

STATE OF NEW YORK

8527

IN ASSEMBLY

January 5, 2024

Introduced by M. of A. O'DONNELL -- read once and referred to the Committee on Tourism, Parks, Arts and Sports Development

AN ACT to amend the parks, recreation and historic preservation law, in relation to littering and dumping on state park lands; and to repeal certain provisions of such law relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 13.12 of the parks, recreation and historic preservation law, as added by a chapter of the laws of 2023 amending the
2 parks, recreation and historic preservation law relating to prohibiting
3 littering and dumping on state park lands, as proposed in legislature
4 bills numbers S. 809-A and A. 5022-A, is REPEALED.

5 § 2. Section 13.10 of the parks, recreation and historic preservation
6 law, the section heading and subdivisions 1 and 2 as amended by a chapter of the laws of 2023 amending the parks, recreation and historic
7 preservation law relating to prohibiting littering and dumping on state
8 park lands, as proposed in legislative bills numbers S. 809-A and A.
9 5022-A, subdivisions 3 and 4 as added by chapter 235 of the laws of
10 1988, is amended to read as follows:

11 § 13.10. [~~Dumping~~] Littering and dumping on park lands prohibited. 1.
12 No person shall throw, deposit, dump, litter or otherwise leave on lands
13 under the jurisdiction of the office any rubbish, trash or other waste
14 material, or enter upon any lands under the jurisdiction of the office
15 with the intent to do so, except that this provision shall not apply to
16 the deposit of rubbish, trash or other waste material generated as a
17 result of the lawful use of such lands and deposited in an approved
18 receptacle.

19 2. Nothing in this section shall be construed as prohibiting the
20 reasonable use of ash, sand, salt or other material for the purpose of
21 reducing the hazard of, or providing traction on snow, ice or sleet.

22 3. Any person who violates the provisions of subdivision one of this
23 section shall be guilty of a violation, and, upon conviction, shall be
24 punished by a fine of not more than five hundred dollars. In addition,
25 such violator shall be liable to a civil penalty of not more than seven
26

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

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1 hundred fifty dollars for each day during which such violation contin-
2 ues.

3 ~~[3-]~~ 4. In addition to the penalties provided in subdivision two of
4 this section, any person convicted of a violation of subdivision one of
5 this section may be ordered by the court to remove the rubbish, trash or
6 waste materials and to restore the land affected by the violation to its
7 condition prior to the violation, insofar as such restoration is possi-
8 ble. Such restoration shall be conducted pursuant to a plan approved by
9 the commissioner and/or the court. In the event that the violator fails
10 to comply with the provisions of such plan, the violator shall be liable
11 to the state for the costs of such restoration as a civil penalty.

12 ~~[4-]~~ 5. Any civil penalty provided for by this section shall be recov-
13 erable in an action instituted by the attorney general, at the request
14 of the commissioner, in any court of competent jurisdiction.

15 § 3. This act shall take effect on the same date and in the same
16 manner as a chapter of the laws of 2023 amending the parks, recreation
17 and historic preservation law relating to prohibiting littering and
18 dumping on state park lands, as proposed in legislative bills numbers S.
19 809-A and A. 5022-A, takes effect.