§ 71-2722. Enforcement of section 27-1701 of this chapter.

Administrative and civil sanctions. 1. Any person who knowingly or intentionally violates any of the provisions or fails to perform any duty imposed by section 27-1701 of this chapter, except the duty to accept a lead-acid battery pursuant to subdivision four of such section, shall be liable for a civil penalty not to exceed seventy-five dollars for each violation, provided that such civil penalty shall be in addition to any other penalties authorized under other state or local laws governing the illegal disposal of lead-acid batteries.

2. Any retailer or distributor who refuses to accept a lead-acid battery as required pursuant to subdivision four of section 27-1701 of this chapter shall be liable for a civil penalty not to exceed seven hundred fifty dollars.

3. Penalties under this section shall be assessed by the commissioner after a hearing or opportunity to be heard pursuant to the provisions of section 71-1709 of this article, and, in addition thereto, any person found to have violated the provisions of section 27-1701 of this chapter may by similar process be enjoined from continuing such violation. For the purposes of this section, disposal of each lead-acid battery except as authorized pursuant to subdivision three of section 27-1701 of this chapter shall constitute a separate violation.

4. In the city of New York, the provisions of title seventeen of article twenty-seven of this chapter shall be enforceable by an agency or agencies designated for such purpose by the mayor of such city, and notice of violation shall be returnable to the environmental control board of such city which shall have the power to impose civil penalties as provided in subdivisions one and two of this section. Outside the city of New York, the provisions of such title seventeen shall be enforceable by a local agency or agencies duly designated by the commissioner.

5. All civil penalties and fines collected for any violation of such title seventeen shall be paid over to the commissioner for deposit in

the general fund; provided however, that all civil penalties collected for any violation of such title seventeen which have been imposed by the environmental control board of the city of New York, or a local adjudicatory body pursuant to subdivision four of this section, shall be paid into an environmental fund of such city or locality.