



Legislation Text

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Int. No. 840

By Council Members Kallos, Koslowitz, Mendez and Rose

A Local Law to amend the administrative code of the city of New York, in relation to the upkeep of pedestrian ramps defined as curb ramps under the Americans with Disabilities Act.

Be it enacted by the Council as follows:

Section 1. Subchapter one of chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-157 to read as follows:

§ 19-157 Curb ramp accessibility. a. Definitions. For the purposes of this section, the following terms shall have the following meanings:

Accessible. The term “accessible” means compliant with the current relevant Americans with Disabilities Act standards for accessible design.

Curb ramp. The term “curb ramp” means a ramp that leads from the sidewalk to a marked crosswalk.

b. Notwithstanding any other law or rule, and except as provided below, any entity responsible for erecting or maintaining a curb ramp shall ensure that such ramp is accessible.

c. Except as provided below, if such curb ramp is not made accessible within thirty days following the notice set forth in such subdivision, the entity responsible for maintaining such curb ramp shall be subject to a civil penalty of two hundred fifty dollars recoverable at the environmental control board. In addition to such penalty, for every ten additional days such entity shall be in violation of such subdivision, such entity shall be subject to an additional civil penalty of one hundred dollars for each day that such curb ramp is not accessible. Notwithstanding the above, the department may grant the entity responsible for such curb ramp an additional thirty days following the initial thirty day notice period to abide by the provisions of subdivision b of this

section without penalty at the request of such entity. However, where such extension is granted and where the curb ramp is not made accessible by the conclusion of such thirty day extension, the penalties provided in this subdivision shall be doubled.

d. Whenever the entity responsible for erecting or maintaining a curb ramp shall fail to comply with the provisions of subdivision b of this section, the department may cause such repair to be made and the responsible party shall be liable for the cost of such repair.

e. When paving, resurfacing or other alteration work is done on any roadway by the department or an entity acting on the department's behalf, the department or such entity shall ensure that the relevant curb ramps are accessible. In the event that such entity that is not the department causes a situation where curb ramps are not accessible, then the notice and penalties provided for in subdivisions b and c of this section shall be applicable to such entity. If curb ramps should become non-accessible by such paving or other work done in the roadway by the department or other entity acting on behalf of the department, then no such violation of subdivision b of this section may be issued against the non-department property owner. In the event that the entity responsible for ensuring the curb ramp is accessible is the department or another agency, such agency shall ensure that the curb ramp is made accessible within thirty days of notice that such curb ramp is not accessible.

§ 2. This local law shall take effect 90 days after its enactment.

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