



Legislation Text

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Int. No. 663-A

By Council Members Bottcher, Ung, Hudson, Schulman, Zhuang and Rivera

A Local Law to amend the administrative code of the city of New York, in relation to newsrack requirements and to repeal and replace subdivision a of section 19-128.1 of such code

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 19-128.1 of the administrative code of the city of New York is REPEALED and a new subdivision a is added to read as follows:

a. Definitions. For purposes of this section, the following terms have the following meanings:

Board. The term “board” means the environmental control board of the city of New York.

Corner area. The term “corner area” means an area of a sidewalk encompassed by the extension of the building lines to the curb on a corner, or, where there is no building, an area of a sidewalk encompassed by the extension of the property lines to the curb on a corner.

Corner quadrant. The term “corner quadrant” means an area of a sidewalk extending 10 feet from either side of a corner area.

Crosswalk. The term “crosswalk” means a portion of a roadway, whether marked or unmarked, that is included within the extension of the sidewalk lines between opposite sides of the roadway at an intersection, or any portion of a roadway at an intersection or elsewhere designated or indicated for pedestrian crossing by lines or other markings on the surface.

Crosswalk area. The term “crosswalk area” means an area of a sidewalk bounded by the extension of the lines of a crosswalk onto the sidewalk up to the building or property line.

Multi-rack newsrack. The term “multi-rack newsrack” means a newsrack that is designed with multiple

enclosed compartments to accommodate the display, sale, or distribution of multiple publications to the general public.

Newsrack. The term “newsrack” means a self-service or coin-operated box, container, or other dispenser installed, used, or maintained for the display, sale, or distribution of publications to the general public.

Owner. The term “owner” means a natural person, partnership, corporation, limited liability company, or other association that owns 1 or more newsracks.

Publication. The term “publication” means a newspaper, periodical, or other similar written material.

Sidewalk block. The term “sidewalk block” means an area of a sidewalk spanning from one intersection to the next intersection.

Single newsrack. The term “single newsrack” means a newsrack that is designed to accommodate the display, sale, or distribution of no more than 1 publication to the general public.

§ 2. Subdivision b of section 19-128.1 of the administrative code of the city of New York, as amended by local law number 36 for the year 2004, and subdivision d of such section, as added by local law number 23 for the year 2002, are amended to read as follows:

b. Requirements. It shall be a violation for any person to place, install, or maintain a newsrack on any sidewalk unless such newsrack is in compliance with the provisions of this section.

1. [The maximum height of any newsrack containing a single publication shall be fifty inches. The maximum width of any such newsrack shall be twenty-four inches. The maximum depth of any such newsrack shall be twenty-four inches.] Newsracks shall conform to standards set forth in rules of the department relating to the size and shape of such newsracks and materials used to construct such newsracks.

2. No newsrack shall include photographs or be used for advertising or promotional purposes, other than announcing the name [and/or] or website or both of [the newspaper or other written matter] any publication offered for distribution in such newsrack, provided that a publication may display the logo of such publication on the door of a single newsrack or compartment in a multi-rack newsrack in which such publication is offered,

in a size not to exceed 50 percent of the door space.

3. Each newsrack used to sell [newspapers or other written matter] publications shall be equipped with a coin return mechanism in good working order so as to permit a person to secure a refund in the event that the newsrack malfunctions.

4. The owner [or person in control of each newsrack] shall affix [his or her] to the newsrack the owner's name, address, telephone number, and email address, if any, [on the newsrack] in a readily visible location on the front or side of the newsrack and shall conform such information to any changes required to be reported to the department in accordance with the provisions of subdivision c of this section. In no event shall a post office box be considered an acceptable address for purposes of this paragraph.

5. Subject to the limitations set forth in this section, newsracks shall be placed near a curb.

6. A newsrack shall not be placed, installed, or maintained: (a) within [fifteen] 15 feet of any fire hydrant; (b) in any driveway or within [close proximity] 10 feet of any driveway; (c) in any curb cut or pedestrian ramp designed to facilitate street access by disabled persons [or within two feet of any such curb cut]; (d) within [close proximity] 15 feet of the entrance or exit of any railway station or subway station; (e) within any bus stop; (f) within 5 feet of a crosswalk area; (g) within a corner [area or within five feet of any corner area] quadrant; (h) on any surface where such installation or maintenance will cause damage to or will interfere with the use of any pipes, vault areas, telephone or electrical cables, or other similar locations; (i) on any cellar door, grating, utility maintenance cover, or other similar locations, or within 5 feet of any cellar door; (j) on, in, or over any part of the roadway of any public street; (k) on any sidewalk, unless [eight] 8 feet of sidewalk width is preserved for unobstructed pedestrian passage; (l) in any park or on any sidewalk immediately contiguous to a park where such sidewalk is an integral part of the park design, such as the sidewalks surrounding Central Park or Prospect Park; (m) on any area of lawn, flowers, shrubs, trees, or other landscaping, or in such a manner that use of the newsrack would cause damage to such landscaping; [or] (n) within 5 feet of any bench or other street furniture; (o) within 5 feet of a bikeshare station; (p) within 8 feet of a

bicycle rack; (q) within 5 feet of a water sampling station of the department of environmental protection; or (r) where such placement, installation, or maintenance endangers the safety of persons or property. Any limitation on the placement or installation of newsracks pursuant to this paragraph shall be no more restrictive than necessary to ensure the safe and unobstructed flow of pedestrian and vehicular traffic, and otherwise to assure the safety of persons and property.

7. [Every newsrack] The department shall develop standards regarding the placement of newsracks, including, but not limited to, the manner in which newsracks shall be placed or installed [in a manner that will ensure that such newsrack cannot be tipped] to prevent newsracks from tipping over. In the event of noncompliance with such standards, the commissioner shall issue a notice of correction as provided in subparagraph (a) of paragraph 1 of subdivision f of this section.

d. Indemnification and insurance. 1. Each [person who owns or controls] owner of a newsrack placed or installed on any sidewalk shall indemnify and hold the city harmless from any and all losses, costs, damages, expenses, claims, judgments, or liabilities that the city may incur by reason of the placement, installation, or maintenance of such newsrack, except to the extent such damage results from the negligence or intentional act of the city.

2. Each [person who owns or controls] owner of a newsrack placed or installed on any sidewalk shall maintain a general liability insurance policy naming the city of New York, and its departments, boards, officers, employees, and agents as additional insureds for the specific purpose of indemnifying and holding harmless those additional insureds from and against any and all losses, costs, damages, expenses, claims, judgments, or liabilities that result from or arise out of the placement, installation, [and/or the] or maintenance of any newsrack. The minimum limits of such insurance coverage shall be no less than [three hundred thousand dollars] \$300,000 combined single limit for bodily injury, including death, and property damage, except that any [person] owner who maintains an average of [one hundred] 100 or more newsracks at any one time shall maintain such minimum insurance coverage of [one million dollars] \$1,000,000. An insurance certificate

demonstrating compliance with the requirements of this subdivision shall be submitted annually by December [31st] 31 to the commissioner by the [person who owns or controls] owner of such insured newsracks. Should said policy be called upon to satisfy any liability for damages covered by said policy, the policy must be of such a nature that the original amount of coverage is restored after any payment of damages under the policy. Failure to maintain a satisfactory insurance policy pursuant to this subdivision or failure to submit an annual insurance certificate to the commissioner pursuant to this subdivision, shall be deemed a violation of this section subject to subparagraph [b-1] (b-1) of paragraph 1 of subdivision f of this section.

§ 3. Paragraph 8 of subdivision f of section 19-128.1 of the administrative code, as added by local law number 23 for the year 2002, is amended to read as follows:

8. In giving any notice of correction or serving any commissioners order required under this section, except as otherwise provided by law, the commissioner may rely on the validity of any address (a) posted on the newsrack pursuant to paragraph [four] 4 of subdivision b of this section as the address of the owner or person in control of the newsrack or (b) submitted to the department pursuant to subdivision c of this section, and shall provide such notice by regular mail. If the owner [of a newsrack] or person in control of a newsrack shall have failed to comply with paragraph [four] 4 of subdivision b or with subdivision c of this section, the commissioner shall make reasonable efforts to ascertain the identity and address of the owner or person in control of such newsrack for the purpose of giving any required notice, and having done so, may take action as if any required notice had been given.

§ 4. Section 19-128.1 of the administrative code of the city of New York is amended by adding a new subdivision h to read as follows:

h. Community notice. The department, in consultation with the office of ethnic and community media, shall notify owners of any changed obligation imposed by this section or any rule of the department promulgated hereunder prior to the effective date of such change. Such notice shall, to the extent feasible, be in English as well as the language of any publication distributed by a newsrack of such owner.

§ 5. This local law takes effect 180 days after it becomes law.

Session 13

MC

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Session 12

DSS

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