



## Legislation Text

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**File #:** Int 0136-2002, **Version:** \*

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Int. No. 136

By Council Members Lopez and Nelson; also Council Member Koppell

A Local Law to amend the administrative code of the city of New York, in relation to the operation of bicycles on sidewalks

Be it enacted by the Council as follows:

Section 1. Subdivisions b and c of section 19-176 of the administrative code of the city of New York, as added by local law number 6 for the year 1996, are amended to read as follows:

b. No person shall ride a bicycle upon any sidewalk unless permitted by an official sign. A violation of this subdivision shall be a traffic infraction, punishable as provided in section eighteen hundred of the vehicle and traffic law.

c. (1) A person who [violates] rides a bicycle on a sidewalk in violation of subdivision b of this section under circumstances which create a substantial risk of physical injury to another person shall be guilty of a misdemeanor, punishable by a fine of not more than one hundred dollars and imprisonment for not more than twenty days or both such fine and imprisonment. Such person shall also be liable for a civil penalty of not more than one hundred dollars which may be recovered in a proceeding before the environmental control board.

(2) Where a summons or notice of violation is issued for a violation of this subdivision, a designated employee of the department, the department of sanitation or the department of parks and recreation or a police officer may seize and impound the bicycle.

(3) In any proceeding under this subdivision it shall be a defense that the defendant or respondent was less than fourteen years old at the time of the commission of the violation.

(4) In any proceeding under this subdivision there shall be a rebuttable presumption that a substantial risk of physical injury to another person is present if at the time of the violation the bicycle is approaching pedestrian traffic on the sidewalk and is within fifteen feet of such traffic.

(5) If at the time of a violation of this subdivision the bicycle is being used in the course of delivering packages, parcels, food, papers or other items by or on behalf of a business which is subject to section 10-157 of this code, both the operator of the bicycle and the owner of the business shall be jointly and severally liable for the violation. The operator of the bicycle shall be deemed to be the agent of the owner of the business for purposes of the service of a notice of violation returnable to the environmental control board and service of the notice of violation on the operator of the bicycle shall be deemed to be service on such owner. For the purposes of this paragraph, a bicycle is deemed to be used in the course of delivering packages, parcels, food, papers or other items by or on behalf of a business at all times while it is in transit for the purpose of delivering such items, including its return to such business after completing delivery.

§2. This local law shall take effect thirty days after it shall have been enacted into law.