

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 1990**

No. 64

Introduced by Council Member Greitzer; also Council Members Eisland, Eldridge, Harrison, Leffler, Maloney, Michels, Pinkett, Rivera and Spinger.

A LOCAL LAW

To amend the administrative code of the city of New York in relation to enhanced enforcement against vendors operating in violation of the law.

Be it enacted by the council as follows:

Section one. Legislative findings and intent. The Council of the city of New York hereby finds that the violation of certain laws pertaining to placement of general vendors on city streets creates unsafe conditions which must be ameliorated as soon as they are discovered. Illegal intrusion into pedestrian areas near crosswalks and bus stops and on median strips creates conditions which are likely to force pedestrians into the street and dangerously alter traffic patterns. Vendors who illegally vend close to subway exits present a hazard of blockage of the egress, which must remain clear for the periods of extremely heavy traffic immediately following the discharge of a train. Vendors who illegally occupy a greater space on the sidewalk than allowed by law interfere with established safe levels of pedestrian flow. Vendors who place goods covering ventilation grates are preventing needed air circulation. All of these conditions must be corrected as soon as they are discovered, to remove the hazard to public safety, and thus enforcement personnel must be given the power to seize the goods of such illegally operating vendors. In addition, where vendors are illegally selling on streets for which vending has been prohibited by law or regulation because such streets have been found to be regularly too congested to permit safe vending, the goods seized from such illegal vendors must be subject to forfeiture, to deter such persistent illegal and unsafe activity. Therefore the Council finds that it is necessary to enhance the statutory authority given to enforcement personnel to seize vendors' goods where placement creates unsafe conditions and to seek forfeiture of goods seized from vendors illegally selling on prohibited streets.

§2. Subdivision d of section 20-468 is hereby amended to read as follows:

d. If a general vendors operates any general vending business in violation of the provisions of subdivision 1 of section 20-465 and the regulations promulgated pursuant thereto on any such street and at any such time as the commissioner 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, of 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.

§2. Section 20-468 of the administrative code of the city of New York is hereby amended by the addition of a new subdivision e, to read as follows:

e. Any police officer may seize any vehicle, pushcart, stand or goods of a vendor operating any general vending business in violation of the following subdivisions of section 20-465: subdivisions b, e, i, or the provisions of subdivision m relating to obstruction of ventilation grilles. 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 vehicle, pushcart, stand or goods, unless the violation has been dismissed.

3. 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 October 10, 1990, and approved by the Mayor on November 10, 1990.

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 64 of 1990, Council Int. No. 511-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on October 10, 1990: 20 for 4 against

Was approved by the Mayor on November 10, 1990.

Was returned to the City Clerk on November 13, 1990.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel