



Legislation Details (With Text)

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Title: A Local Law to require the department of consumer affairs to conduct a retrospective review of existing sidewalk cafe violations.

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Int. No. 395

By Council Members Lancman, Cornegy, Mendez and Rodriguez

A Local Law to require the department of consumer affairs to conduct a retrospective review of existing sidewalk cafe violations.

Be it enacted by the Council as follows:

Section 1. Retrospective review of existing sidewalk cafe violations. The department of consumer affairs shall conduct a retrospective review of the provisions of the administrative code and the rules of the city of New York that establish violations related to sidewalk cafes and are enforced by the department of consumer affairs. Such review shall examine existing sidewalk cafe violations for which a penalty or fine may be assessed for which there is no cure period or other opportunity for ameliorative action by the party or parties subject to the violation prior to the imposition of a penalty or fine. Upon the completion of such retrospective review and within 120 days of the enactment of this local law, a report shall be submitted to the mayor and the speaker regarding the department’s findings. Such report shall include:

(1) a description of each sidewalk cafe violation for which the agency recommends that a cure period or

other opportunity for ameliorative action be provided prior to the imposition of a penalty or fine, and the basis for such conclusion; and

(2) a list of all other existing sidewalk cafe violations established by the department's rules for which a penalty or fine may be assessed for which there is no cure period or other opportunity for ameliorative action by the party or parties subject to enforcement prior to the imposition of a penalty or fine. This list shall identify, either by individual violation or on an aggregate basis, the rationale for the absence of a cure period or other opportunity for ameliorative action.

§2. This local law shall take effect immediately.

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