

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 1995**

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**No. 14**

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Introduced by Council Members Koslowitz, Pagan, Dear and Marshall (by the request of the Mayor); also Council Member Harrison

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to prohibiting the operation of any general vending business or food vending business on any streets at any times.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision g of section 17-315 of the administrative code of the city of New York is REPEALED.

§2. Subdivision k of section 17-315 of the administrative code of the city of New York is amended to read as follows:

k. No food vendor shall vend on any street at any time where and when the operation of any food vending business is prohibited pursuant to either local law or [subdivision 1 of section 20-465] *section 20-465.1* of the code and [the] *any* rules [and regulations] promulgated pursuant thereto.

§3. Subdivision d of section 17-321 of the administrative code of the city of New York is amended to read as follows:

d. If a food vendor operates any food vending business on any street at any time where and when the operation of any food vending business is prohibited pursuant to the provisions of [subdivision 1 of section 20-465] *section 20-465.1* of the code and [the regulations] *any rules* promulgated pursuant thereto, any authorized officer or employee of the city or member of the New York city police department is authorized to provide for the removal of such food vendor's food, vehicle or pushcart to any garage, automobile pound or other place of safety, and the owner or other person lawfully entitled to the possession of such vehicle or pushcart or food may be charged with reasonable costs for removal and storage.

§4. Paragraphs one and two of subdivision c of section 19-136 of the administrative code of the city of New York, section 19-136 as renumbered by local law number 104 for the year 1993, are amended to read as follows:

c. 1. Except as otherwise hereinafter provided, in addition to the streets designated pursuant to subdivision a of this section, such an obstruction shall be prohibited on any street at such time where either general vending or food vending has been prohibited by local law or by [the commissioner of consumer affairs] *the street vendor review panel*

pursuant to [section 20-465] *section 20-465.1* of this code *and any rules promulgated thereunder.*

2. [The] *As chairperson of the street vendor review panel established pursuant to section 20-465.1 of this code, the commissioner of [consumer affairs] the department of business services or his or her designee* may [, after a public hearing, determine] *recommend* that in specified areas of the city the provisions of subdivision a of this section or paragraph one of this subdivision which prohibit such obstructions shall not apply. In making such a [determination] *recommendation*, such commissioner *or his or her designee* shall consider (a) whether such obstructions are intrinsic to the operation of businesses within such areas and such businesses constitute an essential part of the unique historical and commercial nature of such area and (b) the measures which shall be taken to ameliorate the danger to the public health, safety and welfare in such areas which may be caused, in whole or in part, by the maintenance of such obstructions. Such commissioner may from time to time [and after a public hearing] review, modify or revoke such [determinations] *recommendations*. A [determination] *recommendation* by the commissioner *or his or her designee* pursuant to this paragraph shall be effective upon the report of such [determination] *recommendation* to the council and the approval of such [determination] *recommendation* by the council pursuant to local law. *Notice of any recommendation made by the commissioner or his or her designee shall be published in the City Record and mailed to each community board not less than thirty days prior to such commissioner's report to the council.*

§5. The opening paragraph of paragraph four of subdivision c of section 19-136 of the administrative code of the city of New York, section 19-136 as renumbered by local law number 104 for the year 1993, is amended to read as follows:

4. On the following streets where general vending has been prohibited by the [commissioner of consumer affairs] *street vendor review panel* pursuant to [subdivision 1 of section 20-465] *section 20-465.1* of this code *and any rules promulgated thereunder*, the provisions of paragraph one of this subdivision shall not apply:

§6. Subdivision b of section 20-452 of the administrative code of the city of New York, as amended by local law number 65 for the year 1992, 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] c 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.

§7. Subdivision g of section 20-465 of the administrative code of the city of New York is amended to read as follows:

g. No general vendor shall vend on any street which is in a C4, C5, or C6 zoning district, or in the area bounded on the east by Second Avenue, on the south by Thirtieth Street, on the west by Ninth Avenue and Columbus Avenue and on the north by Sixty-fifth Street, except that *as chairperson of the street vendor review panel established pursuant to section 20-465.1 of this subchapter, the commissioner of the department of business services or his or her designee* may receive applications from any person, group, organization or other entity to permit general vendors on any street within said area or said zones, or to prohibit general vendors on any other street. [The commissioner shall hold hearings to determine whether to take such action, upon sixty days notice to all community planning boards of any requested changes within their community districts.]

*Such applications shall be considered by the street vendor review panel in accordance with the procedures enumerated in section 20-465.1 of this subchapter.*

§8. Subdivision 1 of section 20-465 of the administrative code of the city of New York is **REPEALED**.

§9. Subchapter 27 of chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-465.1 to read as follows:

**§20-465.1 Street Vendor Review Panel.** *a. There is hereby established a street vendor review panel consisting of four members. Such panel shall include the commissioner of the department of business services, the director of the department of city planning and the commissioner of the department of transportation, or their respective designees. Such panel shall also include a member appointed by the mayor upon nomination by the speaker of the council. The commissioner of the department of business services or his or her designee shall serve as chairperson. The departments of business services, city planning and transportation shall provide such assistance as the street vendor review panel deems necessary and appropriate to enable such panel to carry out its responsibilities. In the same manner as provided in section 1043 of the city charter, the street vendor review panel shall promulgate, and may from time to time amend, rules prohibiting the operation of any general vending business or food vending business, as defined in chapter three of title seventeen of this code, or both, on any street, at any time, after making a determination that such vending business would constitute a serious and immediate threat to the health, safety and well-being of the public on the ground that such street at such time is regularly too congested by pedestrian or vehicular traffic to permit the operation of such business. No general vendor or food vendor, as defined in chapter three of title seventeen of the code, shall vend on any such streets at any such times.*

*b. Requests for the adoption or amendment of rules prohibiting the operation of any general vending business or food vending business, as defined in chapter three of title seventeen of this code, or both, on any street, at any time, may be submitted to the commissioner of the department of business services or his or her designee. Within sixty days after the submission of such request, the street vendor review panel shall convene to determine either to deny such request in writing, stating the reasons for denial, or to state its intention to initiate rulemaking, by a specified date, concerning the subject of such request. In initiating a rulemaking, the panel shall not be bound by the streets or times requested, and may modify such streets and such times at its discretion. If the panel has stated the intention to initiate rulemaking, it shall publish such proposed rule for comment and public hearing in the same manner as provided in subdivisions b and d of section 1043 of the city charter. After consideration of the relevant comments presented, the panel may adopt a final rule relating to such streets and such times pursuant to subdivisions d and e of section 1043 of the city charter.*

*c. Copies of any rules promulgated pursuant to this section shall be mailed to each licensed general vendor or licensed food vendor, by the department or the department of health, respectively, by regular mail at the last home address provided by the vendor to the department or the department of health and shall be annexed to each license or renewal issued to any general vendor or food vendor.*

*d. Nothing herein contained shall exempt any general vendor from the provisions of subdivision g of section 20-465 of this subchapter.*

§10. Subdivision d of section 20-468 of the administrative code of the city of New York, as amended by local law number 64 for the year 1990, is amended to read as follows:

d. If a general vendor operates any general vending business in violation of the provisions of [subdivision 1 of section 20-465] *section 20-465.1* and [the regulations] *any rules* promulgated pursuant thereto on any such street and at any such time as the [commissioner] *street vendor review panel* has determined to be regularly too congested by pedestrian or vehicular traffic to permit the operation of any general vending business thereat without there being a serious and immediate threat to the health, safety and well-being of the public, any authorized officer or employee of the department or member of the police department is authorized to provide for the removal of such general vendor's goods, vehicle, pushcart or stand to any garage, automobile pound or other place of safety, and such goods, vehicle, pushcart [,] or stand may be subject to forfeiture upon notice and judicial determination [, if]. *If a* forfeiture hearing is not commenced, the owner or other person lawfully entitled to the possession of such vehicle, pushcart, stand or goods may be charged with reasonable costs for removal and storage payable prior to the release of such goods, vehicle, pushcart or stand.

§11. Subdivision f of section 20-468 of the administrative code of the city of New York, as added by local law number 45 for the year 1993, is amended to read as follows:

f. If a general vendor who exclusively vends written matter conducts such business with the use of a vehicle, pushcart or stand, or using the surface of the sidewalk, or a blanket or board placed immediately on the sidewalk or on top of a trash receptacle or cardboard boxes to display merchandise, on any street and at any time where both (i) general vending is prohibited pursuant to [subdivision 1 of section 20-465] *section 20-465.1* of this subchapter *and any rules promulgated thereunder*; and (ii) food vending is prohibited pursuant to [subdivision 1 of section 20-465] *section 20-465.1* of this subchapter *and any rules promulgated thereunder* or pursuant to subdivision 1 of section 17-315 of this code, any authorized officer or employee of the department or member of the police department is authorized to provide for the removal of such general vendor's goods, vehicle, pushcart or stand to any garage, automobile pound or other place of safety.

§12. Subdivision e of section 20-472 of the administrative code of the city of New York, as added by local law number 112 for the year 1989, is amended to read as follows:

e. Any person who violates the provisions of sections 20-465 *and 20-465.1* of this subchapter *and any rules promulgated thereunder* shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars, or by imprisonment for not more than thirty days or by both such fine and imprisonment.

§13. Section 20-473 of the administrative code of the city of New York, as amended by local law number 45 for the year 1993, is amended to read as follows:

**§20-473 Exemptions for general vendors who exclusively vend written matter.** General vendors who exclusively vend written matter are exempt from the following provisions of this subchapter: sections 20-454, 20-455, 20-456, 20-457, 20-459, 20-461, 20-462, 20-463 and 20-464; subdivision g of section 20-465; subdivision j of section 20-465, 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 subchapter; [subdivision 1 of section 20-465] *section 20-465.1 and any rules promulgated thereunder*, except that on any street where both general vending is prohibited pursuant to [subdivision 1 of section 20-465] *section 20-465.1* of this subchapter *and any rules promulgated thereunder* and food vending is prohibited pursuant to [subdivision 1 of section 20-465 of this subchapter] *section 20-465.1 of this subchapter and any rules promulgated thereunder* or pursuant to subdivision 1 of section 17-315 of this code, general vendors who exclusively vend written matter shall not be

permitted to vend with the use of any vehicle, pushcart or stand; sections 20-466 and 20-467; subdivisions c and d of section 20-468; sections 20-469 and 20-470; and subdivision a, and paragraph one of subdivision c, of section 20-472.

§14. Any rule that was promulgated by the commissioner of the department of consumer affairs pursuant to section 20-465 of the administrative code of the city of New York prior to the effective date of this local law and that was in force upon the effective date of this local law shall continue in force as the rule of the street vendor review panel established by section nine of this local law, unless and until such rule is superseded, amended, or repealed.

§15. 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 January 19, 1995, and approved by the Mayor on February 3, 1995.

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 14 of 1995, Council Int. No. 496) contains the correct text and:

Received the following vote at the meeting of the New York City Council on January 19, 1995: 40 for, 7 against.

Was approved by the Mayor on February 3, 1995.

Was returned to the City Clerk on February 6, 1995.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel