



Legislation Text

File #: Int 1545-2019, Version: *

Int. No. 1545

By Council Members Cornegy, Rosenthal and Louis

A Local Law to amend the administrative code of the city of New York, in relation to restricting the advertisement of alcoholic beverages near schools

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 28 of the administrative code of the city of New York is amended by adding a new article 506 to read as follows:

ARTICLE 506
OUTDOOR ALCOHOL ADVERTISEMENTS

§ 28-506.1 Definitions. As used in this chapter, the following terms have the following meanings:

Alcoholic beverage. The term “alcoholic beverage” has the same meaning as such term is defined in section 3 of the alcoholic beverage control law.

Alcoholic beverage advertisement. The term “alcoholic beverage advertisement” means any written word, picture, logo, symbol, motto, selling message, poster, placard, sign, photograph, device, graphic display or visual image of any kind, recognizable color or pattern of colors, or any other written indicia of product identification identical or similar to, or identifiable with, those used for any brand of alcoholic beverage, or any combination thereof, the purpose or effect of which is to promote the use or sale of alcoholic beverages through such means as, but not limited to, the identification of a brand of an alcoholic beverage, a trademark of an alcoholic beverage or a trade name associated exclusively with an alcoholic beverage.

Outdoor sign. The term “outdoor sign” means any display that (i) is publicly visible outside, (ii) is affixed to a building or other structure and (iii) is used to announce, direct attention to or advertise.

School. The term “school” means any building or structure, or any portion thereof, that is owned, occupied by, or under the custody or control of any public, private or parochial institution and lawfully used for the primary purpose of providing educational instruction to students at or below the twelfth grade level.

Seller. The term “seller” means any person to whom a license or permit has been issued by the state liquor authority to manufacture or sell alcoholic beverages.

§ 28-506.2 Alcoholic beverage advertisement restrictions. No person may place, cause to be placed, maintain, or cause to be maintained, an alcoholic beverage advertisement on an outdoor sign within 500 feet in

any direction of any school.

28-506.2.1 Exceptions. This section does not apply to any alcoholic beverage advertisement:

1. on a motor vehicle;
2. on a building or structure, or a portion thereof, that is owned, operated or leased by any seller at which such seller is licensed or permitted to sell or manufacture alcoholic beverages;
3. with a surface area of nine square feet or smaller; or
4. outside of the area described in the rules promulgated pursuant to section 28-506.4.

§ 28-506.3 Penalties. Any person who violates section 28-506.2 is liable for a civil penalty of \$350 for a first violation and \$1,000 for each subsequent violation. Each day's continuance shall be a separate and distinct violation.

§ 28-506.4 Rulemaking. The department shall promulgate, and update as necessary, rules setting forth the boundaries of all areas of the city that are within 500 feet in any direction of any school.

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

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LS # 5666
5/8/2018