§ 71-1939. Local enforcement.

1. The health commissioner of any county or part-county health district or city is hereby authorized and empowered to bring an action in any court of competent jurisdiction for the recovery of any penalty provided in section 71-1929 for any violation of the provisions of titles 1 through 11 inclusive and title 19 of article 17 and sections 71-1929 through 71-1939 of this article occurring in the district or city in which such health commissioner has jurisdiction,

a. from a source described in subdivision 5 of section 17-0701, or

b. resulting from a failure to comply with the terms of a permit issued by such county or city pursuant to subdivision 6 of section 17-0701. Such health commissioner may, in his discretion, compromise any penalty sued for in such action at any stage thereof before judgment.

2. Any penalty collected pursuant to this section shall be paid to the district or city, except that any penalty for a violation resulting in the killing of fish or shellfish shall be credited to the conservation fund established by section 83 of the State Finance Law, and shall be available for the uses and purposes of such fund.

3. a. The health commissioner of any county which has been approved by the commissioner pursuant to section 17-1017 of this chapter to administer and enforce a local law or ordinance related to the provisions of title ten of article seventeen of this chapter is hereby authorized and empowered to bring an action in any court of competent jurisdiction for the recovery of any penalty provided in section 71-1929 of this title for any violation of title ten of article seventeen of this chapter occurring in the county in which the county health commissioner has jurisdiction.

b. All fines and penalties collected pursuant to this subdivision shall be paid to the district or county, provided, however, that one-quarter of such fines and penalties received shall be paid to the

general fund to the credit of the state purposes account.

4. Within three days after bringing any action authorized by this section said health commissioner shall by registered mail serve upon the Attorney General and the commissioner a copy of the summons and complaint, if any, in such action, with a statement as to the date or dates of service thereof upon the defendant or defendants, or, if a complaint has not been served with the summons, a statement of the particulars of the violation or violations upon which such action was based. The Attorney General is hereby authorized to intervene in any such action in order to protect the interests of the state.