



Legislation Text

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**File #:** Int 0021-2010, **Version:** A

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Int. No. 21-A

By Council Members Nelson, Foster, James, Mark-Viverito, Mendez, Crowley, Levin and Williams

A Local Law to amend the administrative code of the city of New York, in relation to the location of concessions within a park.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-138 to read as follows:

§18-138 Locations of concessions in parks. a. Except as provided herein, any concession under the jurisdiction of the commissioner, and any restaurant located within any park that is the subject of a lease or other agreement between the department and a not-for-profit corporation relating to the restoration and maintenance of the park in which such restaurant is located, other than seasonal concessions of under forty-five days in duration in a calendar year, shall have specific boundaries which shall be indicated on a map of the park in which such concession or restaurant is located. No such concession or restaurant shall extend beyond the boundaries indicated on such map. The department shall visibly mark the authorized boundaries of each such concession or restaurant and shall maintain such markings, unless all boundaries of such concession or restaurant are within a building or similar stationary structure or marking a boundary is not practicable because the terrain does not allow for such marking. The department shall determine how such markings shall be made and any such marking shall be consistent with any law, rule, regulation or determination of the landmarks preservation commission and the public design commission. This subdivision shall not apply to any concession authorized to occupy a ground space of less than two hundred square feet, to occupy an area greater than two acres, or to operate in locations in three or more boroughs, nor shall this subdivision apply to any concession

that is expressly authorized to move its location pursuant to the terms of the applicable concession agreement. The location of a concession or restaurant subject to the provisions of this subdivision shall also be marked on a map of the park or parks in which such concession or restaurant is located which map shall be made available on the city of New York's website within one year of the effective date of this section. However, any concession or restaurant covered by this subdivision where the concession agreement, lease or other agreement is entered into or renewed following the effective date of this section, shall have such maps posted within sixty days of the execution or renewal of the relevant concession or lease agreement. It shall not be a violation of this section where the moving of any such boundary was done pursuant to the direction of an authorized employee of any applicable city agency.

b. Any person who violates the provisions of subdivision a of this section by exceeding the authorized boundaries of a concession or boundaries for the location of a restaurant subject to the provisions of this section shall be liable for a civil penalty of not less than two hundred dollars nor more than one thousand dollars for each such violation. Such civil penalty shall be in addition to any penalty imposed pursuant to a concession agreement with the department.

§2. This local law shall take effect one hundred eighty days after enactment, except that the commissioner of parks and recreation shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

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LS #314  
6-1-10 9:50 pm