STATE OF NEW YORK

5262

2023-2024 Regular Sessions

IN ASSEMBLY

March 7, 2023

Introduced by M. of A. CHANG, BROOK-KRASNY -- read once and referred to the Committee on Cities

AN ACT to amend the administrative code of the city of New York, in relation to penalties for public urination and defecation

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

Section 1. Subdivisions 8 and 11 of section 16-118 of the administrative code of the city of New York, as amended by local law number 75 of the city of New York for the year 2016, are amended to read as follows:

8. The violation of any provision of this section shall constitute an offense punishable by a fine of not less than fifty dollars nor more than two hundred fifty dollars, or by imprisonment not to exceed ten days, or both; provided that the violation of subdivision 1 of this section[~~, or the violation of subdivision 6 of this section by means of the act of public urination,~~] shall constitute an offense punishable only by a fine of not less than fifty dollars nor more than two hundred fifty dollars, or by imprisonment not to exceed one day**, and provided, further, that the violation of subdivision 6 of this section by means of the act of public urination or public defecation shall constitute a class A misdemeanor punishable by a fine of five hundred dollars**.

11. In the event that a violator fails to answer such notice of violation within the time provided therefor by the rules and regulations of the environmental control board, a tribunal of the office of administrative trials and hearings, pursuant to section 1049-a of the charter, he or she shall become liable for additional penalties. The additional penalties shall not exceed four hundred fifty dollars for each violation, provided that such penalties imposed for a violation of this section for the act of public urination **or public defecation** shall not exceed 150 percent of the penalties enumerated in paragraph b of subdivision 9 of this section, and further provided that such penalties imposed for violations of subdivision 1 of this section shall not exceed

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

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150 percent of the penalties enumerated in paragraph c of subdivision 9 of this section.

§ 2. Paragraph b of subdivision 9 of section 16-118 of the administrative code of the city of New York, as amended by local law number 137 of the city of New York for the year 2018, is amended to read as follows:

b. notwithstanding paragraph a of this subdivision, for any natural person violating subdivision 6 of this section by means of the act of public urination[~~:~~

~~(1) 75 dollars for a first violation, and~~

~~(2) not less than 250 and not more than 350 dollars for any second violation within any 12 month period, and~~

~~(3) not less than 350 and not more than 450 dollars for any third violation within any 12 month period~~] **or public defecation, 500 dollars for each violation**;

§ 3. This act shall take effect immediately.