

Proposed Int. No. 54-A

By Council Members Nelson, Fidler, Gennaro, Gentile, Gonzalez, James, Koppell, Palma, Recchia Jr., Sanders Jr., Williams and Lappin

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to increasing fines for violations of the law for illegal dumping along waterfront property into New York city waterways.

Be it enacted by the Council as follows:

Section 1. Section 22-112 of the administrative code of the city of New York is amended to read as follows:

§ 22-112 Navigable waters; fouling; obstructing. a. It shall be unlawful:

1. To place, discharge or deposit, by any process or in any manner, offal, piles, lumber, timber, driftwood, dirt, ashes, cinders, mud, sand, dredging, sludge, acid, or any other refuse matters floatable or otherwise in the port of New York, except under the supervision of the United States supervisor of the harbor, provided, however, that it shall not be a violation of this section to feed fish or waterfowl in the port of New York.

2. To discharge or cause or permit to be discharged into the port of New York, from any ship, steamer or other vessel, any oil, oil refuse, or other inflammable matter.

b. Any person violating any provision of this section shall be guilty of a misdemeanor, and upon conviction therefor shall be punished by a fine of not more than two hundred fifty dollars nor less than five dollars, or imprisonment for not more than six months nor less than ten days, one-half of such fine to be paid to the person giving information which shall lead to the conviction of the offender.

c. Any person violating any provision 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 the first violation, and not less than five thousand dollars nor more than twenty thousand dollars for each subsequent violation. 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.

d. The provisions of this section may also be enforced by the commissioner of sanitation and the commissioner of environmental protection.

§ 2. Subdivision a of section 16-119 of the administrative code of the city of New York is amended to read as follows:

§16-119 Dumping prohibited. a. It shall be unlawful for any person, his or her agent, employee or any person under his or her control to suffer or permit any dirt, sand, gravel, clay, loam, stone, rocks, rubble, building rubbish, sawdust, shavings or trade or household waste, refuse, ashes, manure, garbage, rubbish or debris of any sort or any other organic or inorganic material or thing or other offensive matter being transported in a dump truck or other vehicle to be dumped, deposited or otherwise disposed of in or upon any street, lot, park, public place, wharf, pier, dock, bulkhead, slip, navigable waterway or other area whether publicly or privately owned.

§ 3. Subdivision c of section 16-119 of the administrative code of the city of New York is amended by adding a new paragraph 4 to read as follows:

(4) The provisions of this section may also be enforced by the commissioner of small business services and the commissioner of environmental protection with respect to wharfs, piers, docks, bulkheads and slips located on waterfront property, and navigable waterways.

§4. This local law shall take effect immediately.

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LS# 0152
2/23/10 – 7:07 PM
Int 189/2006