

**City of New York
Office of Administrative Trials and Hearings**

Notice of Promulgation of Rule

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED in the Office of Administrative Trials and Hearings (OATH) pursuant to New York City Charter section 1049(4)(g) that OATH amends the table in subsection (a) of section 7-02 of chapter 7 of title 48 of the Rules of the City of New York, to reflect the new monetary penalties set forth in section 16-118(9) of the Administrative Code of the City of New York for second and third violations of littering, sweep-out, throw-out, and spitting, as amended by Local Law 131 of 2018, and to correct an error in a rule citation.

The proposed rule was published in *The City Record* on November 1, 2018. OATH did not hold a public hearing on the proposed rule pursuant to New York City Charter section 1043(e)(iii) on the grounds that a public hearing would serve no public purpose. OATH has no discretion over the new monetary penalties set forth in Administrative Code section 16-118(9), which are replicated in this rule. OATH did not receive any written comments.

Statement of Basis and Purpose of Final Rule

The Office of Administrative Trials and Hearings (OATH) amends the table in subsection (a) of section 7-02 of chapter 7 of title 48 of the Rules of the City of New York (RCNY) to reflect the new monetary penalties set forth in section 16-118(9) of the Administrative Code of the City of New York (Administrative Code) for second and third violations of Administrative Code section 16-118(1) (littering, sweep-out, throw-out, and spitting), as amended by Local Law 131 of 2018.

Section 7-02(a) includes a table of violations eligible for community service, the monetary civil penalty, and the corresponding community service hour requirement. Effective November 26, 2018, Local Law 131 of 2018 amends section 16-118(9) to remove the penalty ranges for second and third violations of section 16-118(1) and sets a fixed penalty of \$300 for a second violation, and \$400 for a third violation of that provision. This amendment reflects the increase in these penalties.

The amendments also correct an error in the citation to 56 RCNY section 1-04(i), related to unleashed/uncontrolled animals in the park.

Pursuant to city charter section 1043(d)(4)(ii), this rule is exempt from the certification requirements of section 1043(d).

New material is underlined.

[Deleted material is in brackets.]

Section 1. The following rows in the table in subsection (a) of section 7-02 of chapter 7 of title 48 of the Rules of the City of New York are amended to read as follows:

Citation in Summons	Description in Summons	Citation Monetary Penalty	Community Service Hour Requirement
Admin. Code § 16-118(1)(a), (b)	Littering, Sweep-out, throw-out, spitting	1st - \$75 2nd - \$[250] <u>300</u> 3rd - \$[350] <u>400</u>	1st - 1 2nd - 2 3rd - 3
56 RCNY § 1-04([1]i)	Unleashed/uncontrolled animals in park	\$100	1
56 RCNY § 1-04([1]i)	Unleashed/uncontrolled animals in park – second or subsequent violation within one year	\$250	2