

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2009**

No. 75

Introduced by Council Members Vallone Jr., Jackson, Nelson, Lappin, Yassky, deBlasio, Brewer, Gentile, Ignizio, Oddo, Fidler, Vacca, Gennaro, Mitchell, Recchia Jr., Liu, Mealy, Sears, Weprin and White Jr.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to security grilles used to secure commercial premises.

Be it enacted by the Council as follows:

Section 1. Section BC 1008.1.3.5 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

1008.1.3.5 Security grilles. In groups B, M and S, horizontal sliding or vertical security grilles are permitted at the main entrance where the opening of such grilles are essential to the operation of the establishments. Such grilles shall be [openable from the inside without the use of a key or special knowledge or effort during periods that the space is occupied. The grilles shall remain secured in the full-open position during the period of occupancy by the general public.] *installed in accordance with the following criteria:*

- 1. Security grilles shall be openable from the inside without the use of a key or special knowledge or effort during periods that the space is occupied.*
- 2. The security grilles shall remain secured in the full-open position during the*

period of occupancy by the general public.

3. Except as to buildings or structures classified in occupancy group S, buildings or structures that have been designated as a landmark by the landmarks preservation commission or located in a historic district designated by such commission, on or after July 1, 2011, no security grille may be installed or replaced, nor shall the owner of a structure classified as a Group B or M occupancy or the operator of the business occupying such structure allow to be installed or replaced, a security grille to secure such property where the grille abuts the sidewalk, unless the grille, when closed, permits visibility from the sidewalk of at least seventy percent of the area covered by such grille.

4. No later than July 1, 2026, all security grilles installed on buildings or structures classified in occupancy groups B or M shall comply with the provisions of paragraph 3 of this section.

§2. Section 28-101.4.3 of the administrative code of the city of New York, is amended by adding a new subdivision eight to read as follows:

8. The installation and replacement of security grilles shall be governed by section 1008.1.3.5 of the New York city building code.

§3. Article 103 of title 28 of the administrative code of the city of New York, is amended by adding a new section 28-103.22 to read as follows:

28-103.22. Outreach on security grille visibility requirements. The commissioner shall, through or in cooperation with the department of small business

services, the department of consumer affairs, and other city agencies deemed appropriate, develop an outreach program to manufacturers and installers of security grilles, business improvement districts, local development corporations, chambers of commerce and community boards to alert these groups and the businesses that utilize security grilles of the permit requirements and the requirements of this section, the penalties associated with violation thereof and the availability of any business loans, grants or tax subsidies related to the installation or use of such security grilles.

§4. Section 28-201.2.2 of the administrative code of the city of New York, is amended by adding a new item five to read as follows:

5. Notwithstanding the provisions of section 28-204.2 of this code, a violation of item 3 or item 4 of section 1008.1.3.5 of the New York city building code except that no penalty for such violation shall be imposed if the respondent corrects the condition constituting the violation and files a certificate with the department that the condition has been corrected within ninety days from the date set forth in the notice of violation. It shall be an affirmative defense that the nonconforming security grille was installed prior to July 1, 2011.

5.1. The fine or civil penalty for a violation described in item 5 shall be not less than two hundred fifty hundred dollars for the first offense and not less than one thousand dollars for each subsequent offense.

§5. This local law shall take effect on January 1, 2010 except, that, the commissioner of buildings shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

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 ...November 30, 2009..... and approved by the Mayor
onDecember 7, 2009.....

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

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed
Local Law (Local Law 75 of 2009, Council Int. No. 138-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on November 30,
2009:

45 for, 0 against, 1 not voting.

Was signed by the Mayor on December 7, 2009

Was returned to the City Clerk on December 7, 2009

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.