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Int. No. 589

By Council Members Weprin, Comrie, Fidler, James, Koslowitz, Nelson, Rose, Williams, Halloran, Koo and Ulrich

A Local Law to amend the administrative code of the city of New York, in relation to exempting bus stops from requirements of maintenance by property owners.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 19-152 of the administrative code of the city of New York is amended to read as follows:

§19-152 Duties and obligations of property owner with respect to sidewalks and lots. a. Except as provided in subdivision t of this section, [T]the owner of any real property, at his or her own cost and expense, shall (1) install, construct, repave, reconstruct and repair the sidewalk flags in front of or abutting such property, including but not limited to the intersection quadrant for corner property, and (2) fence any vacant lot or lots, fill any sunken lot or lots and/or cut down any raised lots comprising part or all of such property whenever the commissioner of the department shall so order or direct. The commissioner shall so

order or direct the owner to reinstall, construct, reconstruct, repave or repair a defective sidewalk flag in front of or abutting such property, including but not limited to the intersection quadrant for corner property or fence any vacant lot or lots, fill any sunken lot or lots and/or cut down any raised lots comprising part or all of such property after an inspection of such real property by a departmental inspector. The commissioner shall not direct the owner to reinstall, reconstruct, repave or repair a sidewalk flag which was damaged by the city, its agents or any contractor employed by the city during the course of a city capital construction project. The commissioner shall direct the owner to install, reinstall, construct, reconstruct, repave or repair only those sidewalk flags which contain a substantial defect. For the purposes of this subdivision, a substantial defect shall include any of the following:

1. where one or more sidewalk flags is missing or where the sidewalk was never built;
2. one or more sidewalk flag(s) are cracked to such an extent that one or more pieces of the flag(s) may be loosened or readily removed;
3. an undermined sidewalk flag below which there is a visible void or a loose sidewalk flag that rocks or seesaws;
4. a trip hazard, where the vertical grade differential between adjacent sidewalk flags is greater than or equal to one half inch or where a sidewalk flag contains one or more surface defects of one inch or greater in all horizontal directions and is one half inch or more in depth;
5. improper slope, which shall mean (i) a flag that does not drain toward the curb and retains water, (ii) flag(s) that must be replaced to provide for adequate drainage or (iii) a cross slope exceeding established standards;
6. hardware defects which shall mean (i) hardware or other appurtenances not flush within 1/2" of the sidewalk surface or (ii) cellar doors that deflect greater than one inch when walked on, are not skid resistant or are otherwise in a dangerous or unsafe condition;
7. a defect involving structural integrity, which shall mean a flag that has a common joint, which is not

an expansion joint, with a defective flag and has a crack that meets such common joint and one other joint;

8. non-compliance with DOT specifications for sidewalk construction; and
9. patchwork which shall mean (i) less than full-depth repairs to all or part of the surface area of broken, cracked or chipped flag(s) or (ii) flag(s) which are partially or wholly constructed with asphalt or other unapproved non-concrete material; except that, patchwork resulting from the installation of canopy poles, meters, light poles, signs and bus stop shelters shall not be subject to the provisions of this subdivision unless the patchwork constitutes a substantial defect as set forth in paragraphs (1) through (8) of this subdivision.

§2. Section 19-152 of the administrative code of the city of New York is amended by adding a new subdivision t to read as follows:

t. This section shall not apply to bus stops. For purposes of this section, the term “bus stop” shall mean a location designated by signage for vehicles under the jurisdiction of the metropolitan transit authority to pick up or discharge passengers, which location includes five feet of the sidewalk and the gutter immediately adjacent to the curb for the portion of such curb. The term “bus stop” shall not include locations that subsequent to enactment of this subdivision cease being bus stops as defined by this subdivision six months following such cessation.

§3. This local law shall take effect immediately upon enactment.

LF
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