

LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 1982

No. 33

Introduced by Council Member Wallace; also Council Members Dryfoos, Greitzer,
Messinger, Michels, Steingut, Stern, Gerena-Valentin and Foster.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the exemption from licensing of vendors of newspapers, periodicals, books, pamphlets and other similar written matter, and the regulation of such vendors.

Be it enacted by the Council as follows:

Section 1. Legislative declaration. The council hereby finds and declares that it is consistent with the principles of free speech and freedom of the press to eliminate as many restrictions on the vending of written matter as is consistent with the public health, safety and welfare. The council further finds and declares that general vendors who exclusively vend written matter should be free from licensing requirements. It is further found and declared that general vendors who exclusively vend written matter with the aid of small portable stands should be exempted from restrictions on the time, place and manner of their vending activity insofar as such exemption does not constitute a threat to the public health, safety or welfare.

§ 2. Subdivision d of section B32-490.0 of article forty-five of title B of chapter thirty-two of the administrative code of the city of New York, as added by local law number 77 of 1977 is amended to read as follows:

d. 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 D22-1.0 of title D of chapter twenty-two of this code, or a person required to be licensed under section B32-59.0 of article eleven of title B of chapter thirty-two of this code.

§ 3. Section B32-491.0 of such article, title, chapter and code is amended to read as follows:

§ B32-491.0. License required. It shall be unlawful for any individual to act as a general vendor without having first obtained a license in accordance with the provisions of this article, except that it shall be lawful for a general vendor who hawks, peddles, sells or offers to sell, at retail, only newspapers, periodicals, books, pamphlets or other similar written matter, but no other items required to be licensed by any other provision of this code, to vend such without obtaining a license therefor.

§ 4. Such article, title, chapter and code is amended by adding a new section B32-510.1 to read as follows:

§ B32-510.1. Exemptions for general vendors who exclusively vend written matter. General vendors who exclusively vend written matter are exempt from the following provisions of this article: sections B32-492.0, -493.0, -494.0, -495.0, -497.0, -499.0, -500.0, -501.0 and -502.0; the requirement contained in subdivision a of section B32-503.0 that the vending operation be conducted on a sidewalk with at least a twelve foot wide pedestrian path, but in no case shall a general vendor who exclusively vends written matter vend so as to restrict the continued maintenance of a clear passageway for pedestrians and vehicles, and in no event shall any pushcart or stand which encompasses an area greater than fifteen square feet or a height of over three feet be placed on any part of the sidewalk other than that which abuts the curb; the prohibition contained in subdivision c of section B32-503.0 against the touching or leaning of a vending vehicle, pushcart, stand, written matter or any other item related to the operation of a vending business against any building or structure; subdivision d of section B32-503.0, except that no vending pushcart, stand or written matter shall be located against display windows of fixed location businesses; the prohibition contained in subdivision e of section B32-503.0 of vending within ten feet of any subway entrance or exit, driveway or any crosswalk at any intersection by a vendor whose business location, including all appurtenances related to the operation of the vending business, encompasses, in total, an area up to and including fifteen square feet, except that such vending and appurtenances shall not be located within any such driveway, subway entrance or exit or any crosswalk at any intersection; subdivisions g and i of section B32-503.0; subdivision j of section B32-503.0, except that nothing herein shall be construed to deprive the commissioner of the department of parks and recreation of the authority to regulate the vending of written matter in a manner consistent with the purpose of the parks and the declared legislative intent of this law; the prohibition contained in subdivision k of section B32-503.0 against vending during a parade, demonstration or other such event or occurrence at or near such location, insofar as such vending or event does not constitute an exigent circumstance; subdivision l of section B32-503.0; sections B32-504.0 and -505.0; subdivisions c and d of section B32-506.0; sections B32-507.0 and B32-508.0; and subdivision a, and paragraph one of subdivision c of section B32-510.0.

§ 4. Subdivision h of section B32-503.0 is hereby REPEALED.

§ 5. Such article of such title of such chapter of such code is amended by adding a new section B32-510.2 to read as follows:

§ B32-510.2 Procedures for recovery of written matter that has been removed. a. A general vendor who exclusively vends written matter, and who has had any written matter, or any vehicle, pushcart or stand removed under the provisions of subdivision k of section B32-503.0 of this article may serve upon the officer in charge of the police department

facility in which the property is located notice of a request for the return of such property either before or after a judicial or administrative determination, conducted in accordance with title A of this chapter and all other laws, rules and regulations applicable thereto, of the charge of failing to comply with such section has been made irrespective of the result of such determination. Unless the judicial or administrative proceeding has terminated in favor of such vendor, the owner, or other person lawfully entitled to the possession of such vehicle, pushcart, stand or written matter which has been removed under the aforementioned provisions shall be charged with reasonable costs for removal and storage, payable upon or after the judicial or administrative determination that such vendor failed to comply with the requirements of subdivision k. of section B32-503.0 of this article. Such charge for removal and storage, which shall be established by the police commissioner by regulation, shall be made part of the fine, penalty or judgment rendered in the judicial or administrative proceeding and shall be paid to the police department property clerk by the judicial or administrative body receiving such fine, penalty or judgment.

§ 6. Subdivision a of section B32-58.0 of article eleven of such title, chapter and code is amended to read as follows:

a. Newsstand—a not readily removable stand or booth operated primarily for the sale of newspapers and periodicals.

§ 7. If any provision of this local law, or the application thereof to any person or circumstance is held invalid, the remainder of this local law and the application of such provisions to other persons and circumstances shall not be rendered invalid thereby.

§ 8. This local law shall take effect ninety days after it shall have been enacted 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 May 25, 1982, and approved by the Mayor on June 15, 1982.

DAVID N. DINKINS, City Clerk, Clerk of the Council.

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW SECTION 27

Pursuant to the provisions of Municipal Home Rule Law Section 27, I hereby certify that the enclosed local law (Local Law No. 33 of 1982, Council Int. No. 1263) contains the correct text and received the following vote at the meeting of the New York City Council on May 25, 1982: 41 for, none against.

Was approved by the Mayor on June 15, 1982.

Was returned to the City Clerk on June 15, 1982.

FREDERICK A. O. SCHWARZ, JR., Corporation Counsel.