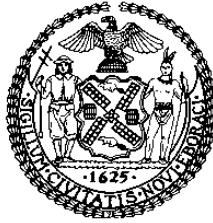


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THE COUNCIL

COMMITTEE REPORT OF THE GOVERNMENTAL AFFAIRS DIVISION

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December 14, 2012

Proposed Int. No. 939-A:

By Council Members Greenfield, Recchia, Gonzalez, Fidler, James, Nelson, Williams, Palma, Koslowitz, Gentile, Dromm, Oddo and Halloran

TITLE:

A Local Law to amend the administrative code of the city of New York, in relation to stoop line stands.

I. INTRODUCTION

On Friday, December 14, 2012, the Consumer Affairs Committee, chaired by Council Member Dan Garodnick, will hold its first hearing on Proposed Int. No. 939-A, a Local Law to amend the administrative code of the city of New York, in relation to stoop line stands. Those invited to attend the hearing include the Department of Consumer Affairs (“DCA”), various chambers of commerce, consumer protection advocates and other interested parties.

II. BACKGROUND

Stoop line stands, ubiquitous throughout much of New York City’s retail landscape, are a rich part of the city’s entrepreneurial tradition and have been a part of the cultural fabric for almost as long as the City itself has existed. For many businesses throughout our city’s history, the stands also represent an additional revenue stream. First licensed by the New York City Department of Licenses in 1914, this responsibility was later transferred to DCA in 1968.¹ There are currently over 2,000 stoop line stands licensed in New York City. A business must acquire a Stoop Line Stand license “if fruits, vegetables, soft drinks, flowers, confectionary, cigars, cigarettes, tobacco, or ice cream are sold from a stand outside of and directly adjacent to an existing retail establishment.”² By law, a stoop line stand may only be used and operated by the store with which it is licensed, and the actual transactions must take place within the physical store.³

¹ Consumer Affairs Committee Report on Int. 612-A *A Local Law to amend the administrative code of the city of New York, in relation to the dimensions of stoop line stands* (1993).

² Dep’t of Consumer Affairs, “Stoop Line Stand License,” Available at <http://www.nyc.gov/html/dca/html/licenses/033.shtml>, Accessed on December 5, 2012.

³ Santos, F., “Two Florists Fight Back as Sweet Smell of Success Turns Sour,” *N.Y. Times*, February 13, 2010, at A21.

Because stoop line stands are situated on public sidewalks used by pedestrians, their dimensions are regulated by Chapter 20, subchapter 7 of the New York City Administrative Code. Generally, stoop line stands cannot exceed ten feet in length, four feet in width, or seven feet in height.⁴ If the space between the store with which the stand is licensed and the sidewalk is at least 16 feet wide, the width of the stoop line stand may be extended to five feet, provided that the additional width does not adversely affect the flow of pedestrian traffic.⁵ Before DCA can issue a stoop line stand license, the location must be approved by the Department of Transportation (“DOT”), whose approval is conditioned upon the determination that the presence of stoop line stand will not obstruct pedestrian traffic on that sidewalk.⁶ A license renewal would require a similar DOT determination.⁷ Stoop line stands may be temporarily removed where a police officer or other authorized City employee determines that exigent circumstances require their removal.⁸

III. **PROPOSED INT. No. 939-A**

Proposed Int. No. 939-A would define “stoop line stand” as a stand or booth operated on a sidewalk for the sale or display of fruits, vegetables, soft drinks, confectionary, ice cream, or flowers. This new definition would eliminate the sale of cigars, cigarettes and tobacco at such stands, which is currently permitted. Further, Proposed Int. No. 939-A would permit stands up to ten feet wide if such stands are: (i) located entirely in M1, M2 or M3⁹ zoning districts; (ii) were licensed on or before September 1, 2012; and (iii) the space between the store with which the

⁴ N.Y.C. Admin. Code § 20-237.

⁵ *Id.*

⁶ N.Y.C. Admin. Code § 20-239.

⁷ *Id.*

⁸ N.Y.C. Admin. Code § 20-240.1.

⁹ “M” indicates a manufacturing zoning district.

stand is licensed and the sidewalk is at least 21 feet wide. Lastly, for any stand with a width larger than five feet, which would be permitted under the conditions set forth above, there would be an inspection fee of seventy-five dollars.

Proposed Int. No. 939-A

By Council Members Greenfield, Recchia, Gonzalez, Fidler, James, Nelson, Williams, Palma, Koslowitz, Gentile, Dromm, Oddo and Halloran

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to stoop line stands.

Be it enacted by the Council as follows:

Section 1. Section 20-228 of the administrative code of the city of New York is amended by adding new subdivision f to read as follows:

f. Stoop line stand. A stand or booth operated on a sidewalk for the sale or display of the articles enumerated in subdivision b of section 20-233 of this subchapter, which shall be subject to the restrictions and requirements of sections 20-233 through 20-241 of this subchapter.

§ 2. Section 20-233 of the administrative code of the city of New York, subdivision a as amended by local law number 118 for the year 1954 and subdivision b as amended by local law number 65 for the year 1992, is amended to read as follows:

§ 20-233 [Stoopline] Stoop line stands; license required; permitted use. a. It shall be unlawful to maintain a [stand or booth within stooplins] stoop line stand without a license therefor.

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

§ 3. Section 20-236 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:

§ 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 as follows:

1. For fruits, vegetables, soft drinks or combinations thereofeighty dollars

[2. For cigars, cigarettes, tobacco or combinations thereof forty dollars]

[3] 2. For confectionery forty dollars

[4] 3. For ice cream forty dollars

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

§ 4. Subdivisions a and b of section 20-237 of the administrative code of the city of New York, as amended by local law number 46 for the year 1993, are amended to read as follows:

§ 20-237 Stoop line stands; restrictions. a. [Displays] Stoop line stands shall not extend farther than three feet from the front of any premises and [in no case] shall not [such stand or display] exceed seven feet in height. Every [licensed] stoop line stand shall be maintained wholly within the stoop line and shall not obstruct the free use of the sidewalk by pedestrians. [It] Stoop line stands shall not exceed ten feet in length nor four feet in width, except as provided[,however that where the sidewalk in front of the premises is at least sixteen feet wide, such stand shall not exceed ten feet in length nor five feet in width as long as a straight, unobstructed pathway of at least nine and one-half feet is maintained at all times on the sidewalk in front of the entire length of the premises where such stand or stands are located] in subdivision b of this section.

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 feet by four feet, provided, however that where] Where the sidewalk in front of the premises is at least sixteen feet wide, such stoop line stand [shall not] may [exceed] extend up to ten feet in length [nor] and five feet in width as long as a straight, unobstructed pathway of at least nine and one-half feet is maintained at all times on the sidewalk in front of the entire length of the premises where such

stoop line stand [or stands are] is located. Where the sidewalk in front of the premises is at least twenty-one feet wide, and if the entire premises is located within an M1, M2 or M3 zoning district, and if a stoop line stand on such premises was licensed on or before the first day of September, two thousand twelve, such stoop line stand may extend up to ten feet in length and ten feet in width as long as a straight, unobstructed pathway of at least nine and one-half feet is maintained at all times on the sidewalk in front of the entire length of the premises where such stoop line stand is located. In addition to any license fee required to be paid pursuant to section 20-236 of this subchapter, an applicant seeking to obtain or renew a license for any stoop line stand that extends beyond five feet in width shall pay to the department an inspection fee of seventy-five dollars for each stoop line stand that it seeks to license. Such fee shall be paid with the application for such license and shall be retained by the department regardless of whether the license is granted.

§ 5. Section 20-239 of the administrative code of the city of New York, as amended by local law number 46 for the year 1993, is amended to read as follows:

§ 20-239 Approval. [Any] A stoop line stand [required to be licensed under section 20-233] shall not be licensed unless the location thereof has been approved by the department of transportation. No license [issued under section 20-233] shall be approved or renewed if the department of transportation determines that the stoop line stand [so licensed] poses an obstruction to the free use of sidewalks by pedestrians. Notwithstanding anything in this subchapter to the contrary, if the department of transportation determines that a stoop line stand which is permitted to [be five feet] extend more than four feet in width pursuant to section 20-237 of this subchapter poses an obstruction to the free use of sidewalks by pedestrians solely because the width of such stoop line stand [is five feet rather than] exceeds four feet, the

[department of transportation] commissioner shall approve [the renewal of] or renew such license at a width of four feet.

§ 6. This local law shall take effect ninety days following enactment, except that the commissioner of the department of consumer affairs may take all actions necessary, including the promulgation of rules, to implement this local law on or before the date upon which it shall take effect.

R.C.
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