



Legislation Text

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Int. No. 93

By Council Members Holden, Adams, Cabrera, Cornegy, Diaz, Lancman, Rose, the Public Advocate (Mr. Williams), Moya, Rodriguez, Salamanca and Yeger

A Local Law to amend the administrative code of the city of New York, in relation to requiring the parks department to repair damage caused by trees owned by the city of New York.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 7-210 of the administrative code of the city of New York, as added by local law number 49 for the year 2003, is amended to read as follows:

a. It shall be the duty of the owner of real property abutting any sidewalk, including, but not limited to, the intersection quadrant for corner property, to maintain such sidewalk in a reasonably safe condition. This subdivision shall not require the owner of a one-, two- or three-family residential property that is (i) in whole or in part, owner occupied, and (ii) used exclusively for residential purposes, to repair damage caused to an abutting sidewalk by a city-owned tree.

§ 2. Section 7-210 of the administrative code of the city of New York is amended by adding a new subdivision a-1 to read as follows:

a-1. Notwithstanding any other provision of law, it shall be the duty of the owner of any residential real property that is (i) in whole or in part, owner occupied, and (ii) used exclusively for residential purposes abutting any sidewalk, including, but not limited to, the intersection quadrant for corner property, to notify the department of parks and recreation or the department of transportation in the event that a sidewalk flag abutting such property is damaged by a city-owned tree. Failure to notify either department of such damage shall constitute a violation, the penalty for which shall be determined in accordance with section 19-150(b) of the

code.

§ 3. Subdivision a of section 19-152 of the administrative code of the city of New York, as amended by local law 64 of the year 1995, is amended to read as follows:

a. The owner of any real property, at his or her own cost and expense, shall (1) install, construct, repave, reconstruct and repair the sidewalk flags in front of or abutting such property, including but not limited to the intersection quadrant for corner property, and (2) fence any vacant lot or lots, fill any sunken lot or lots and/or cut down any raised lots comprising part or all of such property whenever the commissioner of the department shall so order or direct. The commissioner shall so order or direct the owner to reinstall, construct, reconstruct, repave or repair a defective sidewalk flag in front of or abutting such property, including but not limited to the intersection quadrant for corner property or fence any vacant lot or lots, fill any sunken lot or lots and/or cut down any raised lots comprising part or all of such property after an inspection of such real property by a departmental inspector. The commissioner shall not direct the owner to reinstall, reconstruct, repave or repair a sidewalk flag which was damaged by the city, its agents or any contractor employed by the city during the course of a city capital construction project. The commissioner shall not direct the owner of one-, two- or three-family residential real property that is (i) in whole or in part, owner occupied, and (ii) used exclusively for residential purposes, to reinstall, reconstruct, repave or repair an abutting sidewalk flag which was damaged by a city-owned tree. The commissioner shall direct the owner to install, reinstall, construct, reconstruct, repave or repair only those sidewalk flags which contain a substantial defect. For the purposes of this subdivision, a substantial defect shall include any of the following:

§ 4. Section 19-152 of the administrative code of the city of New York is amended by adding a new subdivision d-1 to read as follows:

d-1. Notwithstanding any other provision of law, if the owner of a one-, two- or three-family residence that is (i) in whole or in part, owner occupied, and (ii) used exclusively for residential purposes, has notified the

department of the existence of a defective, unsafe, dangerous or obstructed condition of a sidewalk abutting such property pursuant to subdivision (a-1) of section 7-210 of the code, and the department determines that such condition was not caused by a city-owned tree, such owner shall have ninety days to repair such condition.

§ 5. This local law takes effect 120 days after its enactment, except that the department of transportation and the department of parks and recreation shall each take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

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