



Legislation Text

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Int. No. 2096

By Council Members Kallos, Powers and Dromm

A Local Law to amend the administrative code of the city of New York, in relation to authorizing the department of consumer and worker protection to issue temporary operating licenses to sidewalk café applicants if certain requirements are satisfied

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 20-227.1 of the administrative code of the city of New York is amended to read as follows:

§ 20-227.1. Violations and penalties. a. Any person found to be operating an unlicensed sidewalk cafe shall be liable for a civil penalty of at least two hundred and not more than one thousand dollars for the first violation, at least two hundred and not more than one thousand dollars for each additional violation occurring on the same day; and at least five hundred and not more than two thousand dollars for the second violation and each subsequent violation at the same place of business within a two-year period. For purposes of this section, any violation for operating an unlicensed sidewalk cafe shall be included in determining the number of violations by any subsequent license holder at the same place of business unless the subsequent license holder provides the department with adequate documentation demonstrating that the subsequent license holder acquired the premises or business through an arm's length transaction as defined in subdivision f of this section and that the sale or lease was not conducted, in whole or in part, for the purpose of permitting the original license holder to avoid the effect of violations on the premises.

§ 2. Chapter 2 of title 20 of the administrative code of the city of New York is amended to add a new section 20-227.2 to read as follows:

§ 20-227.2. Temporary sidewalk café licenses. a. Where an applicant for a sidewalk café license submits a petition to operate an enclosed or unenclosed sidewalk café for which a consent issued to another person has lapsed or was terminated, the commissioner may authorize such applicant to operate the sidewalk café at such premises pending the approval of consent for operating such café, provided that the plans for the café are the same as the café for which a consent to operate a sidewalk café had previously been granted, if it is an enclosed sidewalk café that the structure is the same for which consent was previously granted, and provided further that the applicant has acquired his or her interest in the restaurant to be operated at such premises in an arm's length transaction as specified in subdivision f of section 20-227.1. For the purposes of this section, the commissioner may not authorize an applicant to operate an unenclosed sidewalk café if the original consent has been expired for more than three years from the date of the submission of an applicant's petition.

b. Where the department has approved a petition to operate an enclosed or unenclosed sidewalk café pursuant to sections 20-225 or 20-226, the commissioner may authorize such applicant to operate a sidewalk café pending the registration of the revocable consent by the comptroller.

§ 3. This local law takes effect immediately.

BAM
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