



Legislation Text

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Int. No. 872

By Council Members Yeger, Hudson, Holden, Brannan and Borelli

A Local Law to amend the administrative code of the city of New York, in relation to illegal curb cuts and requiring local community board notification of curb cut applications

Be it enacted by the Council as follows:

Section 1. Section 19-147 of the administrative code of the city of New York is amended by adding new subdivisions h and i to read as follows:

h. Illegal curb cuts. If the department receives any complaint of an illegal curb cut, it shall investigate such complaint within 30 days. If the department determines that a curb cut was created without the required permits, the department shall within three days of such determination paint such curb cut green to indicate that such curb cut is available for parking and shall order the owner or owners of the property benefited by such curb cut to correct the violation by either restoring the curb to its proper condition or by obtaining the proper work permits and final sign-off from the department within 30 days. Failure to correct such violation pursuant to an order of the department within the time designated therein shall be a continuing violation until the curb cut is corrected to the satisfaction of the department. For the purposes of this section, the term “curb cut” means a break in a curb to allow access from the roadway and across the sidewalk to a legal parking space within the property line.

i. Notwithstanding any other provisions of law, within six months after the department becomes aware of an illegal curb cut, the department shall restore the curb to its original condition, unless the owner restores such curb cut or obtains the required permits and sign-off for such curb cut. 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 such persons. The recovery of such costs shall be in addition to any civil penalty imposed in accordance with subdivision h of this section.

§ 2. Article 108 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-108.4 to read as follows:

§ 28-108.4 Community board notification. 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. The community board shall have 60 days from the date of notification to submit comments and recommendations to the department with respect to such application. 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. For the purposes of this section, the term “curb cut” means a break in a curb to allow access from the roadway and across the sidewalk to a legal parking space within the property line.

§ 3. This local law takes effect 90 days after it becomes law.

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