

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

**Notice of Adoption of Rule**

Pursuant to the authority vested in the Office of Administrative Trials and Hearings (OATH) by Sections 1043 and 1049(4)(g) of the New York City Charter, OATH has amended the table of violations in Title 48 § 7-02(a) of the Rules of the City of New York (“RCNY”) to add 56 RCNY § 1-04(c)(5) and 56 RCNY § 1-04(i)(4) to the table of violations eligible for Community Service.

This amendment was published as a proposed rule in The City Record on September 10, 2025. A public hearing was held on October 21, 2025. No testimony regarding the amendment was given at the public hearing, and OATH did not receive any written comments from the public.

**Statement of Basis and Purpose of Rule**

OATH has amended the table of violations in 48 RCNY § 7-02(a) to add 56 RCNY § 1-04(c)(5) and 56 RCNY § 1-04(i)(4) to the table of violations eligible for Community Service in lieu of paying a civil monetary penalty if the Respondent admits to a Specified Violation alleged in a summons before a hearing date, or if the Specified Violation is sustained after a hearing.

OATH began offering community service to eligible respondents in June 2017 as part of the Criminal Justice Reform Act (“CJRA”). The New York City Council passed the CJRA to create the opportunity for civil enforcement of low-level, non-violent offenses. This legislation was enacted on June 13, 2016. As part of the CJRA, Local Law 73 of 2016 added new provisions to section 1049 of the City Charter that require OATH Hearing Officers to offer an option to perform community service in lieu of paying a monetary civil penalty for certain specified violations of the Administrative Code of the City of New York and certain violations of rules of the Department of Parks and Recreation.

In August 2025, the Department of Parks and Recreation (DPR) adopted amendments that expand the categories of illegal behavior for which the Department’s Enforcement Officers can issue a notice of violation (sometimes called a summons) to protect the natural environments under the jurisdiction of DPR and increase the penalties associated with certain violations.

OATH has added 56 RCNY § 1-04(c)(5) and 56 RCNY § 1-04(i)(4) to the violations table, along with the corresponding monetary penalty for the violation of each rule as enumerated in 56 RCNY § 1-07, and the equivalent community service hour requirement. The amendment sets an equivalent community service hour requirement of two (2) hours for a violation of 56 RCNY § 1-04(c)(5) for storing and/or leaving vending property on DPR property and six (6) hours for a violation of 56 RCNY § 1-04(i)(4) for abandoning an animal in a DPR property.

OATH’s authority for this rule is found in section 1049(4)(g) of the New York City Charter.

New material is underlined.

[Deleted material is in brackets.]

**Section 1. Subdivision (a) of section 7-02 of chapter 7 of Title 48 of the Rules of the City of New York is amended as follows:**

**§ 7-02 Eligibility for Community Service.**

(a) Except as provided in subdivision (c), a Respondent who admits the charge on or before a hearing date or is found responsible after a hearing for any Specified Violation can perform Community Service instead of paying a monetary civil penalty. The Specified Violations, monetary civil penalties, and corresponding Community Service hour requirements are found below:

| <b>Citation in Summons</b>      | <b>Description in Summons</b>                                                          | <b>Citation Monetary Penalty</b>         | <b>Community Service Hour Requirement</b> |
|---------------------------------|----------------------------------------------------------------------------------------|------------------------------------------|-------------------------------------------|
| Admin. Code § 10-125            | Public Consumption of Alcohol                                                          | Up to \$25                               | 1                                         |
| 56 RCNY § 1-05(f)(1)            | Unauthorized consumption/possession of alcoholic beverage                              | \$25                                     | 1                                         |
| 56 RCNY § 1-05(f)(2)            | Appearing in park under the influence of alcohol, endangering self or others           | \$50                                     | 1                                         |
| Admin. Code § 16-118(1)(a), (b) | Littering, Sweep-out, throw-out, spitting                                              | 1st - \$75<br>2nd - \$300<br>3rd - \$400 | 1st - 1<br>2nd - 2<br>3rd - 3             |
| 56 RCNY § 1-04(c)(1)            | Littering or unlawful use of park waste receptacle                                     | \$50                                     | 1                                         |
| Admin. Code § 16-118(6)         | Public Urination                                                                       | 1st - \$75<br>2nd - \$250<br>3rd - \$350 | 1st - 1<br>2nd - 2<br>3rd - 3             |
| 56 RCNY § 1-03(a)(3)            | Unauthorized presence in park when closed to public                                    | \$50                                     | 1                                         |
| 56 RCNY § 1-03(b)(6)            | Failure to have/display/comply with required permit                                    | \$50                                     | 1                                         |
| 56 RCNY § 1-03(c)(1)            | Failure to comply with directives of police, park supervisor, lifeguard, peace officer | \$250                                    | 2                                         |
| 56 RCNY § 1-03(c)(2)            | Failure to comply with directives of other Department employee                         | \$150                                    | 2                                         |
| 56 RCNY § 1-03(c)(3)            | Failure to comply with directions/prohibitions on signs                                | \$50                                     | 1                                         |
| 56 RCNY § 1-04(a)(1)            | Destruction or abuse of Department property that causes significant damage or expense  | \$1,000                                  | 6                                         |

| <b>Citation in Summons</b>                              | <b>Description in Summons</b>                                                           | <b>Citation Monetary Penalty</b> | <b>Community Service Hour Requirement</b> |
|---------------------------------------------------------|-----------------------------------------------------------------------------------------|----------------------------------|-------------------------------------------|
| 56 RCNY § 1-04(a)(2)                                    | Injury, defacement, abuse, etc. of Department property                                  | \$100                            | 1                                         |
| 56 RCNY § 1-04(b)(1)(ii)                                | Defacement or writing upon a tree                                                       | \$200                            | 2                                         |
| 56 RCNY § 1-04(b)(1)(iii)                               | Defacement, killing, etc. of vegetation.                                                | \$200                            | 2                                         |
| 56 RCNY § 1-04(b)(2)                                    | Walking on/permitting animal or child to walk on newly seeded grass                     | \$50                             | 1                                         |
| 56 RCNY § 1-04(b)(3)                                    | Walking/permitting animal or child to walk in fenced area                               | \$50                             | 1                                         |
| 56 RCNY § 1-04(b)(4)                                    | Unauthorized possession of gardening tool/plant                                         | \$50                             | 1                                         |
| 56 RCNY § 1-04(b)(5)                                    | Unauthorized use of metal detector                                                      | \$50                             | 1                                         |
| 56 RCNY § 1-04(c)(4)                                    | Storing/leaving unattended personal belongings                                          | \$50                             | 1                                         |
| <u>56 RCNY § 1-04(c)(5)</u>                             | <u>Storing/leaving vending property</u>                                                 | <u>\$250</u>                     | <u>2</u>                                  |
| 56 RCNY § 1-04(d)                                       | Possession of glass container                                                           | \$50                             | 1                                         |
| 56 RCNY § 1-04(e)(1)                                    | Aviation - bringing/landing aerial device in park, endangering person or property       | \$500                            | 3                                         |
| 56 RCNY § 1-04(f)(1)                                    | Possession of a firearm/propellant/explosive etc.                                       | \$500                            | 3                                         |
| 56 RCNY § 1-04(g)(1)                                    | Harming animals, nests, or eggs; Possessing or distributing animals or eggs.            | \$1,000                          | 6                                         |
| 56 RCNY § 1-04(g)(2)                                    | Unauthorized feeding of animals                                                         | \$50                             | 1                                         |
| 56 RCNY § 1-04(i)                                       | Unleashed/uncontrolled animals in park                                                  | \$100                            | 1                                         |
| 56 RCNY § 1-04(i)                                       | Unleashed/uncontrolled animals in park – second or subsequent violation within one year | \$250                            | 2                                         |
| <u>56 RCNY § 1-04(i)(4); Admin. Code § 18-146(c)(7)</u> | <u>Uncontrolled animal – animal abandonment</u>                                         | <u>\$1,000</u>                   | <u>6</u>                                  |
| 56 RCNY § 1-04(j)(1), § 3-18(b)                         | Failure to remove canine waste                                                          | \$100                            | 1                                         |
| 56 RCNY § 1-04(j)(2)                                    | Horse carriage without horse hamper/control for horse waste                             | \$100                            | 1                                         |

| <b>Citation in Summons</b> | <b>Description in Summons</b>                                                                                  | <b>Citation Monetary Penalty</b> | <b>Community Service Hour Requirement</b> |
|----------------------------|----------------------------------------------------------------------------------------------------------------|----------------------------------|-------------------------------------------|
| 56 RCNY § 1-04(k)          | Unlawful urination/defecation in park.                                                                         | \$50                             | 1                                         |
| 56 RCNY § 1-04(l)(1)       | Disorderly behavior – unauthorized access/trespass                                                             | \$50                             | 1                                         |
| 56 RCNY § 1-04(l)(2)(i)    | Disorderly behavior – climbing                                                                                 | \$50                             | 1                                         |
| 56 RCNY § 1-04(l)(2)(ii)   | Disorderly behavior – climbing statue or artwork in manner that could damage it                                | \$200                            | 2                                         |
| 56 RCNY § 1-04(l)(3)       | Disorderly behavior – fee evasion                                                                              | \$50                             | 1                                         |
| 56 RCNY § 1-04(l)(4)       | Disorderly behavior – gambling                                                                                 | \$50                             | 1                                         |
| 56 RCNY § 1-04(l)(5)(i)    | Disorderly behavior – render park road dangerous                                                               | \$100                            | 1                                         |
| 56 RCNY § 1-04(l)(5)(ii)   | Disorderly behavior – render park dangerous                                                                    | \$50                             | 1                                         |
| 56 RCNY § 1-04(l)(6)       | Disorderly behavior – fighting/assault                                                                         | \$150                            | 2                                         |
| 56 RCNY § 1-04(l)(7)       | Disorderly behavior – sexual activity                                                                          | \$100                            | 1                                         |
| 56 RCNY § 1-04(l)(8)       | Disorderly behavior – endanger safety of others                                                                | \$250                            | 2                                         |
| 56 RCNY § 1-04(l)(9)       | Disorderly behavior – operation of bike, motor vehicle, etc. that endangers safety of other person or property | \$500                            | 3                                         |
| 56 RCNY § 1-04(n)          | Unlawful exposure                                                                                              | \$50                             | 1                                         |
| 56 RCNY § 1-04(o)          | Obstruction of benches, sitting areas                                                                          | \$50                             | 1                                         |
| 56 RCNY § 1-04(p)          | Unlawful camping                                                                                               | \$250                            | 2                                         |
| 56 RCNY § 1-04(q)          | Spitting on park building/monument/structure                                                                   | \$50                             | 1                                         |
| 56 RCNY § 1-04(r)          | Unauthorized use of fountain/pool/water for personal/animal hygiene                                            | \$50                             | 1                                         |
| 56 RCNY § 1-04(s)(1)       | Unlawful commercial activity or speech                                                                         | \$100                            | 1                                         |
| 56 RCNY § 1-04(s)(2)       | Soliciting money or property without permit                                                                    | \$50                             | 1                                         |
| 56 RCNY § 1-05(a)(1)       | Unpermitted event that significantly interferes with ordinary park use                                         | \$500                            | 3                                         |

| <b>Citation in Summons</b> | <b>Description in Summons</b>                                            | <b>Citation Monetary Penalty</b> | <b>Community Service Hour Requirement</b> |
|----------------------------|--------------------------------------------------------------------------|----------------------------------|-------------------------------------------|
| 56 RCNY § 1-05(a)(2)       | Unpermitted special event/demonstration                                  | \$250                            | 2                                         |
| 56 RCNY § 1-05(a)(3)       | Structure/stand/booth etc. without permit                                | \$250                            | 2                                         |
| 56 RCNY § 1-05(b)          | Unlawful vending                                                         | \$250                            | 2                                         |
| 56 RCNY § 1-05(b)(1)       | Unlawful vending – second or subsequent violation within one year        | \$500                            | 3                                         |
| 56 RCNY § 1-05(b)(2)       | Unlawful vending of expressive matter in violation of Department rules   | \$500                            | 3                                         |
| 56 RCNY § 1-05(c)          | Unlawful display of signs                                                | \$50                             | 1                                         |
| 56 RCNY § 1-05(d)(1)       | Unreasonable noise                                                       | \$50                             | 1                                         |
| 56 RCNY § 1-05(d)(2)       | Operating sound reproduction device without required permit              | \$140                            | 1                                         |
| 56 RCNY § 1-05(d)(3)       | Playing instrument/radio, etc. during unauthorized hours                 | \$140                            | 1                                         |
| 56 RCNY § 1-05(g)          | Failure to comply with beach/boardwalk/pool restrictions                 | \$50                             | 1                                         |
| 56 RCNY § 1-05(h)          | Failure to comply with fishing restrictions                              | \$50                             | 1                                         |
| 56 RCNY § 1-05(i)          | Failure to comply with bicycle riding and/or pedicab restrictions        | \$50                             | 1                                         |
| 56 RCNY § 1-05(i)(1)       | Failure of pedicab or bike operator to comply with sign                  | \$150                            | 2                                         |
| 56 RCNY § 1-05(k)(1)       | Failure to comply with ice skating restrictions                          | \$50                             | 1                                         |
| 56 RCNY § 1-05(k)(2)       | Going upon a frozen lake or pond without authorization                   | \$50                             | 1                                         |
| 56 RCNY § 1-05(l)          | Planting tree/flower/shrubbery/other vegetation without written approval | \$50                             | 1                                         |
| 56 RCNY § 1-05(m)(1)       | Failure to comply with fire restrictions                                 | \$50                             | 1                                         |
| 56 RCNY § 1-05(m)(2)       | Unlawful disposal of flammable materials                                 | \$50                             | 1                                         |
| 56 RCNY § 1-05(n)          | Unauthorized driving/parking/automotive work                             | \$50                             | 1                                         |
| 56 RCNY § 1-05(q)          | Failure to comply with horse riding restrictions                         | \$50                             | 1                                         |

| <b>Citation in Summons</b> | <b>Description in Summons</b>                                                                                  | <b>Citation Monetary Penalty</b>         | <b>Community Service Hour Requirement</b> |
|----------------------------|----------------------------------------------------------------------------------------------------------------|------------------------------------------|-------------------------------------------|
| 56 RCNY § 1-05(r)(1)       | Area use restrictions - sports in unauthorized area                                                            | \$50                                     | 1                                         |
| 56 RCNY § 1-05(r)(2)       | Area use restrictions - unauthorized toy or model aviation, boating, automobiling, etc.                        | \$50                                     | 1                                         |
| 56 RCNY § 1-05(r)(3)(i)    | Area use restrictions - unauthorized skating/skiing/skateboarding/sledding/etc. endangering person or property | \$200                                    | 2                                         |
| 56 RCNY § 1-05(r)(3)(ii)   | Area use restrictions - unauthorized skating/skiing/skateboarding/sledding, etc.                               | \$50                                     | 1                                         |
| 56 RCNY § 1-05(s)(1)       | Failure to comply with exclusive children playground restriction                                               | \$50                                     | 1                                         |
| 56 RCNY § 1-05(s)(2)       | Failure to comply with exclusive senior citizen area restrictions                                              | \$50                                     | 1                                         |
| 56 RCNY § 1-05(s)(3)       | Failure to comply with dog run restrictions                                                                    | \$50                                     | 1                                         |
| 56 RCNY § 1-05(t)          | Unauthorized distribution/demonstration of products                                                            | \$100                                    | 1                                         |
| 56 RCNY § 1-05(u)          | Failure to comply with in-line skating restrictions                                                            | \$50                                     | 1                                         |
| Admin. Code § 24-218(a)    | Causing or permitting unreasonable noise (7 A.M. to 10 P.M.)                                                   | 1st - \$75<br>2nd - \$150<br>3rd - \$350 | 1st - 1<br>2nd - 2<br>3rd - 3             |
|                            | Causing or permitting unreasonable noise (10 P.M. to 7 A.M.)                                                   | 1st - \$75<br>2nd - \$150<br>3rd - \$350 | 1st - 1<br>2nd - 2<br>3rd - 3             |