

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2020**

No. 77

Introduced by Council Members Reynoso, Gjonaj, Rivera, Cumbo, Powers, Van Bramer, Lander, Ayala, Richards, Salamanca, Kallos, the Speaker (Council Member Johnson), Constantinides, Holden, Vallone, Brannan, Dromm, Koslowitz, Moya, Levine, Rosenthal, Barron and Ampry-Samuel.

A LOCAL LAW

In relation to temporary space for outdoor dining

Be it enacted by the Council as follows:

Section 1. Temporary space for outdoor dining. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Food service establishment. The term “food service establishment” has the same meaning as set forth in subdivision s of section 81.03 of the health code of the city of New York.

Food vendor. The term “food vendor” has the same meaning as in section 17-306 of the administrative code of the city of New York.

Open space. The term “open space” means any location of roadway seating or sidewalk seating, or any other public outdoor location, including but not limited to a sidewalk, pedestrian plaza, roadway, or public parking lot, that may be used by a food service establishment for temporary outdoor dining and that has been approved for such use by the department of transportation.

Pedestrian plaza. The term “pedestrian plaza” has the same meaning as set forth in section 19-157 of the administrative code of the city of New York.

Roadway seating. The term “roadway seating” means seating located in the roadway adjacent to the curb in front of the business frontage of a food service establishment in accordance with guidelines established by the department of transportation.

Sidewalk seating. The term “sidewalk seating” means seating located outside the business frontage of a food service establishment in accordance with guidelines established by the department of transportation.

Temporary outdoor dining area. The term “temporary outdoor dining area” means a portion of any food service establishment operated under permit from the department of health and mental hygiene that is located in an open space.

b. Open restaurants program. 1. The city shall establish an open restaurants program pursuant to which a food service establishment may operate a temporary outdoor dining area.

2. A food service establishment shall be permitted to operate roadway seating or sidewalk seating after the completion of an online self-certification application, which shall be in a form and manner as determined by the department of transportation. The department of transportation may establish a process to allow for the use of other types of open space as temporary outdoor dining areas.

3. There shall be no fee for participation in such program.

c. Vendors. Notwithstanding section 17-315 of the administrative code of the city of the New York, as part of such program, the department of transportation, in consultation with the department of health and mental hygiene and any other agency as designated by the mayor, may designate a sidewalk, pedestrian plaza, roadway, or public parking lot as an area in which a food

vendor may vend, provided that such vendor adheres to any guidelines issued by the department of health and mental hygiene.

d. Compliance with other laws. Nothing in this local law shall relieve a food service establishment from their obligation to adhere to all emergency executive orders issued pursuant to section 24 or 29-a of the executive law, and to all local, state, and federal requirements relating to health and safety, except as modified by any such emergency executive order or this local law. Any food service establishment participating in the open restaurants program shall adhere to all applicable guidance issued by the department of transportation, the department of health and mental hygiene, the New York state department of health, and the New York state liquor authority.

e. Validity of a self-certification. A self-certification submitted pursuant to the outdoor restaurants program shall remain valid until terminated or suspended by the department of transportation. The department may terminate or suspend a self-certification for non-compliance with the requirements of such program or as necessary to protect health or safety.

f. Expiration. The outdoor restaurants program shall remain in effect until September 8, 2020 or until such later date as the department of transportation shall determine; provided however that such program shall not remain in effect after December 31, 2020. The department of transportation shall provide the speaker of the council notice five days prior to the termination of such the program.

§ 2. This local law takes 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 June 25, 2020 and returned unsigned by the Mayor on July 27, 2020.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 77 of 2020, Council Int. No. 1957-A of 2020) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.