



Legislation Text

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Int. No. 213

By Council Members Gentile, James, Mark-Viverito, Palma, Sanders Jr., Stewart, Seabrook and Oddo

A Local Law to amend the administrative code of the city of New York, in relation to placing greater regulations and restraints on the creation of driveway curb cuts; ending self-certification of curb cuts by lot owners; and providing local community board notification.

Be it enacted by the Council as follows:

Section 1. Article 1 of subchapter 3 of chapter 1 of title 26 of the administrative code of the city of New York is amended by adding new sections 26-206.1 and 26-206.2 to read as follows:

§26-206.1 a. Notwithstanding any other provision of law to the contrary, the department and the department of transportation shall conduct a survey for each of the five boroughs of the city of New York to determine the total number of driveway curb cuts and the total number of such driveway curb cuts that are illegal under existing law. The design of the survey shall be completed no later than one hundred twenty days following the effective date of this section. The findings required by the survey shall be submitted by the department in a written report to the council and the mayor and made available on the department's website within two hundred forty days from the effective date of this section.

b. Notwithstanding any other provision of law to the contrary, only an employee of the department shall certify that a curb cut meets all requirements of the building code and is in all respects lawful. This paragraph shall be applicable to all curb cuts, including those that exist as of the effective date of this section.

§26-206.2 a. Within seven days of receipt of each new application for a permit to create a curb cut, the department shall notify the community board of the community district within which the proposed curb cut would be created of such application.

b. The community board shall have sixty days from the date of notification to submit comments and recommendations to the department with respect to such application.

c. The department shall consider these comments and recommendations in its decision to grant or deny a permit for a curb cut and shall inspect any location proposed as the location of a curb cut prior to the issuance of a permit to create a curb cut.

§2. Article 3 of subchapter 3 of chapter 1 of title 26 of the administrative code of the city of New York is amended by adding new sections 26-212.2 and 26-212.3, to read as follows:

§26-212.2. Notwithstanding any other provision of law, the civil penalty for creating a curb cut without a permit and the

civil penalty for violating the terms of an issued permit for a curb cut shall double for each sixty-day period during which an illegal curb cut exists.

§26-212.3. Notwithstanding any other provisions of law, within six months of the department of transportation's becoming aware of an illegal curb cut, the department of transportation shall restore the curb to its original condition. The department shall recover the cost of restoring the curb from the owner of any property that benefited from the illegal curb cut, the person responsible for creating the illegal curb cut, or all of such persons. The recovery of such costs shall be in addition to any civil penalty imposed in accordance with section 26-212.2 of this article.

§3. This local law shall take effect immediately after it is enacted into law.

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