

7858--A

I N S E N A T E

May 18, 2010

Introduced by Sen. SQUADRON -- read twice and ordered printed, and when printed to be committed to the Committee on Cities -- reported favorably from said committee and committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the New York city charter, in relation to imposing civil penalties for violations of the rules of the Brooklyn bridge park corporation relating to the government and protection of park and recreational property held by such corporation, providing for the adjudication of such violations by the environmental control board and clarifying the authority of the New York city department of parks and recreation with respect to such property

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Paragraph 9 of subdivision a of section 533 of the New York
2 city charter, as amended by chapter 169 of the laws of 2002, is amended
3 to read as follows:
4 9. to establish and enforce rules and regulations for the use, govern-
5 ment and protection of public parks and of all property under the charge
6 or control of the department, which rules and regulations so far as
7 practicable shall be uniform in all boroughs and shall have the force
8 and effect of law. Such rules and regulations shall apply to and shall
9 be enforceable within public parks, recreational facilities and other
10 property under the jurisdiction of the Hudson river park trust [and],
11 the battery park city authority AND THE BROOKLYN BRIDGE PARK CORPORATION
12 provided that such trust [or], authority OR CORPORATION have entered
13 into agreements with the commissioner to provide for the maintenance,
14 protection and/or government of such property by the department, except
15 to the extent that such rules and regulations are inconsistent with
16 specific rules and regulations of the Hudson river park trust [and], the
17 battery park city authority OR THE BROOKLYN BRIDGE PARK CORPORATION.
18 (i) Any violation of such rules or regulations, except any violation
19 of subparagraph (ii) of this paragraph, shall be a misdemeanor triable
20 by a judge of the criminal court of the city of New York and punishable

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD17305-03-0

1 by not more than ninety days imprisonment or by a fine of not more than
2 one thousand dollars or by both. Any violation of such rules or regu-
3 lations shall also subject the violator to a civil penalty of not more
4 than ten thousand dollars for each violation which may be recovered in a
5 proceeding before the environmental control board. Such proceeding shall
6 be commenced by the service of a notice of violation returnable to the
7 environmental control board.

8 (ii) Any violation of a rule or regulation concerning the unlawful
9 cutting, removal or destruction of any tree shall be a misdemeanor tria-
10 ble by a judge of the criminal court of the city of New York and punish-
11 able by not more than one year imprisonment or by a fine of not more
12 than fifteen thousand dollars or by both. Any violation of a rule or
13 regulation concerning the unlawful cutting, removal or destruction of
14 any tree shall also subject the violator to a civil penalty of not more
15 than ten thousand dollars for each violation which may be recovered in a
16 proceeding before the environmental control board. Such proceeding shall
17 be commenced by the service of a notice of violation returnable to the
18 environmental control board. The environmental control board shall have
19 the power to impose the civil penalties prescribed herein;

20 S 2. Subdivision a of section 533 of the New York city charter is
21 amended by adding a new paragraph 9-c to read as follows:

22 9-C. BY AGREEMENT WITH THE BROOKLYN BRIDGE PARK CORPORATION (A
23 NOT-FOR-PROFIT CORPORATION FORMED PURSUANT TO SECTION FOUR HUNDRED TWO
24 OF THE NOT-FOR-PROFIT CORPORATION LAW), TO ENFORCE THE RULES AND REGU-
25 LATIONS OF SUCH CORPORATION, RELATING TO THE USE, GOVERNMENT AND
26 PROTECTION OF PUBLIC PARKS AND RECREATIONAL FACILITIES WITHIN THE JURIS-
27 DICTION OF SUCH CORPORATION. IN ADDITION TO OR AS AN ALTERNATIVE TO ANY
28 OF THE REMEDIES OR PENALTIES PROVIDED UNDER ANY OTHER PROVISION OF LAW,
29 VIOLATION OF SUCH RULES AND REGULATIONS SHALL BE PUNISHABLE BY A CIVIL
30 PENALTY OF NOT MORE THAN FIVE HUNDRED DOLLARS FOR EACH VIOLATION, WHICH
31 MAY BE RECOVERED IN A PROCEEDING BEFORE THE ENVIRONMENTAL CONTROL BOARD.
32 SUCH PROCEEDING SHALL BE COMMENCED BY A NOTICE OF VIOLATION RETURNABLE
33 BEFORE SUCH BOARD. THE PROCEDURES SET FORTH IN SECTION ONE THOUSAND
34 FORTY-NINE-A OF THIS CHARTER APPLICABLE TO THE ADJUDICATION BY THE ENVI-
35 RONMENTAL CONTROL BOARD OF VIOLATIONS WITHIN THE JURISDICTION OF THE
36 COMMISSIONER SHALL APPLY TO THE ADJUDICATION OF VIOLATIONS OF SUCH RULES
37 AND REGULATIONS BY SUCH BOARD AND FINAL ORDERS OF SUCH BOARD IMPOSING
38 CIVIL PENALTIES FOR SUCH VIOLATIONS SHALL CONSTITUTE JUDGMENTS THAT MAY
39 BE ENTERED AND ENFORCED AS SET FORTH IN SUCH SECTION.

40 S 3. This act shall take effect immediately.