



Legislation Text

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Int. No. 106

By Council Members Avilés, Restler and Hanif

A Local Law to amend the administrative code of the city of New York, in relation to enhancing penalties for sidewalk parking and installing bollards in M1 zoning districts

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 19-136 of the administrative code of the city of New York, as amended by local law number 104 for the year 1993, is amended to read as follows:

b. It shall be unlawful for any person, directly or indirectly, to use any portion of a sidewalk or courtyard, established by law, between the building line and the curb line for the parking, storage, display or sale of motor vehicles.

1. Enhanced sidewalk parking penalties in M1 zoning districts. (a) Definitions. For the purposes of this paragraph, the term “covered business” means any commercial, manufacturing, or industrial establishment located in an M1 zoning district as established by the zoning resolution of the city of New York.

(b) Any covered business that, in the operation of such business, parks a motor vehicle on a sidewalk in an M1 zoning district, as established by the zoning resolution of the city of New York, in violation of this subdivision is liable for a civil penalty of \$150 for the first violation, \$500 for the second violation, and \$1,000 for any subsequent violation committed within a 12 month period, in addition to any other penalties provided by law or regulation. For the purposes of this subparagraph, each day a motor vehicle is parked in violation of this subdivision constitutes a separate violation. Such civil penalties shall be recoverable in a proceeding before the office of administrative trials and hearings.

(c) Where an owner or lessee of a motor vehicle, other than a covered business, receives a summons for

a violation of this subdivision, it is an affirmative defense that such motor vehicle was in the possession of or operated at the direction of a covered business at the time of the violation alleged in the summons.

(d) Beginning no later than the effective date of this paragraph, and continuing for 90 days thereafter, the commissioner shall conduct outreach in the designated citywide languages, as defined in section 23-1101, to alert covered businesses to the enhanced penalties for sidewalk parking violations as established by subparagraph (b) of this paragraph. Such outreach shall include, but need not be limited to, distributing information to covered businesses in M1 zoning districts.

(e) Not later than 15 months after the effective date of this paragraph, and annually thereafter, the commissioner, in consultation with the commissioner of finance and the police commissioner, shall submit a report on the enhanced penalties for sidewalk parking violations as established by subparagraph (b) of this paragraph to the mayor and the speaker of the council and shall post such report on the department's website. Such report shall include, but need not be limited to, a table in which each separate row references a unique sidewalk parking violation subject to subparagraph (b) of this paragraph and shall include, but need not be limited to, the following information about each such violation for the previous year, set forth in separate columns:

- (1) The date of such violation;
- (2) The M1 zoning district where such violation occurred;
- (3) The name and address of the covered business that committed such violation; and
- (4) The amount of any penalties imposed for such violation.

§ 2. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-189.2 to read as follows:

§ 19-189.2 Installation of bollards on sidewalks in M1 zoning districts. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Bollard. The term "bollard" has the same meaning as is ascribed to such term in section 19-189.1.

Sidewalk. The term “sidewalk” has the same meaning as is ascribed to such term in section 19-176.

b. Study. Not later than 120 days after the effective date of the local law that added this section, the commissioner, in consultation with any relevant agencies, shall complete a study regarding the installation of bollards on sidewalks in M1 zoning districts, as established by the zoning resolution of the city of New York, to prevent parking on such sidewalks. The commissioner shall issue a report on such study to the mayor and the speaker of the council and post such report on the department’s website. Such study shall include, but need not be limited to, the following information:

1. A list of any sidewalks in M1 zoning districts that the commissioner recommends for the installation of bollards;

2. The rationale for the commissioner’s recommendations as required by paragraph 1 of this subdivision, including, but not limited to, the factors the commissioner considered in making such recommendations; and

3. The plan to install such bollards, including, but not limited to, the rate and timeline of such installation.

c. Installation. Not later than 90 days after the completion of the study required by subdivision b of this section, the commissioner shall install bollards on sidewalks in M1 zoning districts in accordance with the provisions of the report on such study issued pursuant to subdivision b of this section. Such bollards shall be installed and maintained to the satisfaction of the department.

§ 3. Section 1 of this local law takes effect 120 days after it becomes law, except that the commissioner of transportation shall take such measures as are necessary for the implementation of section 1 of this local law, including the promulgation of rules, before such date. Section 2 of this local law takes effect immediately.

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