Legislation Details (With Text)

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Title:	A Local Law to amend the administrative code of the city of New York, in relation to mandating the use of identification tags for easier attribution of improperly restored pavement		
Sponsors:	Karen Koslowitz, Kalman Yeger		
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Attachments:	1. Summary of Int. No. 47, 2. Int. No. 47, 3. January 31, 2018 - Stated Meeting Agenda, 4. Hearing Transcript - Stated Meeting 01-31-2018, 5. Minutes of the Stated Meeting - January 31, 2018		

Date	Ver.	Action By	Action	Result
1/31/2018	*	City Council	Introduced by Council	
1/31/2018	*	City Council	Referred to Comm by Council	
12/31/2021	*	City Council	Filed (End of Session)	

Int. No. 47

By Council Member Koslowitz and Yeger

A Local Law to amend the administrative code of the city of New York, in relation to mandating the use of identification tags for easier attribution of improperly restored pavement

Be it enacted by the Council as follows:

Section 1. Section 19-115 of the administrative code of the city of New York is amended to read as follows:

§ 19-115 Paving, generally. a. All streets shall be paved and arched in full accordance with department specifications for such work, which shall be prescribed by the commissioner and kept on file in his or her office.

b. A person who restores pavement that was previously removed shall affix an identification tag on such pavement, as prescribed by the commissioner in the rules of the department. The commissioner shall promulgate rules relating to the provision and proper placement of such identification tags.

§ 2. Paragraph 1 of subdivision b of section 19-150 of the administrative code of the city of New York, as amended by local law number 4 for the year 2011, is amended to read as follows:

b. 1. Except as provided in subdivision c of this section, such civil penalty shall be determined in accordance with the following schedule:

Section of the Administrative Code	Maximum Civil Penalty (dollars)
19-102	10,000
19-107	10,000
19-109 subd(a)	10,000
19-109 subd(c)	5,000
19-111	5,000
19-112	5,000
19-113	5,000
19-115 subd(a)	5,000
19-116	5,000
19-117 subd(a)	10,000
19-119	10,000
19-121 subd(a)	10,000
19-121 subd(b) para (5) & (7)	10,000
19-121 subd(b) para (2), (3) & (6)	5,000
19-122	5,000
19-123	10,000
19-126	10,000
19-128	5,000
19-133	5,000
19-133.1	10,000
19-135	5,000
19-137	5,000
19-138	5,000
19-139	10,000
19-141	5,000
19-144	10,000
19-145	10,000
19-146	5,000
19-147	5,000
19-148	5,000

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24-521	10,000
All other Provisions of this subchapter and rules or orders relating thereto	5,000

Note: Reference to an administrative code provision is intended to encompass the penalties for violations of the rules or orders made or of the terms or conditions of permits issued pursuant to such code provision.

§ 3. Sections 28-108.1 and 28-108.2 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, are amended to read as follows:

§ 28-108.1 General. The commissioner shall not issue a permit for the erection of a new building or for alterations that will require the issuance of a new or amended certificate of occupancy without a statement that no certificate of occupancy shall be issued unless the sidewalk in front of or abutting such building, including but not limited to the intersection quadrants for corner properties, shall have been paved or repaired by the owner, at his or her own cost, in the manner, of the materials, and in accordance with the standard specifications prescribed by the New York city department of transportation pursuant to section[s] 19-113 and subdivision a of section 19-115 of the administrative code.

Exceptions:

1. Application for the erection of an accessory building appurtenant to an existing one- or two-family dwelling.

2. Where the commissioner determines that a sidewalk is not required, provided that such determination shall not affect the obligations of the owner under subdivision a of section 19-152 of the administrative code, nor relieve the owner of any such obligations, nor impair or diminish the rights of the city or its agencies to enforce such obligations.

3. Where the extent of the change in use or occupancy or the cost of the alteration does not exceed a threshold established pursuant to rule of the commissioner.

§ 28-108.2 Pavement plan required. Construction documents shall include a pavement plan processed and approved under guidelines established by the department. The pavement plan shall include documentation sufficient to show compliance with the standards and specifications of the New York city department of transportation pursuant to section[s] 19-113 and subdivision a of section 19-115 of the administrative code.

Exception: No pavement plan shall be required with respect to an alteration application for a building where the applicant certifies that there is a sidewalk in existence in front of or abutting such building, including but not limited to the intersection quadrants for corner properties, complying with the specifications of the New York city department of transportation, and that the nature of such alteration work will neither remove such existing sidewalk nor cause damage to such existing sidewalk such that the damage could not be corrected as minor repairs prior to issuance of the certificate of occupancy.

§ 4. This local law takes effect 120 days after it becomes law, except that the commissioner of transportation may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such date.

BAM
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