S T A T E O F N E W Y O R K

11099--A

I N A S S E M B L Y

May 14, 2010

Introduced by M. of A. MILLMAN -- Multi-Sponsored by -- M. of A. BRENNAN, JACOBS, JEFFRIES -- read once and referred to the Committee on Cities -- 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:

Section 1. Paragraph 9 of subdivision a of section 533 of the New York city charter, as amended by chapter 169 of the laws of 2002, is amended to read as follows:

9. to establish and enforce rules and regulations for the use, government and protection of public parks and of all property under the charge or control of the department, which rules and regulations so far as practicable shall be uniform in all boroughs and shall have the force and effect of law. Such rules and regulations shall apply to and shall be enforceable within public parks, recreational facilities and other property under the jurisdiction of the Hudson river park trust [and], the battery park city authority AND THE BROOKLYN BRIDGE PARK CORPORATION provided that such trust [or], authority OR CORPORATION have entered into agreements with the commissioner to provide for the maintenance, protection and/or government of such property by the department, except to the extent that such rules and regulations are inconsistent with specific rules and regulations of the Hudson river park trust [and], the battery park city authority OR THE BROOKLYN BRIDGE PARK CORPORATION.

(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

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

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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. Such proceeding shall be commenced by the service of a notice of violation returnable to the environmental control board.

(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. Such proceeding shall be commenced by the service of a notice of violation returnable to the environmental control board. The environmental control board shall have the power to impose the civil penalties prescribed herein;

S 2. Subdivision a of section 533 of the New York city charter is amended by adding a new paragraph 9-c 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. SUCH PROCEEDING SHALL BE COMMENCED BY A NOTICE OF VIOLATION RETURNABLE BEFORE SUCH BOARD. THE PROCEDURES SET FORTH IN SECTION ONE THOUSAND FORTY-NINE-A OF THIS CHARTER APPLICABLE TO THE ADJUDICATION BY THE ENVIRONMENTAL CONTROL BOARD OF VIOLATIONS WITHIN THE JURISDICTION OF THE COMMISSIONER SHALL APPLY TO THE ADJUDICATION OF VIOLATIONS OF SUCH RULES AND REGULATIONS BY SUCH BOARD AND FINAL ORDERS OF SUCH BOARD IMPOSING CIVIL PENALTIES FOR SUCH VIOLATIONS SHALL CONSTITUTE JUDGMENTS THAT MAY BE ENTERED AND ENFORCED AS SET FORTH IN SUCH SECTION.

S 3. This act shall take effect immediately.