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Title:	A Local Law to amend the administrative code of the city of New York in relation to penalties for violations of conditions and restrictions on privately owned public spaces				
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Int. No. 1487

By Council Members Kallos, Greenfield, and Garodnick

A Local Law to amend the administrative code of the city of New York in relation to penalties for violations of conditions and restrictions on privately owned public spaces

Be it enacted by the Council as follows:

Section 1. Section 28-202.1 of the administrative code of the city of New York is amended to read as follows:

§ 28-202.1. Civil penalties. Except as otherwise specified in this code or other law, violations of this code, the 1968 building code, the zoning resolution or other laws or rules enforced by the department shall be punishable by civil penalties within the ranges set forth below:

1. For immediately hazardous violations, a civil penalty of not less than one thousand dollars nor more than twenty-five thousand dollars may be imposed for each violation. In addition to such civil penalty, a separate additional penalty may be imposed of not more than one thousand dollars for each day that the violation is not corrected. The commissioner may by rule establish such specified daily penalties.
2. For major violations, a civil penalty of not more than ten thousand dollars may be imposed for each violation. In addition to such civil penalty, a separate additional penalty may be imposed of not more than two hundred fifty dollars for each month that the violation is not corrected. The

commissioner may by rule establish such specified monthly penalties.

3. For lesser violations, a civil penalty of not more than five hundred dollars may be imposed for each violation.

Exceptions:

1. The owner, lessee, occupant, manager or operator of a building affected by a natural or man-made disaster, as determined by the commissioner, shall not be subject to a civil penalty for a violation involving such building if (i) notice of such violation is issued by the department during the 90-day period immediately after such disaster or, in the case of a major natural or man-made disaster as determined by the commissioner, during the six-month period immediately after such disaster, and (ii) such violation is corrected on or before 40 days after such disaster period or such greater amount of time as determined by the commissioner for such violation. The notice of such violation shall state that such violation is subject to this exception and shall set forth the procedure and time period for correcting such violation without incurring a civil penalty. This exception shall not apply to immediately hazardous violations, violations charged as aggravated violations or violations without connection to such disaster, as determined by the department.
2. The owner, lessee, occupant, manager or operator of a building where a violation occurs shall not be subject to a civil penalty for such violation if (i) such violation was connected to a natural or man-made disaster, as determined by the commissioner, and (ii) such building is undergoing, or scheduled or under evaluation for, work or acquisition through a city-operated disaster recovery program responding to such disaster.
3. The owner, lessee, occupant, manager or operator of a building shall not be subject to a civil penalty for a violation resulting from work done by a city employee, or by a third party under contract with the city, in response to a natural or man-made disaster, provided that such violation is corrected on or before 60 days after the issuance of such violation, or such greater amount of time as determined by the commissioner for such violation. If such owner, lessee, occupant, manager or operator of a building can demonstrate to the satisfaction of the department that a city employee or third party under contract with the city has committed to correcting such violation then such violation shall be rescinded, without penalty. The notice of such violation shall state that such violation is subject to this exception and shall set forth the procedure and time period for correcting such violation without incurring a civil penalty. This exception shall not apply to immediately hazardous violations or violations charged as aggravated violations
4. A violation of a condition or restriction established pursuant to the zoning resolution or section 197-d of the charter, related to a privately owned public space as such term is defined in section 25-114, shall be subject to a civil penalty of ten thousand dollars for the first offense and twenty thousand dollars for each subsequent offense. In addition to such civil penalty, a separate additional penalty of not more than two thousand five hundred dollars shall be imposed for each month that such violation is not corrected.

§ 2. Section 28-201.2.2 of the administrative code is amended by adding a new item 6 to read as

follows:

6. A violation of a condition or restriction established pursuant to the zoning resolution or section 197-d of the charter, related to a privately owned public space as such term is defined in section 25-114.

§ 3. This local law takes effect 90 days after it becomes law.

JHC
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