

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2013**

No. 137

Introduced by Council Members Garodnick, Brewer, Comrie, Gentile, James, Koo, Recchia, Williams, Wills, Gennaro and Van Bramer.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the operation of a sidewalk cafe.

Be it enacted by the Council as follows:

Section 1. Subdivision i of section 20-225 of the administrative code of the city of New York, as amended by local law number 8 for the year 2003, is amended to read as follows:

i. (1) The term of the revocable consent shall be one license period and shall be concurrent with such license period. The term of the renewal of such revocable consent shall be two consecutive license periods and shall be concurrent with such license periods.

(2) The consent shall be [for such term and] upon such conditions as may be provided in the approval of the petition by the department, as such approval may be modified by action of the council pursuant to subdivision h of this section, but shall be revocable at any time by the department. The separate and additional approval of the mayor shall be necessary to its validity.

§ 2. Subdivision g of section 20-226 of the administrative code of the city of New York, as amended by local law number 8 for the year 2003, is amended to read as follows:

g. (1) The term of the revocable consent shall be one license period and shall be concurrent with such license period. The term of the renewal of such revocable consent shall be two consecutive license periods and shall be concurrent with such license periods.

(2) The consent shall be [for such term and] upon such conditions as may be provided in the approval of the petition by the department, as such approval may be modified by action of the council pursuant to subdivision f of this section, but shall be revocable at any time by the department. The separate and additional approval of the mayor shall be necessary to its validity.

§ 3. Section 20-227.1 of the administrative code of the city of New York is amended by adding a new subdivision h to read as follows:

h. For purposes of this section, a person shall not be deemed to be operating an unlicensed sidewalk cafe if such person:

(1) submitted a timely and complete petition to renew a revocable consent issued pursuant to section 20-225 or 20-226 of this subchapter and such petition has not yet been approved or denied by the department;

(2) held a valid license issued pursuant to section 20-224 of this subchapter at the time such petition to renew a revocable consent was submitted; and

(3) provided proof to the department that such person has cured any violation of this subchapter, or of the terms and conditions of such license or revocable consent within ten days after having been found guilty of such violation, or, where cure within ten days is not possible, at the earliest practicable date.

§ 4. This local law shall take effect one hundred and twenty days after its enactment, provided, however, that the commissioner may take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, the adoption of any necessary rules.

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 December 19, 2013 and approved by the Mayor on December 30, 2013.

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. 137 of 2013, Council Int. No. 876-A of 2012) 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.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.