



Legislation Text

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By Council Members Koslowitz, Marshall, Wooten and Robinson

A Local Law to amend the administrative code of the city of New York, in relation to the licensing of newsstands.

Be it enacted by the Council as follows:

Section 1. The Council hereby finds and declares that certain amendments to the newsstand law adopted in 1997 as part of the Streetscape Task Force recommendations and subsequently repealed by the Council in 1998 when these recommendations were not fully instituted, would constitute sound improvements to the newsstand licensing law and, as such, should be re-adopted.

The Council further finds that these previously adopted amendments to the newsstand law include modernizing the language concerning who may hold a license to include, as with most other regulatory schemes, partnerships or corporations. This amendment will provide to newsstand owners the same legal rights to form businesses as other entrepreneurs enjoy, without reducing the City's ability to control these businesses, and limit the maximum number of such businesses that any single licensee can maintain on public property, to two.

The Council further finds that it is appropriate to re-institute another previously approved amendment which would raise the maximum permitted selling price of non-printed materials to five dollars, allow prepaid telecommunication and transit cards to be sold, and prohibit sale of certain items at any price.

§2. Section 20-228 of the administrative code of the city of New York is amended by adding three new subdivisions c, d, and e, to read as follows:

c. Person. A natural person, partnership, corporation or other association.

d. Emancipated child. Any son, daughter, step-son or step-daughter who is at least eighteen years of age and who is financially independent.

e. Unemancipated child. Any son, daughter, step-son or step-daughter who is under the age of eighteen, unmarried and living in the same household.

§3. Section 20-229 of the administrative code of the city of New York is amended to read as follows:

§ 20-229 License required. a. No person shall [maintain or] operate a newsstand or newsstands unless licensed pursuant to this subchapter, [and unless the operation of the newsstand is his or her principal employment] and unless such person has no other income, excluding investment income, which exceeds the income such person earns from the operation of the newsstand or newsstands; provided, however, that if such person is a corporation, partnership, limited liability company or other association, only one shareholder of such corporation, one partner of such partnership, one member of such limited liability company or one principal of such other association, respectively, must have no other income, excluding investment income, which exceeds the income such person earns from the operation of the newsstand or newsstands; and provided further, that if such shareholder, partner, member or principal is the child of the persons authorized to operate a newsstand, such child must be an emancipated child.

b. 1. No person shall be issued more than two licenses to operate a newsstand pursuant to this subchapter.

2. For purposes of determining the number of licenses held by a person pursuant to paragraph one of this subdivision, the following provisions shall apply:

(a) A natural person shall be deemed to hold the license issued in the name of such natural person's unemancipated child, a partnership in which such natural person is a partner, a corporation in which such natural person is an officer, director or shareholder, or a limited liability company in which such natural person is a member, manager or officer.

(b) A corporation shall be deemed to hold the license issued in the name of:

(i) an officer, director or shareholder of such corporation;

(ii) another corporation where such corporation and such other corporation

share a common officer, director or shareholder, or such corporation or any of its officers, directors or shareholders has any direct or indirect interest in such other corporation;

(iii) a limited liability company where such corporation or any of its officers, directors or shareholders is a member, manager or officer of such limited liability company, or such corporation or any of its officers, directors or shareholders has any direct or indirect interest in such limited liability company; or

(iv) a partnership where such corporation or any of its officers, directors or shareholders is a partner in such partnership, or such corporation or any of its officers, directors or shareholders has any direct or indirect interest in such partnership.

(c) A limited liability company shall be deemed to hold the license issued in the name of:

(i) a member, manager or officer of such limited liability company;

(ii) another limited liability company where such limited liability company and such other limited liability company share a common member, manager or officer, or such limited liability company or any of its members, managers or officers has any direct or indirect interest in such other limited liability company;

(iii) a corporation where such limited liability company or any of its members, managers or officers is an officer, director or shareholder in such corporation or such limited liability company or any of its members, managers or officers has any direct or indirect interest in such corporation; or

(iv) a partnership where such limited liability company or any of its members, managers or officers is a partner in such partnership, or such limited liability company or any of its members, managers or officers has any direct or indirect interest in such partnership.

(d) A partnership shall be deemed to hold the license in the name of:

(i) a partner of such partnership;

(ii) another partnership where such partnership is a partner in such other partnership, such partnership

and such other partnership share a common partner, or such partnership or any of its partners has any direct or indirect interest in such other partnership;

(iii) a corporation where such partnership or any of its partners is an officer, director or shareholder in such corporation, or such partnership or any of its partners has any direct or indirect interest in such corporation; or

(iv) a limited liability company where such partnership or any of its partners is a member, manager or officer in such limited liability company, or such partnership or any of its partners has any direct or indirect interest in such limited liability company.

§4. Subdivision b of section 20-231 of the administrative code of the city of New York are hereby amended to read as follows:

b. Items other than newspapers, magazines, periodicals, and prepaid telecommunication or transit cards may be offered for sale from a newsstand [provided] if they are sold for less than [two] five dollars exclusive of taxes; provided, however, that apparel, jewelry, hair ornaments, handbags and video cassettes shall not be offered for sale from a newsstand and that [. If] if food items are [sold] offered for sale, they must be prepackaged.

§5. This local law shall take effect immediately.