Legislation Details (With Text)

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Int. No. 1501

By Council Members Barron and Gentile

A Local Law to amend the administrative code of the city of New York, in relation to reducing civil penalties where retail establishments agree to make their restrooms publicly available

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-143 to read as follows:

§ 16-143 Publicly available restrooms. a. As used in this section, the following terms have the following meanings:

Eligible violation. The term "eligible violation" means (i) a violation which is set forth in rule by the department as eligible for the restroom access program and (ii) a violation issued for a failure to comply with any provision of the code or the rules of the city of New York enforced by the department and regarding source

separation, the recycling of designated materials or the posting of signage.

Food service establishment. The term "food service establishment" means a premises or part of a premises where food is provided directly to the consumer whether such food is provided free of charge or sold, and whether consumption occurs on or off of the premises or is provided from a pushcart, stand or vehicle and shall include, but not be limited to, full-service restaurants, fast food restaurants, cafes, delicatessens, coffee shops, grocery stores, vending trucks or carts and cafeterias.

Retail establishment. The term "retail establishment" means an establishment, other than a food service establishment, that sells products and has a restroom.

b. Notwithstanding any other provision of law, the commissioner shall establish a restroom access program. Such program shall allow an owner of a retail establishment who is issued an eligible violation to have the civil penalties for such violation waived where such owner (i) had not received the same or a substantially similar violation within the six month period before the issuance of such eligible violation, (ii) did not have any restrooms in such establishment open to the public at the time such violation was issued and (iii) enters into a regulatory agreement with the department requiring that at least one such restroom be open to the public for a period of at least three months and that a notice that such retail establishment has a restroom which is open to the public be posted conspicuously in accordance with rules of the department.

c. An owner who enters into such a regulatory agreement pursuant to subdivision b of this section and is found not to be in compliance with such agreement shall have the original civil penalty reinstated and doubled.

§ 2. Title 20 of the administrative code of the city of New York is amended by adding a new chapter 11 to read as follows:

CHAPTER 11

INCENTIVIZING PUBLICLY AVAILABLE RESTROOMS

§ 20-937 Incentivizing publicly available restrooms.

§ 20-937 Incentivizing publicly available restrooms. a. As used in this chapter, the following terms have

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the following meanings:

Eligible violation. The term "eligible violation" means (i) a violation which is set forth in rule by the department as eligible for the restroom access program and (ii) a violation issued for a failure to comply with any provision of the code or the rules of the city of New York enforced by the department and regarding the display of prices, the accuracy of scanners or the posting of signage.

Food service establishment. The term "food service establishment" means a premises or part of a premises where food is provided directly to the consumer whether such food is provided free of charge or sold, and whether consumption occurs on or off of the premises or is provided from a pushcart, stand or vehicle and shall include, but not be limited to, full-service restaurants, fast food restaurants, cafes, delicatessens, coffee shops, grocery stores, vending trucks or carts and cafeterias.

Retail establishment. The term "retail establishment" means an establishment, other than a food service establishment, that sells products and has a restroom.

b. Notwithstanding any other provision of law, the commissioner shall establish a restroom access program. Such program shall allow an owner of a retail establishments who is issued an eligible violation to have the civil penalties for one such violation waived where such owner (i) had not received the same or a substantially similar violation within the six month period before the issuance of such eligible violation, (ii) did not have any restrooms in such establishment open to the public at the time such violation was issued and (iii) enters into a regulatory agreements with the department, requiring that at least one such restrooms be open to the public for a period of at least three months and that a notice that such retail establishment has a restroom which is open to the public be posted conspicuously in accordance with rules of the department.

c. An owner who enters into such a regulatory agreement pursuant to subdivision b of this section and is found not to be in compliance with such agreement shall have the original civil penalty reinstated and doubled.

§ 3. This local law takes effect 180 days after it becomes law.

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JW
2/6/17