Int. No. 268

By Council Members Moskowitz, Avella, Jackson and Stewart

A Local Law to amend the administrative code of the city of New York, in relation to the use of roadway space in front of buildings.

Be it enacted by the Council as follows:

Section one. Subchapter two of chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-175.1 to read as follows:

§19-175.1. Use of roadway space in front of buildings. Definitions. a. For purposes of this section, the following terms shall have the following meanings:

1. "Person" shall mean a natural person, partnership, corporation or other association.

2. "Roadway" shall mean that portion of a street designed, improved or ordinarily used for vehicular travel, exclusive of the shoulder and slope.

3. "Roadway space" shall mean any portion of a roadway intended for the use of vehicular travel lying immediately adjacent to the curb located directly in front of a building and extending for a distance of eighteen feet perpendicular to that curb.

4. "Shoulder" shall mean that improved portion of a street contiguous with the roadway.

5. "Slope" shall mean that portion of a street exclusive of the roadway and shoulder.

6. "Street" shall mean a public street, avenue, road, alley, lane, highway, boulevard, concourse, parkway, driveway, culvert, sidewalk, crosswalk, boardwalk, viaduct, square or place, except marginal streets.

b. Notwithstanding any other provision of law to the contrary, it shall be unlawful for any person to use any roadway space for the purpose of obtaining custody of a vehicle from the operator of the vehicle in order to allow such person, or an agent, employee or contractor of such person taking custody of the vehicle, to lawfully park such vehicle, without having first obtained a permit issued by the commissioner. Prior to issuance of such permit, the applicant shall pay a fee to be determined by the commissioner based upon the nature, extent and duration of the use. In determining whether to grant an application under this section, the commissioner's examination shall include, but shall not be limited to, the hours of operation of the use for which a permit is sought, the linear amount of roadway space for which the permit is sought and the potential for interference with the ability of authorized emergency services

personnel to effectively perform their official duties. The commissioner may deny any permit application if he or she determines that the use applied for would create an unsafe condition if granted or would have any other adverse or detrimental impact upon the public or its use of city streets and sidewalks. No permit granted in accordance with this section or a renewal of any such permit shall be valid for more than one year from the date of issuance. The commissioner shall prescribe procedures for permit renewals.

c. It shall be unlawful for any person to reserve or attempt to reserve a parking space, or prevent any vehicle from parking on a public street through his or her presence in the roadway, the use of hand signals, or by placing any box, can, crate, handcart, dolly or any other device, including unauthorized pavement, curb or street markings or signs in the roadway.

d. Any violation of this section shall result in the issuance of a notice of violation returnable before the environmental control board. For every violation of this section a civil penalty in the amount of one hundred fifty dollars shall be imposed.

§2. This local law shall take effect one hundred and eighty days after its enactment into law, provided, however, that the commissioner of transportation shall take such actions as are necessary to implement this local law prior to such effective date.

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