

Chapter 7: [Community Service Program]

§ 7-01 Definitions.

As used in this chapter:

"Community Service" means the performance of a service for a public entity or not-for-profit corporation, association, institution, or agency, in place of payment of a monetary civil penalty. Performance of a service may include attendance at a program, either in person or web-based, authorized by OATH that is designed to benefit, improve, or educate either the community or the Respondent. Community Service includes OATH's online community service course, which may be completed to satisfy a one- or two-hour Community Service requirement.

"Decision" is a decision of a Hearing Officer sustaining or dismissing a charge and containing findings of fact and conclusions of law.

"Hearing Officer" means a person designated by the Chief Administrative Law Judge of OATH, or his or her designee, to carry out the adjudicatory powers, duties and responsibilities of OATH.

"Respondent" means a person against whom charges are alleged in a summons.

"Specified Violations" are the violations specified in Section 1049(4)(b) of the Charter, and set forth in 48 RCNY § 7-02(a) below.

(Added City Record 6/13/2017, eff. 6/13/2017; amended City Record 6/17/2019, eff. 7/17/2019)

§ 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:

Citation in Summons	Description in Summons	Citation Monetary Penalty	Community Service Hour Requirement
Citation in Summons	Description in Summons	Citation Monetary Penalty	Community Service Hour Requirement
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	1st – 1
		2nd - \$300	2nd – 2
		3rd - \$400	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	1st – 1
		2nd - \$250	2nd – 2
		3rd - \$350	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
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
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(ii)	Unleashed/uncontrolled animals in park – second or subsequent violation within one year	\$250	2
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
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)(iii)	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/s tructure	\$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
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/auto motive work	\$50	1
56 RCNY § 1-05(q)	Failure to comply with horse riding restrictions	\$50	1
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 childrens 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 (7:00 A.M. to 10:00 P.M.)	1st - \$75	1st – 1
		2nd - \$150	2nd – 2
		3rd - \$350	3rd – 3
	Causing or permitting unreasonable noise (10:00 P.M. to 7:00 A.M.)	1st - \$75	1st – 1
		2nd - \$150	2nd – 2
		3rd - \$350	3rd – 3

(b) A Respondent is eligible for Community Service 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. A Respondent may admit to a Specified Violation at a hearing, in which case the Specified Violation will be sustained against the Respondent.

(c) A Respondent is not eligible for Community Service if the Specified Violation arose during the conduct of commercial activity or activity carried out for a commercial purpose, except when the commercial activity alleged is a violation of Administrative Code § 18-146(c)(15).

(Added City Record 6/13/2017, eff. 6/13/2017; amended City Record 9/4/2018, eff. 10/4/2018; amended City Record 1/18/2019, eff. 2/17/2019; amended City Record 6/17/2019, eff. 7/17/2019)

§ 7-03 Choosing Community Service.

(a) *Community Service After a Hearing.*

(1) If a Respondent is eligible for Community Service because the Specified Violation is sustained after a hearing as described in 48 RCNY § 7-02, the Respondent will receive a Decision that gives the Respondent the option either to complete Community Service or to pay the applicable monetary civil penalty by a specified date. If the Respondent wants to complete Community Service, the Respondent may contact OATH's Help Center to schedule Community Service. If the Decision gives the option to complete one or two-hours of Community Service, the Respondent may complete OATH's online Community Service course.

(2) If a Respondent fails to complete the Community Service as set forth in 48 RCNY §§ 7-04 and 7-05, the applicable monetary civil penalty will be reinstated. The monetary civil penalty will be due and owing thirty (30) days from the date of the Decision, or thirty-five (35) days if the Decision is mailed.

(b) *Admitting by Completing OATH's Online Community Service Course on or Before a Hearing Date.*

(1) A Respondent who wants to admit to a Specified Violation that has a one- or two-hour community service requirement in accordance with 48 RCNY § 7-02 will have the option of admitting to the Specified Violation by completing OATH's online Community Service course on or before the hearing date. The completion of the online Community Service course constitutes an admission to the violation.

(2) If a Respondent fails on or before the hearing date to complete OATH's online Community Service course or pay the applicable monetary penalty, and does not appear at the hearing, the Respondent will be in default pursuant to 48 RCNY § 6-20.

(Added City Record 6/13/2017, eff. 6/13/2017; amended City Record 9/4/2018, eff. 10/4/2018; amended City Record 6/17/2019, eff. 7/17/2019)

§ 7-04 Amount of Community Service in Place of a Monetary Civil Penalty.

The number of hours of Community Service imposed will correspond to the amount of the monetary civil penalty imposed for a Specified Violation, consistent with Section 1049(4)(e) of the Charter. The number of hours of Community Service for each Specified Violation is in the chart set forth in 48 RCNY § 7-02(a).

(Added City Record 6/13/2017, eff. 6/13/2017)

§ 7-05 Completion of Community Service.

(a) A Respondent must complete either the Community Service assigned by OATH's Help Center or, if applicable, OATH's online Community Service course.

(b) *Deadline to Complete Community Service.*

(1) If a Respondent is completing Community Service after a hearing was held, the Community Service must be completed by the date specified in the Decision, unless otherwise specified in a notice granting an extension, or an order issued, pursuant to 48 RCNY § 7-07.

(2) If a Respondent is admitting by completing OATH's online Community Service course, the online Community Service course must be completed on or before the hearing date.

(c) *Certificate of Completion.*

(1) Within two (2) days after the specified date of completion in a Decision, a notice granting an extension, or an order issued, pursuant to 48 RCNY § 7-07, the Help Center must provide to Respondent either:

(A) a Certificate of Completion indicating that the Community Service was completed by the specified date; or

(B) a Certificate of Non-Completion indicating that the Community Service was not completed by the specified date.

(2) If a Respondent completes OATH's online Community Service course, the Respondent will receive immediate confirmation that the online Community Service course was completed.

(d) If a Respondent who either receives a Certificate of Non-Completion, or does not receive immediate confirmation that the online Community Service course was completed, believes that they have timely completed Community Service, they may contact OATH's Clerk's Office. The Clerk's Office will review any information or documentation submitted in support of Respondent's claim that Community Service was completed on time. The burden of proof is on the Respondent to show timely completion of the Community Service. If the Clerk's Office finds that Community Service was completed on time, Respondent will not have to pay the monetary civil penalty.

(Added City Record 6/13/2017, eff. 6/13/2017; amended City Record 9/4/2018, eff. 10/4/2018; amended City Record 6/17/2019, eff. 7/17/2019)

§ 7-06 Extension to Complete Community Service.

(a) A Respondent may request an extension of time to complete the Community Service through the Help Center prior to the deadline to complete the Community Service specified in the Decision.

(b) Extensions of time to complete Community Service are not available for Respondents who wish to admit to the Specified Violation by completing OATH's online Community Service course on or before the hearing date.

(c) (1) OATH's Help Center may grant a request for an extension to complete Community Service for good cause shown. In determining whether there is good cause for an extension, the Help Center will consider factors such as the following:

(A) The length of extension requested;

(B) The number of hours of Community Service to be completed and the amount of the monetary civil penalty that would be due;

(C) The number of prior extensions requested;

(D) Whether the need for the extension is due to factors beyond Respondent's control or due to extraordinary circumstances; and

(E) Whether a portion of the Community Service has been completed.

(2) A denial of a request for an extension is not subject to appeal at OATH.

(3) A request for extension of time to complete Community Service will not extend the date by which a Respondent must pay the monetary civil penalty. If a request for an extension is denied, the Respondent must either complete the Community Service by the date specified in the Decision, or pay the applicable monetary civil penalty thirty (30) days from the date of the Decision or thirty-five (35) days if the Decision is mailed.

(Added City Record 6/17/2019, eff. 7/17/2019)

§ 7-07 Respondent Appeal of a Decision After Requesting Community Service.

(a) If a Respondent who has chosen to perform Community Service instead of paying a monetary civil penalty timely appeals the Decision sustaining the Specified Violation, pursuant to 48 RCNY § 6-19, the part of the Decision ordering completion of Community Service will be stayed until a decision on

the appeal is issued. A Respondent will not be required to complete the Community Service or pay the applicable monetary civil penalty in order to file an appeal.

(b) If a Respondent's appeal is denied, the Respondent must either complete the Community Service within twenty (20) days of the date of the appeal decision, or pay the monetary civil penalty, unless otherwise specified in a notice granting an extension.

(Added City Record 6/13/2017, eff. 6/13/2017; renumbered City Record 6/17/2019, eff. 7/17/2019)

§ 7-08 Choosing Community Service After a Specified Violation is Sustained on Agency's Appeal.

(a) If a decision on an appeal sustains a Specified Violation, reversing a Hearing Officer's Decision to dismiss that violation, a Respondent may choose to perform Community Service instead of paying the monetary civil penalty. Within ten (10) days of the date of the appeal decision, the Respondent must inform OATH of his or her decision to perform Community Service by filing a request, on a form provided by OATH, with the Clerk's Office. If the Respondent fails to do so within ten (10) days of the date of the decision on the appeal, the monetary civil penalty will be due and owing immediately.

(b) If the Respondent chooses to perform community service, Respondent will receive an order granting a timely request and imposing a deadline to complete the Community Service. The monetary civil penalty will be due and owing if the Respondent fails to perform the Community Service by the deadline in the order.

(Added City Record 6/13/2017, eff. 6/13/2017; renumbered City Record 6/17/2019, eff. 7/17/2019)