

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 1988**

No. 40

By the Vice-Chairman (Council Member Vallone); also Council Members Berman, Crispino, Foster, Harrison, Greitzer, Spigner, Dear, Eisland and Wooten.

A LOCAL LAW

To amend the administrative code of the city of New York in relation to unlicensed general vendors.

Be it enacted by the Council as follows:

Section one. **Legislative declaration of intent.**—The Council hereby finds and declares that the public health, safety and welfare are threatened by the unfettered use of city streets for commercial activity by unlicensed, and therefore illegal, general vendors. Such illicit operations have a pernicious effect on both the tax base and economic viability of the City. Unlicensed general vendors do not pay taxes, often sell stolen, defective or counterfeit merchandise and siphon off business from reputable, tax-paying commercial establishments. The practice of selling their wares on the most congested streets of the City impedes the flow of pedestrian traffic, causing the overflow of traffic and, at worst, it creates the potential for tragedy. In recognition of the judgment that licensed and regulated general vendors are a legitimate part of the municipal economy, the council has in the past adopted legislation to limit the number of permitted vendors and to permit the seizure of goods, vehicles, pushcarts or stands used by unlicensed vendors. It is the intent of the council, through this local law, to make more effective the weapons in the city's enforcement arsenal by making clear that the existing law with respect to the seizure of vehicles, pushcarts or other devices used by unlicensed general vendors was intended to permit the seizure of vehicles, pushcarts or other devices used to transport goods which are sold, given or otherwise transferred to an unlicensed general vendor.

§2. Subdivision c of section 20-468 of the administrative code of the city of New York is amended to read as follows:

c. Any police officer may seize any vehicle, pushcart or stand or other such device used by an unlicensed general vendor in violation of section 20-453 *including a vehicle, pushcart or other such device used to transport goods sold, given or otherwise transferred to an unlicensed general vendor in violation of section 20-466 of this subchapter* and may seize any goods which are being sold by an unlicensed general vendor in violation of [such] section 20-453 and such vehicle, pushcart, stand or goods or other device shall be subject to forfeiture upon notice and judicial determination. If a forfeiture proceeding is not commenced, the [vendor] *owner or other person lawfully entitled to the possession of such goods, vehicle, pushcart, or stand or other device* may be charged with the reasonable cost for removal and storage payable prior to the release of such goods, vehicle, pushcart, or stand or other device, unless the charge of unlicensed vending has been dismissed.

§3. Subdivision a of section 20-472 of such code is amended to read as follows:

a. Any person who violates the provisions of section 20-453 of this subchapter shall be guilty of a misdemeanor punishable by a fine of not less than [one] *two* hundred fifty dollars

nor more than one thousand dollars, or by imprisonment for not more than three months or by both such fine and imprisonment.

§4. Paragraph one of subdivision c of section 20-472 of such code is amended to read as follows:

1. In addition to the penalties prescribed by subdivision a of this section, any person who violates, or any person aiding another to violate, the provisions of section 20-453 of this subchapter shall be liable for a civil penalty of not less than [one] *two hundred fifty* dollars nor more than one thousand dollars together with a penalty of [one] *two hundred fifty* dollars per day for every day during which the unlicensed business operated.

§5. Within ninety days of the effective date of this local law, the commissioner of consumer affairs and the police commissioner shall submit to the council a joint written report on their program to enforce section 20-453 of the administrative code of the city of New York.

§6. This local law shall take effect thirty days after its enactment into 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 June 16, 1988, and approved by the Mayor on June 28, 1988.

CARLOS CUEVAS, City Clerk, Clerk of Council.

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW § 27

Pursuant to the provisions of Municipal Home Rule Law § 27, I hereby certify that the enclosed local law (Local Law 40 of 1988, Council Int. No. 891-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on June 16, 1988: 34 for, 0 against.

Was approved by the Mayor on June 28, 1988.

Was returned to the City Clerk on June 28, 1988.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.