

**City of New York
Office of Administrative Trials and Hearings
Environmental Control Board**

Notice of Promulgation of Rule

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED in the Office of Administrative Trials and Hearings’ Environmental Control Board (OATH ECB) in accordance with Sections 1049-a and 1043 of the New York City Charter and Section 28-202.1 of the New York City Administrative Code. OATH ECB modifies its Sanitation Penalty Schedule by repealing penalties for violations of section 16-118(1) of the Administrative Code. This schedule is found in Section 3-122 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York. The proposed rule was published in the City Record on August 4, 2016, and a public hearing was held on September 6, 2016. No one attended the public hearing and OATH ECB did not receive any written comments concerning this rule.

Statement of Basis and Purpose

Local Law 75 of 2016, which takes effect on August 12, 2016, modifies the penalty amounts for violations of section 16-118(1) of the Administrative Code. This provision prohibits littering and spitting in public places. Section 16-118(9) (c) of the law provides for a first offense penalty of \$75, a second offense penalty of not less than \$250 and not more than \$350 dollars and a third offense penalty of not less than \$350 and not more than \$450. In addition, section 16-118(11) provides that, in the event of a default, an additional penalty will be imposed not exceeding 150 percent of the penalties stated in section 16-118(9)(c) .

Because the penalties for violation of section 16-118(1) currently contained in OATH ECB’s rules do not comply with the new law, OATH ECB amends its Sanitation Penalty Schedule to repeal penalties for violation of section 16-118(1).

OATH ECB’s authority for these rules is found in Chapter 4-E of Title 16 of the Administrative Code of the City of New York and Sections 1043(a) and 1049-a of the New York City Charter.

New material is underlined.
[Deleted material is in brackets.]

Section 1. The Environmental Control Board amends its Department of Sanitation Penalty Schedule found in Section 3-122 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York by repealing the following entries:

Section/Rule	Description	Offense	Penalty	Default
[16 -118(1)**	Littering	1st	\$100	\$450]
[16 -118(1)**	Littering	2nd	\$250	\$450]
[16 -118(1)**	Littering	3rd	\$350	\$450]

[16 -118(1)**	Sweep Out	1st	\$100	\$450]
[16 -118(1)**	Sweep Out	2nd	\$250	\$450]
[16 -118(1)**	Sweep Out	3rd	\$350	\$450]
[16 -118(1)**	Throw Out	1st	\$100	\$450]
[16 -118(1)**	Throw Out	2nd	\$250	\$450]
[16 -118(1)**	Throw Out	3rd	\$350	\$450]