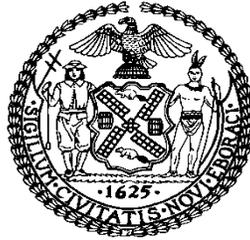


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**THE COUNCIL OF THE CITY OF NEW YORK**

COMMITTEE REPORT OF THE INFRASTRUCTURE DIVISION  
Jeffrey Baker, Legislative Director

**COMMITTEE ON TRANSPORTATION**

Hon. Ydanis Rodriguez, Chair

July 22, 2019

**PROPOSED INT. NO. 84-A:**

By Council Members Deutsch, Koslowitz, Holden, Yeger, Brannan, Salamanca, Lancman, Moya, Rose, Rivera, Kallos and Cohen

**TITLE:**

A Local Law to amend the administrative code of the city of New York, in relation to summer school calendars and clarifying the enforcement of parking regulations near schools

**ADMINISTRATIVE CODE:**

Amends chapter 17 of title 21-A by adding new section 21-979.1

**PROPOSED INT. NO. 570-A:**

By Council Members Treyger, Holden, Yeger, Kallos and Cohen

**TITLE:**

A Local Law to amend the administrative code of the city of New York, in relation to waiving parking violations when a parking sign is illegible

ADMINISTRATIVE CODE:

Amends chapter 1 of title 19 by adding new section 19-175.7

PROPOSED INT. NO. 886-A:

By Council Members Espinal, Levin, Cornegy, Torres, Moya, Constantinides, Levine, Reynoso, Ayala, Powers, Holden, Grodenchik, Koslowitz, Miller, Richards, Brannan, Maisel, Rosenthal and Ulrich

TITLE:

A Local Law in relation to a pilot program for allowing pet harbors to be placed on sidewalks adjacent to commercial establishments

PROPOSED INT. NO. 1457-A:

By Council Members Menchaca, Rivera, Brannan and Powers

TITLE:

A Local Law to amend the administrative code of the city of New York, in relation to bicyclists following pedestrian control signals

ADMINISTRATIVE CODE:

Amends subchapter 3 of chapter 1 of title 19 by adding new section 19-195.1

INTRODUCTION

On July 22, 2019 the Transportation Committee chaired by Council Member Ydanis Rodriguez, will hold a hearing on Proposed Int. No. 84-A, a Local Law to amend the administrative code of the city of New York, in relation to summer school calendars and clarifying the enforcement of parking regulations near schools, Proposed Int. No. 570-A, a Local Law to amend the administrative code of the city of New York, in relation to waiving parking violations when a parking sign is illegible, Proposed Int. No. 886-A, a Local Law in relation to a pilot program for allowing pet harbors to be placed on sidewalks adjacent to commercial establishments, and Proposed Int. No. 1457-A, a Local Law to amend the administrative code of the city of New York, in relation to bicyclists following pedestrian control signals.

This is the second hearing that the committee has held on these items. The first hearing on Int. No. 84 was held on June 12, 2018. The first hearing on both Int. No. 570 and Int. No. 886 was held on October 29, 2018, and the first hearing on Int. No. 1457 was held on June 12, 2019. During the hearings the committee heard testimony from the Department of Transportation (DOT) and various other stakeholders.

## **BACKGROUND**

### **Parking Regulations**

The DOT has broad regulatory authority over the flow of traffic, parking regulations, and the use of streets.<sup>1</sup> The City's parking regulations govern where vehicles can stop, stand and park in the city. There are three types of signage that indicate parking rules:

- Parking prohibited signs: permit temporarily picking up or dropping off passengers whether the vehicle is attended or unattended;
- Standing prohibited signs: indicate that a vehicle cannot stop at the curb, attended or unattended, except for dropping off passengers; and
- Stopping prohibited signs: indicate that no one can stop a vehicle for any reason

In general, all of New York City is considered a "Tow Away Zone" under the State's Vehicle and Traffic law (VTL) and "double parking" is illegal at all times, including when street cleaning is occurring, regardless of location purpose or durations, even if a vehicle is occupied.<sup>2</sup>

It is frequently argued, and studies show, that the lack of enforcement of parking rules can lead to congestion. Many parking regulations such as alternate side parking (ASP), metered

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<sup>1</sup> N.Y.C Department of Transportation, About DOT, *available at* <http://www.nyc.gov/html/dot/html/about/about.shtml>

<sup>2</sup> N.Y.C DOT Motorists & Parking Regulations, *available at* <http://www.nyc.gov/html/dot/html/motorist/parking-regulations.shtml>

parking, as well as parking restrictions for commercial deliveries and trucks, all play a role in vehicle movement.<sup>3</sup>

Even permanent rules and regulations related to parking can be confusing for drivers. For example, DOT's regulations restricting parking near schools indicate that parking in school zones (the streets bordering a school) is permitted when school is in recess, but some schools may be open on holidays and during summer vacations, so parking restrictions would remain in effect.<sup>4</sup> Currently, the only way for a driver to be certain of whether a school is open is to contact the school directly.<sup>5</sup>

### Alternate Side Parking

The City's Department of Sanitation (DSNY) works with DOT and the New York Police Department (NYPD) to enforce street cleaning rules, also known as Alternate Side Parking (ASP) rules. According to DOT, some areas of the city have a three-hour restriction on designated days of the week, but the specific times vary throughout the city.<sup>6</sup> For example, some streets in Bay Ridge, Brooklyn have street cleaning regulations that are limited to an hour and a half on their designated day. Here is an example of an alternate side parking sign detailing street cleaning regulations:



[www.nyc.gov/dot](http://www.nyc.gov/dot)

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<sup>3</sup> *Id.*

<sup>4</sup> N.Y.C DOT, Motorists and Parking: Parking Regulations, *available at* <http://www.nyc.gov/html/dot/html/motorist/parking-regulations.shtml>

<sup>5</sup> *Id.*

<sup>6</sup> N.Y.C DOT, Motorists and Parking: Alternate Side Parking, <http://www.nyc.gov/html/dot/html/motorist/alternate-side-parking.shtml>

Available parking spaces are often difficult to find in many areas of the city. ASP is an example of a measure imposed by the City to balance the public good of street cleanliness with inconvenience that some residents may experience. The City has made some concessions by suspending ASP on legal and religious holidays and under emergency circumstances such as severe snow storms.<sup>7</sup> The ASP suspension calendar published by DOT indicates that the rules will be suspended for a total of 43 days in 2018.<sup>8</sup>

### Parking Violations

Parking rules are regulated by DOT, enforced by NYPD, and fines for violating parking rules are paid to the Department of Finance (DOF). Parking rules are indicated by street signage. According to DOT, if one or more signs are posted in an area, the more restrictive sign is in effect.<sup>9</sup> If a sign is missing on a block, the remaining posted signs are the ones in effect and a driver should check the block before parking.<sup>10</sup> DOT's website includes an interactive map that allows an individual to search, among other things, the parking rules on any street in the city.<sup>11</sup>

Parking fines vary by the violation code, the number of offense, and area of city as some parking violations are higher south of Manhattan's 96<sup>th</sup> Street.<sup>12</sup> Parking ticket amounts can range from \$65 in Manhattan for parking while street cleaning is in effect to \$115 for double parking citywide.<sup>13</sup> If an individual receives a parking fine, they must pay the fine within 30 days or additional amounts are added to the penalty depending on the lateness of the payment.<sup>14</sup>

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<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> N.Y.C DOT Motorists & Parking Regulations, available at <http://www.nyc.gov/html/dot/html/motorist/parking-regulations.shtml>

<sup>10</sup> *Id.*

<sup>11</sup> See: Look up Parking Regulations <http://www.nyc.gov/html/dot/html/motorist/parking-regulations.shtml>

<sup>12</sup> <https://www1.nyc.gov/site/finance/vehicles/services-violation-codes.page>

<sup>13</sup> *Id.*

<sup>14</sup> NYC Resources, Parking and Camera Violation Penalties and Enforcement Actions, available at <https://www1.nyc.gov/nyc-resources/service/7284/parking-and-camera-violation-penalties-and-enforcement-actions>

A person can dispute a parking ticket and DOF's website indicates several reasons for disputing tickets including if signs are missing, hard to read, or different from the regulation that is noted on the ticket. A person can submit clear photographs of the entire block from corner to corner.<sup>15</sup>

In fiscal year 2018, there were 2.7 million parking tickets issued.<sup>16</sup> According to the 2018 Mayor's Management Report, 63.2 percent of the people who received parking tickets during fiscal year 2018 paid within 90 days.<sup>17</sup> DOF recently implemented a "Pay or Dispute" mobile app, which now makes it possible to request a hearing as soon as a summons is received. Additionally, DOF's website "Hearings by Web" has created a more streamlined process to pay summonses online. As a result, the number of parking ticket hearings increased from over 900,000 in fiscal year 2017 to 1.1 million in fiscal year 2018.

### **Pet Harbors**

According to the New York City Economic Development Corporation (NYCEDC), there were approximately 425,000 dogs living as pets in homes throughout the city's five boroughs.<sup>18</sup> A 2015 survey conducted by The Harris Poll found that 95% of all pet owners consider their pets to be part of their families.<sup>19</sup> In order for dogs to remain healthy, they need to maintain a proper diet, get regular exercise and grooming, and have routine medical check-ups with veterinarians.<sup>20</sup>

In New York City, dogs are required to be licensed with the Department of Health and

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<sup>15</sup> NYC Department of Finance, Common Reasons for Disputing a Ticket, *available at* <https://www1.nyc.gov/site/finance/vehicles/common-reasons.page>

<sup>16</sup> NYC DOF Open Data Portal

<sup>17</sup> Mayor's Management Report Fiscal Year 2018, Department of Finance, *available at* <https://www1.nyc.gov/assets/operations/downloads/pdf/mmr2018/dof.pdf>

<sup>18</sup> New York City's Dog Population, NYCEDC's blog, July 21, 2017, *available at* <https://www.nycedc.com/blog-entry/new-york-citys-dog-population>.

<sup>19</sup> More Than Ever, Pets are Members of the Family, The Harris Poll, *available at* <https://theharrispoll.com/whether-furry-feathered-or-flippers-a-flapping-americans-continue-to-display-close-relationships-with-their-pets-2015-is-expected-to-continue-the-pet-industrys-more-than-two-decades-strong/>

<sup>20</sup> How To Keep Your Dog Healthy, American Kennel Club, June 16, 2016, *available at* <https://www.akc.org/expert-advice/health/how-to-keep-your-dog-healthy/>

Mental Hygiene.<sup>21</sup> They must also be on leash no longer than six feet while being walked,<sup>22</sup> unless they are in parks that have dog runs or designated off-leash areas.<sup>23</sup> It is also illegal in New York City to take a dog into a restaurant or any other place of business that serves food.<sup>24</sup> However, recently enacted New York State legislation allows restaurants with outdoor seating areas to permit owners to take their dogs into those outdoor areas.<sup>25</sup>

Some retail businesses in the city have instituted a “no pets allowed” policy unless it’s a service dog. As a result, some pet owners might tie their dogs to a fence or a pole outside of the place of business that they are patronizing.<sup>26</sup> This can be unhealthy for pets during extreme weather days when the temperatures can be either very cold or very hot, as it may lead to frostbite and hypothermia in the winter<sup>27</sup> or heatstroke in the summer.<sup>28</sup> It may also lead to dogs barking excessively, thus creating a disturbance for people on the street.

Some jurisdictions allow for an “animal harbor” to be placed outside of businesses.<sup>29</sup> For a fee, these animal harbors allow potential customers to place their pets in an enclosed, climate-controlled environment for short period of time while they are shopping. Recently, several New

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<sup>21</sup> See: <https://www1.nyc.gov/site/doh/services/dog-licenses.page>

<sup>22</sup> Be a Responsible Dog Owner, brochure published by the New York Department of Health, available at [https://www1.nyc.gov/assets/doh/downloads/pdf/vet/veterinary\\_public\\_health\\_services\\_responsible\\_dog\\_ownership.pdf](https://www1.nyc.gov/assets/doh/downloads/pdf/vet/veterinary_public_health_services_responsible_dog_ownership.pdf)

<sup>23</sup> See Dogs in New York City Parks at <https://www.nycgovparks.org/facilities/dogareas>

<sup>24</sup> Jonathan Zeller, The Ultimate Guide to Visiting New York City with Your Pet, Updated 8/16/2017, available at <https://www.nycgo.com/articles/visiting-new-york-city-with-a-dog-cat-or-other>

<sup>25</sup> *Id.*

<sup>26</sup> Joanna Prisco, *Hey pet owners, stop leaving Fido tied-up while you shop!* New York Post, February 28, 2015, available at <https://nypost.com/2015/02/28/hey-pet-owners-stop-leaving-fido-tied-up-while-you-shop/>

<sup>27</sup> See Cold Weather Pet Safety by the American Veterinary Medical Association, available at <https://www.avma.org/public/PetCare/Pages/Cold-weather-pet-safety.aspx>

<sup>28</sup> See Keep Pets Safe in the Heat by The Humane Society, available at [http://www.humanesociety.org/animals/resources/tips/pets\\_safe\\_heat\\_wave.html](http://www.humanesociety.org/animals/resources/tips/pets_safe_heat_wave.html)

<sup>29</sup> Katie Kindelan, Air-conditioned dog houses are popping up across the country, Good Morning America, July 4, 2018, available at <https://abcnews.go.com/GMA/Living/air-conditioned-dog-houses-popping-country/story?id=56339734>.

York State Thruway Service Areas have allowed travelers to have access to these small animal harbors in places like Ulster County and the Village of Sloatsburg.<sup>30</sup>

### **Leading Pedestrian Intervals**

In order to increase safety for pedestrians crossing the street, DOT utilizes a leading pedestrian interval (“LPI”) at certain locations, which gives pedestrians a three to seven second head start when entering an intersection by displaying a “Walk” signal to pedestrians prior to displaying the green signal to drivers traveling in the same direction.<sup>31</sup> This enhances the visibility of pedestrians in the intersection and reinforces their right of way over turning vehicles. DOT has installed LPIs at intersections throughout all five boroughs.<sup>32</sup> A 2013 study found that 44 percent of pedestrians injured by drivers in the street in Manhattan and western Brooklyn were struck while crossing in the crosswalk with the right-of-way.<sup>33</sup> According to the National Association of City Transportation Officials, LPI’s have been shown to reduce pedestrian-vehicle collisions as much as 60 percent at those intersections where they have been installed.<sup>34</sup> A 2016 study by DOT of 478 City intersections found that the installation of LPIs resulted in a 14 percent decrease in left-turn pedestrian and bicyclist injuries and a 56 percent decrease in deaths and serious injuries.<sup>35</sup> As of 2018, DOT has installed 2,951 LPIs across the City.<sup>36</sup>

LPIs also have the potential to reduce conflicts between motorists and those using a bicycle. Int. No. 1457 would allow bicyclists crossing a roadway at an intersection follow

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<sup>30</sup> DogSpots launched at some New York Thruway service areas, Eyewitness News, WABC-TV, available at <https://abc7ny.com/pets-animals/dogspots-launched-at-ny-service-areas/3861535/>

<sup>31</sup> National Association of City Transportation Officials, Urban Street Design Guide: Leading Pedestrian Interval, <http://nacto.org/publication/urban-street-design-guide/intersection-design-elements/traffic-signals/leading-pedestrian-interval/> (last accessed Jun. 6, 2019).

<sup>32</sup> City of New York, Vision Zero View, <http://www.nycvzv.info> (last accessed Jun. 6, 2019).

<sup>33</sup> Matt Flegenheimer, *Study Details Injuries to Pedestrians and Cyclists in New York City*, N.Y. TIMES, Apr. 2, 2013, available at <http://www.nytimes.com/2013/04/03/nyregion/study-details-injuries-to-pedestrians-and-cyclists-in-new-york-city.html>.

<sup>34</sup> National Association of City Transportation Officials, *supra* note 101.

<sup>35</sup> N.Y.C. Department of Transportation, *Left Turn Pedestrian & Bicycle Crash Study 6* (Aug. 2016), available at <http://www.nyc.gov/html/dot/downloads/pdf/left-turn-pedestrian-and-bicycle-crash-study.pdf>.

<sup>36</sup> N.Y.C Department of Transportation, Vision Zero Year 5 Report, available at <https://www1.nyc.gov/html/dot/downloads/pdf/vz-2019-update-city-hall.pdf>.

pedestrian control signals when local law, rule, or regulation provides that those signals supersede traffic control signals.

Following the introduction of a prior version of Int. No. 1457 during the previous Council session,<sup>37</sup> DOT began a seven-month pilot that allowed cyclists to follow an LPI at 50 intersections across the City.<sup>38</sup> DOT found that “the vast majority of people biking currently proceed on the LPI and no conflicts or near misses were observed.”<sup>39</sup> Thus, DOT recommended that those using a bicycle be allowed to follow pedestrian signals citywide, provided that users yield to pedestrians and that DOT could exempt certain intersections through signage.<sup>40</sup>

### **ANALYSIS OF PROPOSED INT. NO. 84-A**

Section one of Proposed Int. No. 84-A amends the heading of Chapter 17 of Title 21-A of the Administrative Code to read “Distribution of information regarding summer school and meals”.

Section two of Proposed Int. No. 84-A amends Chapter 17 of Title 21-A by adding a new section 21-979.1. Subdivision a of this new section defines school building as any buildings, grounds, facilities, property, or portion thereof, owned or leased by the department or over which the department has care, custody and control, in which there is a public school, including a charter school. Subdivision b of this new section requires that, no later than June 30 of each year, the Department of Education shall post on its website information regarding the forthcoming summer school session, including but not limited to the locations of school buildings where summer school will be provided and the dates on which summer school will be in session at each such school building. The Department of Education would still be able to make any change to

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<sup>37</sup> Int. No. 1072-2016.

<sup>38</sup> Press Release, N.Y.C Department of Transportation, *New Pilot Program Will Allow Bicyclists to follow Pedestrian Head Start Signals at Fifty Intersection* (Mar. 27, 2018), available at <https://www1.nyc.gov/html/dot/html/pr2018/pr18-018.shtml>.

<sup>39</sup> N.Y.C. Department of Transportation, *Bicyclists use of Leading Pedestrian Intervals: Pilot Program Results* (May 2019), available at <https://www1.nyc.gov/html/dot/downloads/pdf/bike-lpi-study-memo.pdf>.

<sup>40</sup> *Id.*

such locations and such dates after June 30, provided that the Department of Education update the information posted on its website regarding such locations and dates as appropriate. Subdivision c of this new section requires that, no later than June 30 of each year, the DOT shall post on its website information on the locations of school buildings and summer school dates posted in accordance with subdivision b of this new section, and for each such school building where there are parking restrictions on a street immediately adjacent to such school building that are in effect only on school days, that such restrictions are in effect on such summer school dates.

Section three of Proposed Int. 84-A provides that this local law takes effect September 1, 2019.

#### **ANALYSIS OF PROPOSED INT. NO. 570-A**

Section one of Proposed Int. No. 570-A amends Chapter 1 of Title 19 of the Administrative Code by adding a new section 19-175.7. This new section provides that, notwithstanding any rule or regulation to the contrary, when a notice of violation is issued to an owner of a vehicle for failure to observe a parking sign, it shall be an affirmative defense to such violation, with the burden of proof on the vehicle owner charged with such notice of violation, that both sides of such sign were not legible. If there are other legible parking signs on the same blockface that apply to the parking space and parking violation at issue, such affirmative defense will not be available. The term “blockface” has the same meaning as set forth in section 19-167.4.

Section two of Proposed Int. No. 570-A provides that this local law takes effect 90 days after it becomes law.

## **ANALYSIS OF PROPOSED INT. NO. 886-A**

Subdivision a of section one of Proposed Int. No. 866-A defines certain terms. The term “companion animal” is defined as having the same meaning set forth in section 17-199.5 of the administrative code. The term “pet harbor” is defined as an enclosed stationary self-service container that allows an owner to leave their companion animals unattended in an enclosure for no longer than one hour. The term “service animal” is defined as an animal that performs a task or a specific set of tasks to assist a person with a disability.

Subdivision b of section one of Proposed Int. 866-A mandates that an agency or office designated by the mayor establish a pilot program for the placement of pet harbors on sidewalks adjacent to commercial establishments, and sets forth requirements for pet harbors used in the program.

Subdivision c of section one of Proposed Int. 866-A requires that the agency or office designated by the mayor to create the pilot program promulgate rules determining the geographic boundaries of the pilot program, creating requirements related to the placement and design of pet harbors, setting out procedures for educating commercial establishments about companion and service animals and creating permits and application processes.

Subdivision d of section one of Proposed Int. 866-A establishes that the pilot program will exist for a duration of at least one year, and requires that the agency or office operating the pet harbor program submit a report to the speaker of the council on the results of the program by March 31, 2020.

Subdivision e of section one of Proposed Int. No. 866-A would allow the department of consumer affairs, the department of transportation and the police department to provide for the removal of any pet harbor in violation of this local law or any rules promulgated pursuant to the law.

Subdivision f of section one of Proposed Int. No. 866-A creates a civil penalty of no more than \$500 for any person found in violation of this local law or any rule promulgated pursuant to the law.

Section two of Proposed Int. No. 866-A provides that the local law takes effect 120 days after it becomes law.

### **ANALYSIS OF PROPOSED INT. NO. 1457-A**

Section one of Proposed Int. No. 1457-A amends Subchapter 3 of Chapter 1 of Title 19 of the Administrative Code by adding a new section 19-195.1. Subdivision a of this new section defines certain terms. The term “crosswalk” is defined as that part of a roadway, whether marked or unmarked, which is included within the extension of the sidewalk lines between opposite sides of the roadway at an intersection. The term “intersection” is defined as the same as such term is defined in section 120 of the vehicle and traffic law or successor provision. The term “pedestrian” is defined as the same as such term is defined in section 130 of the vehicle and traffic law or successor provision.

Subdivision b of this new section provides that a person operating a bicycle while crossing an intersection shall follow pedestrian control signals except where otherwise indicated by traffic control devices. Such person would be required to yield to pedestrians in the crosswalk. Subdivision c of this new section provides that the commissioner of the Department of Transportation may promulgate such rules and regulations necessary to effectuate this section.

Section two of Proposed Int. 1457-A provides that this local law takes effect 120 days after it becomes law, except that the except that the commissioner of the Department of Transportation shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such date.

Proposed Int. No. 84-A

By Council Members Deutsch, Koslowitz, Holden, Yeger, Brannan, Salamanca, Lancman, Moya, Rose, Rivera, Kallos and Cohen

A Local Law to amend the administrative code of the city of New York, in relation to summer school calendars and clarifying the enforcement of parking regulations near schools

Be it enacted by the Council as follows:

Section 1. The heading of chapter 17 of title 21-A of the administrative code of the city of New York, as added by local law number 4 for the year 2018, is amended to read as follows:

Chapter 17. Distribution of information regarding summer school and meals

§ 2. Chapter 17 of title 21-A of the administrative code of the city of New York is amended by adding a new section 21-979.1 to read as follows:

§ 21-979.1 Posting summer school calendar information by school. a. Definitions. For the purposes of this section, the term “school building” means any buildings, grounds, facilities, property, or portion thereof, owned or leased by the department or over which the department has care, custody and control, in which there is a public school, including a charter school.

b. No later than June 30 of each year, the department shall post on its website information regarding the forthcoming summer school session, including but not limited to the locations of school buildings where summer school will be provided and the dates on which summer school will be in session at each such school building. Nothing contained herein shall prevent the department from making any change to such locations and such dates after June 30, provided however that if the department makes any such change the department shall update the information posted on its website regarding such locations and dates as appropriate.

c. No later than June 30 of each year, the department of transportation shall post on its website information on the locations of school buildings and summer school dates posted in accordance with subdivision b of this section, and for each such school building where there are

parking restrictions on a street immediately adjacent to such school building that are in effect only on school days, that such restrictions are in effect on such summer school dates.

§ 3. This local law takes effect September 1, 2019.

ADW/JJD  
LS 4564  
6/18/19 5:20pm

Proposed Int. No. 570-A

By Council Members Treyger, Holden, Yeger, Kallos and Cohen

A Local Law to amend the administrative code of the city of New York, in relation to illegible parking signs

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-175.7 to read as follows:

§ 19-175.7 Illegible parking signs. Notwithstanding any rule or regulation to the contrary, when a notice of violation is issued to an owner of a vehicle for failure to observe a parking sign, it shall be an affirmative defense to such violation, with the burden of proof on the vehicle owner charged with such notice of violation, that both sides of such sign were not legible. If there are other legible parking signs on the same blockface that apply to the parking space and parking violation at issue, such affirmative defense will not be available. The term “blockface” has the same meaning as set forth in section 19-167.4.

§ 2. This local law takes effect 90 days after it becomes law.

PLS/JJD  
LS 6987/Int. 1201-2016  
LS 960  
7/15/19 2:10pm

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Proposed Int. No. 886-A

By Council Members Espinal, Levin, Cornegy, Torres, Moya, Constantinides, Levine, Reynoso, Ayala, Powers, Holden, Grodenchik, Koslowitz, Miller, Richards, Brannan, Maisel, Rosenthal and Ulrich

A Local Law in relation to a pilot program for allowing pet harbors to be placed on sidewalks adjacent to commercial establishments

Be it enacted by the Council as follows:

Section 1. a. Definitions. As used in this section, the following terms have the following meanings:

Companion animal. The term “companion animal” has the same meaning as set forth in section 17-199.5 of the administrative code.

Pet harbor. The term “pet harbor” means an enclosed stationary self-service container that allows an owner to leave their companion animals unattended in an enclosure for no longer than one hour, or for a length of time as established by rule by the agency or office designated by the mayor pursuant to subdivision b of section 1 of this local law.

Service animal. The term “service animal” means an animal that performs a task or a specific set of tasks to assist a person with a disability.

b. An agency or office designated by the mayor shall establish a pilot program for the placement of pet harbors on sidewalks adjacent to commercial establishments, provided that (i) no portion of a pet harbor shall extend further than 3 feet from the building line; (ii) a width of at least nine and one-half feet is maintained on the sidewalk in front of a pet harbor without obstructing pedestrian movement; (iii) a pet harbor shall not block the accessible path of travel, entrance, or egress to and from a building and shall not impact the ability of properties or commercial establishments to add accessibility features in accordance with chapter 11 of the building code; (iv) a pet harbor shall not be bolted to the sidewalk or chained to a lamppost or other street furniture; (v) a pet harbor may only be placed on a sidewalk adjacent to a

commercial establishment, and may only be available for use during the hours of operation of such establishment; (vi) no more than two pet harbors may be placed in front of any commercial establishment; (vii) the operator of the pet harbor shall receive permission from the owner of the property or commercial establishment adjacent to which it is placed; and (viii) a pet harbor is in compliance with any other law or rules promulgated by the agency or office designated by the mayor pursuant to this subdivision for the purposes of protecting the health, safety, convenience and welfare of the public, the companion animals, and to safeguard the interests of the city.

c. The agency or office designated by the mayor pursuant to subdivision b of section 1 of this local law shall by rule (i) determine the geographic boundaries of the pilot program established by section 1 of this local law, which shall constitute a geographically contiguous area within the borough of Brooklyn, in consultation with any affected community board and council member; (ii) establish requirements regarding the placement of pet harbors relating to matters including but not limited to public safety, design, consideration of the rights of adjacent property owners, and street congestion; (iii) educate property owners and commercial establishments about companion animals and service animals, using materials approved by such agency or office, to ensure that they are aware of the obligation to permit customers with disabilities to be accompanied by service animals; (iv) if appropriate, adopt an application and permit process governing the participation of an entity in the pilot program, including standards for revoking such permit in the event that a pet harbor is found to have malfunctions in design or operation or is found to be a danger to animal welfare or public safety; and (v) if appropriate, establish insurance and indemnification requirements governing participation in the pilot program.

d. (i) The pilot program established pursuant to subdivision b of section 1 of this local law shall exist for no less than one year; provided, however, that if prior to the end of the pilot program the agency or office designated by the mayor pursuant to subdivision b of section 1 of

this local law determines that the pilot program is harmful to animal welfare or the public safety, or unreasonably interferes with pedestrian traffic, the mayor shall notify the speaker of the council that the pilot program is being terminated, and the reasons therefor.

(ii) No later than March 31, 2020, such agency or office designated by the mayor pursuant to subdivision b of section 1 of this local law shall submit a report to the speaker of the council regarding the results of the pilot program. Such report shall include, but need not be limited to, recommendations regarding changes in existing laws or rules that pertain to the viability of establishing a pet harbor program in the city of New York.

e. If a pet harbor is operated or placed on the sidewalk in violation of the provisions of this local law or the rules promulgated pursuant thereto, any authorized officer or employee of the department of transportation or the department of consumer affairs, or member of the police department, is authorized to provide for the removal of such pet harbor to any garage, automobile pound or other place of safety, and such pet harbor may be subject to forfeiture upon notice and judicial determination. If a forfeiture hearing is not commenced, the owner or other person lawfully entitled to the possession of such pet harbor may be charged with reasonable costs for removal and storage payable prior to the release of such pet harbor; provided, however, that a pet harbor that is not claimed within 30 days after its removal shall be deemed to be abandoned and may be sold at a public auction after having been advertised in the City Record, the proceeds thereof being paid into the general fund or such unclaimed pet harbor may be used or converted for use by the department or by another city agency or by a not-for-profit corporation.

f. Any person who violates any of the provisions of this local law or any order issued by or rule promulgated by an agency or office designated by the mayor pursuant thereto or the terms or conditions of any permit issued pursuant thereto, or who causes, authorizes or permits such

violation shall be liable for a civil penalty for each violation. In the case of a continuing violation, each day's continuance shall be a separate and distinct offense. Such civil penalty shall be no more than \$500 for each violation.

§ 2. This local law takes effect 120 days after it becomes law.

BAM/EL  
LS 5572  
7/11/2019 2:00 PM

Proposed Int. No. 1457-A

By Council Members Menchaca, Rivera, Brannan and Powers

A Local Law to amend the administrative code of the city of New York, in relation to bicyclists following pedestrian control signals

Be it enacted by the Council as follows:

Section 1. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding new section 19-195.1 to read as follows:

§ 19-195.1 Bicyclist rights and duties at an intersection. a. Definitions. For purposes of this section, the following terms have the following meanings:

Crosswalk. The term “crosswalk” means that part of a roadway, whether marked or unmarked, which is included within the extension of the sidewalk lines between opposite sides of the roadway at an intersection.

Intersection. The term “intersection” means the same as such term is defined in section 120 of the vehicle and traffic law or successor provision.

Pedestrian. The term “pedestrian” means the same as such term is defined in section 130 of the vehicle and traffic law or successor provision.

b. A person operating a bicycle while crossing an intersection shall follow pedestrian control signals except where otherwise indicated by traffic control devices, and provided that such person shall yield to pedestrians in the crosswalk.

c. The commissioner may promulgate such rules and regulations necessary to effectuate this section.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such date.

ENB/JJD  
LS#991  
LS #5748/Int. No. 1072-2016  
7/15/19 1:30pm