

New Bills: Paralyzing Peeping and Blasting Explosive Regulations

by Courtney Gross

Tuesday, September 04, 2007 12:00 AM

There is no doubt the City Council is gearing up to say goodbye to summer and hello to its more hectic legislative schedule. To do that, members have recently introduced bills to regulate everything from Peeping Toms to construction companies.

While some of the bills claim to improve safety in the city, advocacy groups have criticized a number of the measures, calling some overreaching or utterly unenforceable. One organization described a piece of legislation as a threat to civil liberties.

Over the next several months, these bills may or may not come up for hearings. So here is a little preview of what could be in store at City Hall.

Regulation of Blasting

In mid-July, a retaining wall collapsed on the Upper West Side, [forcing residents](#) out of their homes. Although the cause of the wall's collapse has not yet been determined, some city officials and residents attribute it to blasting at an adjacent construction site on Columbus Avenue.

In response, the district's councilmember, Melissa Mark Viverito, proposed ([Intro 613](#)) legislation that would strengthen the city's blasting regulations, specifically reducing a blasting permit's validity from three years to three months. The applicant would, however, have an opportunity to request a one-year extension.

The legislation would also require a trained representative from the fire department or Department of Buildings to be on site during demolitions involving blasting and excavations on privately owned property.

“At a time when development appears to overrun our neighborhoods and inconvenience our lives, it is our responsibility as legislators to ensure that development is as responsible, safe and accountable as possible,” said Viverito following the legislation's introduction.

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The legislation also proposes to increase community notification in the area where blasting is occurring and coordinate communication between the departments that oversee this type of construction, such as the Department of Buildings and the fire department.

Although the fire department is charged with issuing an explosives permit, under the new legislation it must coordinate with the Department of Buildings and the Department of Environmental Protection, including notifying them on permit requests.

A spokesperson for the Department of Buildings said it is currently reviewing the legislation and "looks forward" to working with the council.

So far the bill has 13 sponsors, including Council Speaker Christine Quinn, who held a press conference announcing the measure. Quinn's support essentially guarantees the bill's approval.

Prohibiting Peeping in Public

When several women in his Queens district complained of a so-called "Peeping Tom" looking up their skirts while they climbed the steps to an elevated subway station, Councilmember Peter Vallone discovered the action wasn't a crime.

Now, he wants to make it a misdemeanor, which comes with a maximum 90-day jail sentence and a \$500 fine.

"These perverts use their eyes to invade the privacy of people's bodies, leaving many feeling violated," Vallone said in a prepared statement. "Yet up until now, there has been a peephole loophole that gives anyone a license to gawk, leer and spy anywhere they please."

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Vallone's voyeurism legislation ([Intro 617](#)) would make it illegal for an individual to repeatedly and deliberately view another person's "intimate parts" without their knowledge or consent in public places, like at an elevated subway station. In private settings, the bill would apply to viewing another person without their knowledge or consent when that person has a reasonable expectation of privacy, such as drilling a hole in a private bathroom.

Although the councilmember said the bill is modeled after similar statutes in Washington, South Carolina and Arizona, others contend the legislation is unenforceable.

"The proposed law seeks to address behavior that is ambiguous and imprecise, and the language of the bill reflects that ambiguity and imprecision," said <http://www.nyclu.org/> New York Civil Liberties Union Executive Director Donna Lieberman. "This lack of clarity confers a license for abuse on those empowered to enforce the law by leaving it up to the individual police officer to decide which kinds of viewing are lawful and which kinds are degrading and hence unlawful."

Others agree. [A New York Times editorial](#) contends Vallone's most recent crusade "feels like something akin to outlawing wolf whistles from a construction site and, then, banning the corresponding hand signal from the street."

Banning the B-Word

In yet another battle over semantics, the City Council could soon be rehashing a debate over common epithets. Earlier this year it was the [n-word](#) , now, thanks to Councilmember Darlene Mealy, it's the b-word and the h-word.

While it is entirely symbolic, her resolution ([Reso 960](#)) would create a moratorium on the pejorative use of bitch and ho. The legislation reads like the guest list to the Grammy Awards, citing the words' usage by various hip hop artists and most other media outlets and calling it "insulting and cruel."

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In February, the City Council garnered [national attention](#) when it passed a resolution banning the n-word. So far support for this resolution in the council seems promising, having accumulated nearly 20 sponsors.

Although the "b-word" is used as a term for a female dog, its pejorative use, first documented in 1811, is offensive and hateful, according to the resolution.

Singling Out Smokers

Soon cars carrying minors could become smoke-free zones under legislation introduced by Councilmember James Gennaro. In an attempt to blow away second hand smoke, known to contain 4,000 chemicals, 250 poisons and 43 carcinogens, the bill ([Intro 611](#)) would create civil penalties for smoking in a private vehicle with children under 18 years old. It would be enforced by the police department and apply to smoking passengers and drivers.

“ It is my belief that people’s right to privacy doesn’t extend to force-feeding their children cigarettes within the confines of the car,” Gennaro said in a prepared statement. “This legislation will act as a deterrent, will inform parents of the dangers of secondhand smoke and will help to de-normalize smoking.”

On the other hand, some smoking advocates have said the legislation is an [invasion of privacy](#).

Under the bill, fines could be as much as \$400 for a [first violation](#) and spike to \$2,000 for three violations in one year. Rockland County has moved to ban smoking in cars with minors, and similar measures have been adopted in New Jersey, Maine, Puerto Rico, Arkansas and Louisiana.

Nixing Styrofoam in the City

Approximately 153 million Styrofoam trays are used by the Department of Education annually

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to serve lunch to the city's students. Because Styrofoam is not biodegradable, Councilmember Bill de Blasio is hoping to eradicate its use by all city agencies and city-run food establishments.

The legislation ([Intro 609](#)) would prohibit the use of Styrofoam, or Polystyrene, and it would apply primarily to city-operated delis or establishments that use the containers for "to-go" items.

Communities across the country, many in California, have adopted similar bans. The councilmember also introduced a companion resolution ([Reso 996](#)) urging the city's Department of Education, which is not controlled by the council, to adopt a similar policy.

" It is mind boggling that our city, which is becoming a leader on environmental issues, is still using Styrofoam when we know it is extremely harmful to our environment and creating massive amounts of waste," said de Blasio.

The legislation provides for several exemptions, such as when an establishment has exhausted all other alternatives and for "health or safety" reasons cannot find an alternative packing material.

Styrofoam contains the [chemicals benzene](#) , styrene and ethylene, which have all been flagged on the [Environmental Protection Agency's hazardous substance list](#) . According to the legislation, Styrofoam is also resistant to compacting and takes hundreds of years to decompose.

Fighting Dogs

With the Michael Vick dog fighting scandal as a backdrop, Councilmember Vallone also introduced legislation that would drastically increase fines for harboring or owning a fighting dog.

Under the bill, ([Intro 616](#)) maximum civil penalties would be raised from \$5,000 to \$25,000,

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while the minimum fine would jump from \$500 to \$10,000.

Parking Perks for the Blind

Councilmember Joseph Addabbo is attempting to stretch handicap parking to the blind by introducing legislation that ([Intro 607](#)) allows those transporting the visually impaired to acquire handicap parking permits. Both transportation and disability advocates have expressed [support for the bill](#) .

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