

2388

2009-2010 Regular Sessions

I N S E N A T E

February 19, 2009

Introduced by Sen. PADAVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

AN ACT to amend the administrative code of the city of New York, in relation to unlawful obstructions

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 2 of section 16-118 of the administrative code
2 of the city of New York, as amended by local law number 108 of the city
3 of New York for the year 2005, is amended to read as follows:
4 2. (a) (I) Every owner, lessee, tenant, occupant or person in charge
5 of any building or premises shall keep and cause to be kept the side-
6 walk, flagging and curbstone abutting said building or premises free
7 from obstruction and nuisances of every kind, and shall keep said side-
8 walks, flagging, curbstones, and air shafts, areaways, backyards, courts
9 and alleys free from garbage, refuse, rubbish, litter, debris and other
10 offensive material. Such persons shall also remove garbage, refuse,
11 rubbish, litter, debris and other offensive material between the curb-
12 stone abutting the building or premises and the roadway area extending
13 one and one-half feet from the curbstone into the street on which the
14 building or premises front. Such persons shall not, however, be respon-
15 sible for cleaning the garbage, refuse, rubbish, litter, debris and
16 other offensive material [which] THAT accumulates at catch basins
17 located within the one and one-half foot distance from the curbstone
18 into the street.
19 (II) EVERY OWNER, LESSEE, TENANT, OCCUPANT OR PERSON IN CHARGE OF ANY
20 COMMERCIAL BUILDING OR PREMISES SHALL KEEP AND CAUSE TO BE KEPT THE
21 SIDEWALK, FLAGGING AND CURBSTONE, WHETHER OR NOT ABUTTING SAID BUILDING
22 OR PREMISES, FREE OF OBSTRUCTION BY ANY A-FRAME, SANDWICH BOARD OR OTHER
23 TYPE OF SIGN ADVERTISING SAID BUILDING OR PREMISES.
24 (III) THERE SHALL BE A REBUTTABLE PRESUMPTION THAT THE OWNER, LESSEE,
25 TENANT, OCCUPANT OR PERSON IN CHARGE OF ANY COMMERCIAL BUILDING OR PREM-

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD09508-01-9

1 ISES WHOSE NAME, ADDRESS, TELEPHONE NUMBER OR OTHER IDENTIFYING INFORMA-
2 TION APPEARS ON ANY SUCH SIGN ON ANY SIDEWALK, FLAGGING OR CURBSTONE HAS
3 VIOLATED SUBPARAGRAPH (II) OF THIS PARAGRAPH BY: EITHER (1) OBSTRUCTING
4 SAID SIDEWALK, FLAGGING OR CURBSTONE, OR (2) DIRECTING OR PERMITTING AN
5 AGENT OR EMPLOYEE OR OTHER INDIVIDUAL UNDER SUCH PERSON'S CONTROL TO
6 OBSTRUCT SAID SIDEWALK, FLAGGING OR CURBSTONE.

7 (b) Every owner, lessee, tenant or person in charge of any vacant lot
8 shall keep and cause to be kept the sidewalk, flagging and curbstone
9 abutting said vacant lot free from obstruction and nuisances of every
10 kind, and shall keep said sidewalks, flagging and curbstones free from
11 garbage, refuse, rubbish, litter, debris and other offensive material.
12 Every owner, lessee, tenant or person in charge of any vacant lot shall
13 keep and cause to be kept said vacant lot free from garbage, refuse,
14 rubbish, litter, debris and other offensive material. Such persons shall
15 also remove garbage, refuse, rubbish, litter, debris and other offensive
16 material between the curbstone abutting the vacant lot and the roadway
17 area extending one and one-half feet from the curbstone into the street
18 on which the vacant lot fronts. Such persons shall not, however, be
19 responsible for cleaning the garbage, refuse, rubbish, litter, debris
20 and other offensive material [which] THAT accumulates at catch basins
21 located within the one and one-half foot distance from the curbstone
22 into the street.

23 S 2. Subdivisions a and b of section 10-119 of the administrative code
24 of the city of New York, as amended by local law number 2 of the city of
25 New York for the year 2003, are amended to read as follows:

26 a. It shall be unlawful for any person to paste, post, paint, print,
27 PLACE, nail or attach or affix by any means whatsoever any handbill,
28 poster, notice, sign, A-FRAME, SANDWICH BOARD, advertisement, sticker or
29 other printed material upon any curb, gutter, flagstone, tree, lamppost,
30 awning post, telegraph pole, telephone pole, public utility pole, public
31 garbage bin, bus shelter, bridge, elevated train structure, highway
32 fence, barrel, box, parking meter, mail box, traffic control device,
33 traffic stanchion, traffic sign (including pole), tree box, tree pit
34 protection device, bench, traffic barrier, hydrant, public pay tele-
35 phone, any personal property maintained on a city street or other city-
36 owned property pursuant to a franchise, concession or revocable consent
37 granted by the city or other such item or structure in any street, or to
38 direct, suffer or permit any servant, agent, employee or other person
39 under his or her control to engage in such activity; provided, however,
40 that this section shall not apply to any handbill, poster, notice, sign,
41 advertisement, sticker or other printed material so posted by or under
42 the direction of the council, or by or under the direction of any city
43 agency, or pursuant to a franchise, concession or revocable consent
44 granted pursuant to chapter fourteen of the charter.

45 b. There shall be a rebuttable presumption that the person whose name,
46 telephone number, or other identifying information appears on any hand-
47 bill, poster, notice, sign, A-FRAME, SANDWICH BOARD, advertisement,
48 sticker or other printed material on any item or structure described in
49 subdivision a of this section in any street violated this section by
50 either (i) pasting, posting, painting, printing, PLACING, nailing or
51 attaching or affixing by any means whatsoever such handbill, poster,
52 notice, sign, A-FRAME, SANDWICH BOARD, advertisement, sticker or other
53 printed material, or (ii) directing, suffering or permitting a servant,
54 agent, employee or other individual under such persons control to engage
55 in such activity.

56 S 3. This act shall take effect immediately.