



Legislation Text

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Int. No. 2127-A

By Council Members Reynoso, Powers, Levine, Rodriguez, Rivera, Kallos, Van Bramer, Chin, Gjonaj, Louis, Rosenthal and Ayala

A Local Law in relation to space heaters, the establishment of a permanent outdoor dining program, and to amend local law number 77 for the year 2020, in relation to the expiration of the outdoor dining program

Be it enacted by the Council as follows:

Section 1. Portable space heaters fueled by liquefied petroleum gas and portable electric space heaters may be used in a temporary outdoor seating area operated pursuant to local law number 77 for the year 2020 and emergency executive order number 126, dated June 18, 2020, as amended by subsequent orders, subject to guidance issued by the fire department pursuant to emergency executive order of the mayor.

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

Food service establishment. The term “food service establishment” has the same meaning as set forth in subdivision s of section 81.03 of the health code of the city of New York.

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

Roadway seating. The term “roadway seating” means seating located in the roadway adjacent to the curb in front of the business frontage of a food service establishment.

b. By September 30, 2021, the department of transportation and any other agency designated by the mayor shall establish a permanent open restaurants program to succeed the temporary program established by local law number 77 for the year 2020, provided that any additional legislation necessary to authorize such program has been enacted. Such program shall include but not be limited to the following elements:

1. The use of roadway seating for outdoor dining;
2. The use of a pedestrian plaza, or other public outdoor location for outdoor dining; and
3. Accessibility for people with disabilities in compliance with applicable federal, state and local law.

§ 3. Subdivision f of section 1 of local law number 77 for the year 2020 is amended to read as follows:

f. Expiration. The outdoor restaurants program shall remain in effect until [September 8, 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, 2020] September 30, 2021. [The department of transportation shall provide the speaker of the council notice five days prior to the termination of such the program.]

§ 4. This local law takes effect immediately, except that section one of this local law shall expire and be deemed repealed on May 1, 2021.

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