



Legislation Details (With Text)

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Int. No. 2157

By Council Members Levin and Kallos

A Local Law in relation to creating temporary outdoor space for retail establishments

Be it enacted by the Council as follows:

Section 1. Temporary outdoor space for retail establishments. a. Definitions. For the purposes of this section, the following terms have the following meanings:

General vendor. The term “general vendor” has the same meaning as in section 20-452 of the administrative code of the city of New York.

Open space. The term “open space” means any location of roadway retail or sidewalk retail, or any other public outdoor location, including but not limited to a sidewalk, pedestrian plaza, roadway, or public parking lot, that may be used by a retail establishment for temporary retail and that has been approved for such use by the department of transportation.

Pedestrian plaza. The term “pedestrian plaza” has the same meaning as in section 19-157 of the administrative code of the city of New York.

Retail establishment. The term “retail establishment” means 1) an establishment wherein goods are sold or offered for sale to consumers that operates in the interior of a building, or 2) a general vendor.

Roadway retail. The term “roadway retail” means retail activity located in the roadway adjacent to the curb in front of the business frontage of a retail establishment in accordance with guidelines established by the department of transportation.

Sidewalk retail. The term “sidewalk retail” means retail activity located outside the business frontage of a retail establishment in accordance with guidelines established by the department of transportation.

Temporary outdoor retail area. The term “temporary outdoor retail area” means a portion of any retail establishment that is located in an open space.

b. Open retail program. 1. The city shall establish an open retail program pursuant to which a retail establishment may operate a temporary outdoor retail area.

2. Under the open retail program, a retail establishment wherein goods are sold or offered for sale to consumers that operates in the interior of a building shall be permitted to operate roadway retail or sidewalk retail, as appropriate, after the completion of an online self-certification application, which shall be in a form and manner as determined by the department of transportation. The department of transportation may establish a process to allow for the use of other types of open space as temporary outdoor retail areas.

3. A retail establishment shall not be required to pay a fee for participation in such program.

c. Vendors. Notwithstanding section 20-465 of the administrative code of the city of New York, as part of the open retail program, the department of transportation, in consultation with any other agency as designated by the mayor, may designate a sidewalk, pedestrian plaza, roadway, or public parking lot as an area in which a general vendor may vend.

d. Compliance with other laws. Nothing in this local law shall relieve a retail establishment from the

obligation to adhere to all emergency executive orders issued pursuant to section 24 or 29-a of the executive law, and to all local, state, and federal requirements relating to health and safety, except as modified by any such emergency executive order or this local law. Any retail establishment participating in the open retail program shall adhere to all applicable guidance issued by the department of transportation, the department of consumer and worker protection, the department of health and mental hygiene and any other agency designated by the mayor.

e. Validity of a self-certification. A self-certification submitted pursuant to the temporary outdoor retail program shall remain valid until terminated or suspended by the department of transportation. The department may terminate or suspend a self-certification for non-compliance with the requirements of such program or as necessary to protect health or safety.

f. Expiration. The temporary outdoor retail program shall remain in effect until December 31, 2020 or until such later date as the department of transportation shall determine; provided however that such program shall not remain in effect after December 31, 2021. The department of transportation shall provide the speaker of the council with written notice at least 14 days prior to the termination of such program.

§ 2. This local law takes effect immediately.

JB
LS #15108
8/18/20