

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2016**

No. 74

Introduced by Council Members Gibson and The Speaker (Council Member Mark-Viverito), Rosenthal, Torres, Williams, Levine, Cumbo, Rodriguez, Levin, Richards, Palma, Garodnick, Eugene, Wills and Lander.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the penalties for possessing an open container of alcohol.

Be it enacted by the Council as follows:

Section 1. Subdivision e of section 10-125 of the administrative code of the city of New York is amended to read as follows:

e. [Any person who shall be found to have violated any of the provisions] *The violation of subdivision b* of this section shall [be punished by] *constitute an offense punishable by* a fine of not more than [twenty-five dollars (\$25)] *25 dollars* or imprisonment of up to [five (5) days] *one day*, [or both,] or pursuant to the provisions of the family court act of the state of New York where applicable.

§ 2. Section 10-125 of the administrative code of the city of New York is amended by adding a new subdivision f to read as follows:

f. Any person who violates subdivision b of this section shall be liable for a civil penalty of up to 25 dollars, which may be recoverable in a proceeding before the office of administrative trials and hearings, pursuant to chapter 45-A of the charter.

§ 3. Chapter 1 of title 10 of the administrative code of the city of New York is amended by adding a new section 10-173 to read as follows:

§ 10-173 Uniform civil penalties for possessing an open container of alcohol. Notwithstanding any inconsistent provision of law, the civil penalty for the violation of section 1-05(f)(1) of title 56 of the rules of the city of New York, or any successor rule of the department of parks and recreation that prohibits or restricts the consumption or possession with intent to consume an open container of alcohol, shall be no greater than the civil penalties established by section 10-125 of the code.

§ 4. Sections 1 and 2 of this local law take effect 30 days after it becomes law, and applies to proceedings for enforcement of section 10-125 of the administrative code commenced on and after such date. Section 3 of this local law takes effect 9 months after it becomes law.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on May 25, 2016 and approved by the Mayor on June 13, 2016.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 74 of 2016, Council Int. No. 1067-A of 2016) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel