liable for a civil penalty of not more than twenty-five thousand dollars. Such civil penalty may be recovered in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings. Such proceeding shall be commenced by the service of a notice of violation returnable before the environmental control board or an authorized tribunal of the office of administrative trials and hearings.

§ 148. Section 24-1003 of the administrative code of the city of New York, as added by local law 3 for the year 2014, is amended to read as follows:

§ 24-1003. Enforcement. Any person or other entity that violates any provision of this chapter or any regulation or order of the commissioner issued pursuant thereto shall be subject to a civil fine of not less than one thousand dollars per violation returnable to the environmental control board or an authorized tribunal of the office of administrative trials and hearings.

§ 149. Subdivision d of section 25-322 of the administrative code of the city of New York, as added by local law 92 for the year 1996, is amended to read as follows:

d. Any person who violates subdivision b of this section, or the regulations promulgated hereunder, shall be subject to a civil penalty of not more than five hundred dollars per violation which shall be returnable to the environmental control board or an authorized tribunal of the office of administrative trials and hearings.

§ 150. Section 28-204.1 of the administrative code of the city of New York, as added by local law 33 for the year 2007, is amended to read as follows:

§ 28-204.1 General. Any person who shall violate or fail to comply with any of the provisions of this code, the 1968 building code, the zoning resolution or other laws or rules enforced by the department or with any order issued pursuant thereto shall be liable for a civil penalty that may be recovered in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings. Such proceeding shall be commenced by the service of a notice of violation returnable before the board or tribunal. Such notice of violation may be issued by employees of the department or of other city agencies designated by the commissioner and may be served by such employees or by a licensed process server.

§ 151. Section 28-204.2 of the administrative code of the city of New York, as amended by local law 34 for the year 2008, is amended to read as follows:

§ 28-204.2 Order to certify correction. Each such notice of violation shall contain an order of the commissioner directing the respondent to correct the condition constituting the violation and to file with the department electronically or in such other manner as the department may authorize by rule a certification that the condition has been corrected. Unless otherwise provided by rule, such order shall require that violations classified as major or lesser be corrected within 30 days from the date of the order, that violations classified as immediately hazardous be corrected forthwith. Such order shall also require that certification of the correction of the violation shall be filed with the department in a manner and form and within such period of time as shall be established by the department. In any proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings, no civil penalty shall be imposed for a lesser violation if the respondent complies with the commissioner's order to correct and to certify correction of the

violation within the applicable time period. However, such violation may serve as a predicate for purposes of assessing aggravating factors attributable to multiple offenses.

§ 152. Section 28-204.3 of the administrative code of the city of New York, as added by local law 33 for the year 2007, is amended to read as follows:

§ 28-204.3 Failure of proof. In any proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings, if the board or tribunal finds that the commissioner has failed to prove the violation charged, the order requiring the respondent to correct the condition constituting the violation and to file a certification of correction shall be deemed dismissed.

§ 153. Section 28-204.5 of the administrative code of the city of New York, as added by local law 33 for the year 2007, is amended to read as follows:

§ 28-204.5 False statements in certification of correction. For the purposes of this section 28-204.5, if the environmental control board or an authorized tribunal of the office of administrative trials and hearings finds that a certification of correction filed pursuant to section 28-204.2 contained material false statements relating to the correction of a violation, such certification of correction shall be null and void and the penalties set forth in this code for the violation may be imposed as if such false certification had not been filed with and accepted by the department. It shall be an affirmative defense that the respondent neither knew nor should have known that such statements were false.

§ 154. Section 28-204.6 of the administrative code of the city of New York is amended to read as follows:

§ 28-204.6 Tax lien. Enforcement of environmental control board judgments or judgment of an authorized tribunal of the office of administrative trials and hearings against owners for certain building code violations. Notwithstanding any provision of law to the contrary, an environmental control board judgment or judgment of an authorized tribunal of the office of administrative trials and hearings against an owner for a building code violation with respect to a private dwelling, a wooden-framed single room occupancy multiple

dwelling, or a dwelling with a legal occupancy of three or fewer dwelling units shall constitute a tax lien on the property named in the violation with respect to which such judgment was rendered, as hereinafter provided. Such liens shall be entered and enforced as provided in this section 28-204.6.

§ 155. Section 28-204.6.10 of the administrative code of the city of New York, as added by local law 33 for the year 2007, is amended to read as follows:

§ 28-204.6.10 Non-exclusive remedy. The procedures provided in this section 28-204.6 for the enforcement of environmental control board judgments or judgments of an authorized tribunal of the office of administrative trials and hearings against owners shall be in addition to any other methods provided under any other provision of law for the enforcement of such judgments.

§156. Section 28-210.1 of the administrative code of the city of New York, as added by local law 33 for the year 2007, is amended to read as follows:

§ 28-210.1 Illegal residential conversions. It shall be unlawful, except in accordance with all requirements of this code, to convert any dwelling for occupancy by more than the legally authorized number of families or to assist, take part in, maintain or permit the maintenance of such conversion. Upon the finding of such violation and the imposition of punishment for such violation as set forth in this code the department or if applicable the environmental control board or an authorized tribunal of the office of administrative trials and hearings shall forward to the internal revenue service, the New York state department of taxation and finance and the New York city department of finance the name and address of the respondent or defendant, the address of the building or structure with respect to which the violation occurred and the time period during which the violation was found to have existed.

§ 157. Section 28-210.2 of the administrative code of the city of New York, as added by local law 33 for the year 2007, is amended to read as follows:

§ 28-210.2 Illegal industrial or manufacturing conversions. Except as otherwise provided by section 42-03 of the zoning resolution and the multiple dwelling law, it shall be unlawful, except in accordance with all

requirements of this code, to convert to residential use any space legally authorized for occupancy for industrial or manufacturing use or to assist, take part in, maintain or permit the maintenance of such conversion. Upon the finding of such violation and the imposition of punishment for such violation as set forth in this code the department, or, if applicable, the environmental control board or an authorized tribunal of the office of administrative trials and hearings shall forward to the internal revenue service, the New York state department of taxation and finance and the New York city department of finance the name and address of the respondent or defendant, the address of the building or structure with respect to which the violation occurred and the time period during which the violation was found to have existed.

§ 158. Section 28-401.19.4.1 of the administrative code of the city of New York, as amended by local law 46 for the year 2008, is amended to read as follows:

§ 28-401.19.4.1 Rigger license. Any licensed rigger who has been found guilty after proceedings before the environmental control board or an authorized tribunal of the office of administrative trials and hearings or other adjudicative proceedings of violating section 28-404.1 or 28-401.9 of the administrative code or sections 3314.1.1 and 3314.4.3.1 of the New York city building code, or of failing to insure that workers have certificates of fitness required pursuant to this code or applicable rule three times within any six-month period, shall be subject to immediate suspension of his or her license pending a hearing and determination in accordance with the provisions of this code.

§ 159. Section 28-401.19.4.2 of the administrative code of the city of New York, as amended by local law 141 for the year 2013, is amended to read as follows:

§ 28-401.19.4.2 General contractor registration. Any registered general contractor who has defaulted at or been found liable after proceedings before the environmental control board or an authorized tribunal of the office of administrative trials and hearings or in an adjudication in criminal court of violations of any provisions of this code relating to a stop work order, public health or safety, structural integrity, building in compliance with approved construction documents or fire safety three times within any twenty-four-month

period shall be subject to immediate suspension of his or her registration, pending a hearing and determination at office of administrative trials and hearings (OATH) or its successor agency, as applicable.

§ 160. Section 28-501.4 of the administrative code of the city of New York, as added by local law 33 for the year 2007, is amended to read as follows:

§ 28-501.4 Civil penalties. Any person who places or maintains a sign on a building or premises without an appropriate permit in violation of this article shall be liable for a civil penalty of, for a first violation, not more than fifteen thousand dollars and, for a second or subsequent violation, not more than twenty-five thousand dollars. Each day's continuance shall be a separate and distinct violation. Such civil penalties may be recovered in an action in any court of appropriate jurisdiction or in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings. Such board or tribunal shall have the power to impose the civil penalties provided for in this article. Notwithstanding the provisions of section six hundred sixty-six of the charter, a notice of violation issued by the department pursuant to this section 28-501.4 shall not be subject to review by the board of standards and appeals.

§ 161. Section 28-502.6.7 of the administrative code of the city of New York, as added by local law 33 for the year 2007, is amended to read as follows:

§ 28-502.6.7 Venue. Civil penalties may be recovered in an action in any court of appropriate jurisdiction or in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings. Such board or tribunal shall have the power to impose the civil penalties provided for in this article. Notwithstanding the provisions of section six hundred sixty-six of the charter, a notice of violation issued by the department pursuant to this article shall not be subject to review by the board of standards and appeals.

§ 162. Section 28-503.9 of the administrative code of the city of New York, as added by local law 33 for the year 2007, is amended to read as follows:

§ 28-503.9 Storage and disposal. The commissioner shall adopt rules to provide for the storage and

disposal of any sign or sign structure removed pursuant to this article. If the identity and address of the owner of such property is reasonably ascertainable, notice of the removal shall be sent to the owner within a reasonable period of time after the removal. If such property is not claimed within thirty days after its removal, it shall be deemed to be abandoned and may be sold at a public auction after having been advertised in the City Record and the proceeds paid into the general fund or if the commissioner determines that the property is not saleable, he or she may turn over such property to the department of sanitation for disposal. Property removed pursuant to this article shall be released to the owner or other person lawfully entitled to possession upon payment of the costs of removal and storage as set forth in the rules of the department and any fines or civil penalties imposed for the violation or, if an action or proceeding for the violation is pending in court or before the environmental control board or an authorized tribunal of the office of administrative trials and hearings, upon the posting of a bond or other form of security acceptable to the department in an amount which will secure the payment of such costs and any fines or civil penalties which may be imposed for the violation.

§ 163. Section 109.2.4 of the administrative code of the city of New York, as amended by local law 148 for the year 2013, is amended to read as follows:

§ 109.2.4 Civil penalty for use of fireworks without a permit. Notwithstanding any other provision of law, and in addition to any criminal penalties that may apply, any person who violates FC105.6 by discharging or otherwise using fireworks without a permit shall be liable for a civil penalty of seven hundred fifty dollars, which may be recoverable in a proceeding before the New York City Environmental Control Board or an authorized tribunal of the office of administrative trials and hearings. For the purposes of subdivision e of Section 15-230 of the Administrative Code, such violation shall be deemed to be hazardous.

§ 164. This local law takes effect 120 days after it becomes law, provided that the office of administrative trials and hearings may, before such effective date, take such measures as are necessary, including the promulgation of rules, to implement this local law. Notwithstanding the foregoing, amendments made to sections 16-120.2(d), 20-910(d), 24-128(c), 24-132(a), 24-136(h), 24-137, 24-163(h)(1), 24-163.11(d)

(1), 24-163.11(d)(2), 24-163.11(d)(3), 24-165(g), 24-166(c), 24-178(a)(1), 24-178(a)(2), 24-178(b), 24-178(c), 24-178(d), 24-178(e), 24-182, 24-183, 24-190(a), 24-190(b), and 24-190(f), as amended by local law 38 for the year 2015, take effect May 7, 2016.

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