



Legislation Details (With Text)

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Int. No. 95

By Council Members Brewer, DeBlasio, Gerson and Yassky;

A Local Law to amend the administrative code of the city of New York, in relation to the regulation of news boxes.

Be it enacted by the Council as follows:

Section one. 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 19-128 to read as follows:

19-128 News boxes. a. Definitions. For purposes of this section, the following terms shall have the following meanings:

1. "News box" shall mean any self-service or coin-operated box, container or other dispenser placed, used, or maintained exclusively for the sale or distribution of written matter.
2. "Person" shall mean an individual, partnership, corporation, limited liability company or other entity.
3. "Sidewalk" shall mean that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, but not including the curb, intended for the use of pedestrians.

b. No person shall place or maintain a news box on any sidewalk without having first obtained a permit

therefor from the commissioner. Each permit to place or maintain a news box on any sidewalk shall expire three years from the date of issuance thereof. A permit issued hereunder shall not be transferable, except with the written permission of the commissioner. Prior to the issuance of a permit to install or maintain a news box, each applicant shall pay to the commissioner a fee as shall be established by rule.

c. The commissioner, in consultation with the commissioner of consumer affairs, shall set forth by rule such requirements as he or she deems necessary for news boxes placed or maintained on any sidewalk pursuant to a permit issued under this section. Such rules shall include, but shall not be limited to, requirements related to the placement, installation, maintenance, size, shape, appearance and construction material of a news box, as well as the removal, storage and disposition of news boxes that do not comply with the provisions of this section or any rules promulgated hereunder. No requirement established pursuant to this section shall relate to the content of the printed matter sold or distributed in such news boxes.

§2. Notwithstanding any other provision of law to the contrary, a news box on any sidewalk as of the effective date of this local law may continue to remain in such location provided that such news box is in compliance with the requirements applicable to news boxes contained in rules promulgated by the commissioner of transportation pursuant to section 19-128 of the administrative code of the city of New York and provided that (1) a permit application to place or maintain a news box on any sidewalk is filed by the owner or other person in control of such news box with the department of transportation within sixty days after such effective date; and (2) such permit application has not been denied. If no permit application has been filed within sixty days by the owner or other person in control of such news box or such permit application is denied, such news box shall be deemed to be in violation of the provisions of section 19-128 of the administrative code of the city of New York and any rules promulgated thereunder.

§3. This local law shall take effect one hundred and eighty days after its enactment into law, except that the commissioner of transportation, in consultation with the commissioner of consumer affairs, shall take any administrative actions, including the promulgation of rules, necessary for the implementation of this local law

prior to its effective date.