



Legislation Text

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Int. No. 152

By Council Members Gennaro, James, Koppell, Palma and Vann

A Local Law to amend the administrative code of the city of New York, in relation to licensing doorbuster sales.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 10 of the administrative code of the city of New York is amended by adding a new section 10-168, to read as follows:

§ 10-168 Doorbuster Sale. a. For purposes of this section, the term “doorbuster sale” shall mean a sale or an offer to sell to the public goods, wares, and merchandise of any kind at a substantially discounted price for a limited time where at least one of the following factors occurs:

- (1) the sale features certain items at a further reduced price for a limited time on the day of the sale;
- (2) the sale features a limited quantity of certain items at a further reduced price;
- (3) the sale is held at any time between Thanksgiving and January second; and either

(i) language is used to promote the sale that entices the public to wait in line prior to the store’s opening, including but not limited to “Black Friday,” “doorbuster,” and “first come first served” or (ii) the sale is advertised to start earlier than the retailer’s normal business hours.

A doorbuster sale shall not include a “going out of business sale” as defined by section 20-308 of this code.

b. License required. It shall be unlawful for any person to publish notice pertaining to or conduct a doorbuster sale without first obtaining a license issued pursuant to this section.

c. Application. Each retailer applying for a license pursuant to this section shall file an application in

such form and detail as the police commissioner may prescribe, at least sixty days prior to the date on which such sale is to commence, and shall pay the fee required by this subsection d of this section. In addition to any other information required, the police commissioner shall require, at a minimum, the following information:

1. The name and address of the applicant, whether the applicant is the true owner of the goods, wares or merchandise to be sold, and if the applicant be a partnership, the names and addresses of all partners, or if the applicant be a corporation or association, the date and place of incorporation or organization, the address of the principal office within the state, the names and addresses of all the officers of the applicant and whether a controlling interest in the corporation or association was transferred within six months prior to the date of the filing of the application.

2. The name and address of the person or persons who will be in charge and responsible for the conduct of such sale.

3. The exact address of the place at which the proposed sale is to be conducted and the length of time the applicant has been engaged in business at such location.

4. The date and time on which it is proposed to begin the sale and the duration of the sale.

5. The nature of the occupancy where such sale is to be held, whether by lease or otherwise, and the effective date of termination of such occupancy.

6. A statement of the descriptive name of the sale.

7. A valid and accurate floorplan of the location at which the proposed sale is to be conducted, with the doors to be used as entrances to and exits from the proposed sale clearly marked.

8. A detailed plan for crowd control, designed to ensure orderly and safe entrance into the store, including the following information:

i. the capacity of the location of the proposed sale;

ii. an estimate of the number of people anticipated to attend the sale;

iii. the number of personnel assigned to manage the entrance(s) to the store;

iv. the time at which customers will be permitted to stand in line prior to the opening of the store; and

v. the total number of personnel assigned to work for the duration of the proposed sale.

d. Fee. The fee for filing an application under this section shall be one hundred dollars.

e. Issuance of license. The police commissioner shall, upon the filing of such application, issue a license for the date of the proposed doorbuster sale, unless in his or her discretion it would pose a threat to public safety to do so.

f. Rules. The police commissioner may make and promulgate such rules and regulations as he or she may deem necessary for the proper implementation and enforcement of this section.

g. Violation. Any person who violates the provisions of this section shall be guilty of a misdemeanor punishable by imprisonment of not more than one year, a fine of not more than one thousand dollars, or both.

§3. This local law shall take effect ninety days after it shall have become a law, except that the Police Commissioner or his designee may take such steps as are necessary, including the promulgation of rules, prior to such effective date.

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