

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 1992**

No. 65

Introduced by Council Member Alter (by the request of the Mayor); also Council Members Maloney, Pinkett, Povman, Rivera and Robinson.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to repealing the licensing requirements for stoop line stands for the shining of shoes and exempting the shining of shoes from the licensing requirements for general vendors

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 20-233 of the administrative code of the city of New York is amended to read as follows:

b. Such stands or booths shall be used for the sale or display of fruits, vegetables, soft drinks, cigars, cigarettes, tobacco, confectionary, ice cream, flowers[, for the shining of shoes] or any of the foregoing.

§ 2. Section 20-234 of such code is amended to read as follows:

§ 20-234 Stoop line stands on market streets. All such licenses shall be issued by the commissioner, in his or her discretion, with the consent of the owner of the abutting premises, provided however, that where any such stand [except for the shining of shoes,] is to be located in front of any premises facing on a market street, the license shall be issued by the commissioner of [ports and terminals] *business services*, in his or her discretion.

§ 3. Section 20-236 of such code is amended to read as follows:

§ 20-236 Stoop line stands; fees. The fee for such license shall be based on the article or articles permitted to be sold or displayed [or services rendered,] as follows:

1. For fruits, vegetables, soft drinks or combinations thereof eighty dollars
2. For cigars, cigarettes, tobacco or combinations thereof forty dollars
3. For confectionary forty dollars
4. For ice cream forty dollars
- [5. For bootblack stand or booth, each chair fifteen dollars]

[6] 5. For any combination of the foregoing the fee shall be the total of the prescribed fees, except that such fee shall not exceed one hundred dollars.

§ 4. Section 20-237 of such code is amended to read as follows:

§ 20-237 Stoop line stands; restrictions. a. Displays shall not extend farther than three feet from the front of any premises and in no case shall such stand or display exceed seven feet in height. Every licensed stand shall be maintained wholly within the stoop line and shall not obstruct the free use of the sidewalk by pedestrians. It shall not exceed ten feet in

length nor four feet in width], except that each bootblack chair shall occupy a space of not more than three feet in length nor four feet in width. Each bootblack stand shall contain no more than three chairs].

b. Any stand licensed for the sale of any combination of the articles enumerated in subdivision b of section 20-233 of this subchapter, shall not exceed ten by four feet[; except that, where bootblack chairs are included in a combination, the space prescribed for bootblack chairs may be allowed in addition to the space for such stand].

c. It shall be unlawful for any person to lease or permit any other person to use any space on the sidewalk located adjacent to such store for the purpose of selling or displaying any merchandise. Violations of this section shall be punishable by a fine of one hundred dollars per day for each day said space is leased.

d. The commissioner shall promulgate any rules and regulations necessary for the proper implementation of this section.

§ 5. Subdivision b of section 20-452 of such code is amended to read as follows:

b. "General vendor." A person who hawks, peddles, sells, leases or offers to sell or lease, at retail, goods or services, including newspapers, periodicals, books, pamphlets or other similar written matter in a public space. This definition shall not include a food vendor as defined in subdivision f of section 17-306 of chapter three of title seventeen of this code, or a person required to be licensed under section 20-229 of subchapter seven of chapter two of this title of this code. *This definition also shall not include persons who use stands or booths in a public space for the shining of shoes.*

§ 6. Notwithstanding any other provision of law, any stoop line stand license for the shining of shoes issued by the commissioner of consumer affairs pursuant to section 20-233 of the administrative code of the city of New York prior to the effective date of this local law shall become null and void and be of no further effect as of the effective date of this local law. Notwithstanding any other provision of law, if the holder of such stoop line stand license for the shining of shoes surrenders the license within 60 days after the effective date of this local law to the department of consumer affairs, such holder may receive a refund of an amount equal to the fee for the stoop line stand license prorated to the unexpired portion of the stoop line stand license term.

§ 7. No action or proceeding, civil or criminal, pending at the time when this local law shall take effect shall be affected or abated by the adoption of this local law or by anything contained herein and all such actions or proceedings may be continued notwithstanding the adoption of this local law.

§ 8. This local law shall take effect immediately.

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 July 9, 1992, and approved by the Mayor on July 23, 1992.

CARLOS CUEVAS, City Clerk, Clerk of the 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 65 of 1992, Council Int. No. 484) contains the correct text and:

Received the following vote at the meeting of the New York City Council on July 9, 1992:
48 for, 0 against.

Was approved by the Mayor on July 23, 1992.

Was returned to the City Clerk on July 23, 1992.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel