



Legislation Text

File #: Int 0048-2004, **Version:** *

Int. No. 48

By Council Members Foster and Addabbo (by request of the Mayor)

A Local Law to amend the administrative code of the city of New York, in order to clarify the express authority of the commissioner of parks and recreation to regulate the vending of written matter within the geographical areas under the jurisdiction of parks and recreation.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative findings and intent. The Council finds and declares that the vending of written matter should be free of unnecessary restrictions as long as such activity is not a threat to the public health, safety or welfare. The Council also finds that geographical areas under the jurisdiction of the department of parks and recreation are integral in preserving the welfare of the public. As such, the commissioner of parks and recreation has the responsibility of balancing the interest of the public to enjoy the resources of parks with the rights of the vendors of written matter. Permitting unbridled and unregulated vending of written matter in parks seriously undermines the ability of the commissioner of parks and recreation to provide public recreational activity and to preserve the character of parks for the benefit of the public. Moreover, parks and parks facilities should not be overrun with commercial activity. The Council further finds that there is a specific need for reasonable measures to regulate the time, place and manner for the vending of written materials in parks consistent with the First Amendment. Accordingly, the commissioner of parks and recreation shall be authorized to regulate, through a permitting system, the vending of written matter in areas under the commissioner's jurisdiction.

§2. Section 20-473 of the administrative code of the city of New York, as amended by local law number 14 for the year 1995, is amended to read as follows:

Section 20-473. Exemptions for general vendors who exclusively vend written matter. General vendors who exclusively vend written matter are exempt from the following provisions of this subchapter: sections 20-454, 20-455, 20-456, 20-457, 20-459, 20-461, 20-462, 20-463 and 20-464; subdivision g of section 20-465; subdivision j of section 20-465, except that nothing herein shall be construed to deprive the commissioner of the department of parks and recreation of the authority to regulate through a permitting system the time, place and manner of the vending of written matter in areas under the jurisdiction of parks and recreation as it relates to public health, safety or welfare, in a manner consistent with the purpose of the parks and the declared legislative intent of this subchapter; section 20-465.1 and any rules promulgated thereunder, except that on any street where both general vending is prohibited pursuant to section 20-465.1 of this subchapter and any rules promulgated thereunder and food vending is prohibited pursuant to section 20-465.1 of this subchapter and any rules promulgated thereunder or pursuant to subdivision 1 of section 17-315 of this code, general vendors who exclusively vend written matter shall not be permitted to vend with the use of any vehicle, pushcart or stand; sections 20-466 and 20-467; subdivisions c and d of section 20-468; sections 20-469 and 20-470; and subdivision a, and paragraph one of subdivision c of section 20-472.

§3. This local law shall take effect immediately.