

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2001**

No. 78

Introduced by Council Member Dear

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to fixed stand coin operated rides.

Be it enacted by the Council as follows:

Section one. Subdivision j of section 19-136 of the administrative code of the city of New York, as last amended by local law number 4 for the year 1997, is amended to read as follows:

j. Fixed stand coin operated rides. 1. For purposes of this subdivision, "fixed stand coin operated ride" shall mean a coin operated ride on a stationary stand which provides an up and down rocking and/or circular motion for the enjoyment of not more than two people at a time.

2. Notwithstanding any inconsistent provision of this section, a fixed stand coin operated ride may be placed on a sidewalk adjacent to any commercial establishment, including those located on particular streets or in particular locations enumerated in paragraphs five through twenty-eight of subdivision a of this section and any particular streets or locations added to subdivision a of this section by local law on or after January 16, 1996, provided that (i) no portion of such ride shall extend further than five feet from the building line and a width of at least nine and one-half feet shall be maintained on the sidewalk in front of such ride without obstructing pedestrian movement; (ii) such ride shall not be bolted to the sidewalk or chained to a lamppost or other street furniture; (iii) such ride shall be removed from its location on a sidewalk adjacent to a commercial establishment between the hours of [9:00 p.m. and 9:00 a.m.] *11:00 p.m. and 7:00 a.m.* on every day of the week, including Sundays and holidays; and (iv) such ride is in compliance with any other law and with any rules promulgated by the commissioner for purposes of protecting the health, safety, convenience and welfare, and to safeguard the interests of the city.

3. No more than three fixed stand coin operated rides may be placed in front of any commercial establishment.

4. If a fixed stand coin operated ride is placed on the sidewalk in violation of the provisions of this subdivision, any authorized officer employee of the department or the department of consumer affairs, or member of the police department, is authorized to provide for the removal of such fixed stand coin operated ride to any garage, automobile pound or other place of safety, and such ride may be subject to forfeiture upon notice and

judicial determination. If a forfeiture hearing is not commenced, the owner or other person lawfully entitled to the possession of such ride may be charged with reasonable costs for removal and storage payable prior to the release of such device; provided, however, that a fixed stand coin operated ride that is not claimed within thirty days after its removal shall be deemed to be abandoned and may be sold at a public auction after having been advertised in the City Record, the proceeds thereof being paid into the general fund or such unclaimed fixed stand coin operated ride may be used or converted for use by the department or by another city agency or by a not-for-profit corporation.

5. The provisions of subdivision e of this section and sections 19-149, 19-150 and 19-151 of this subchapter shall apply to fixed stand coin operated rides placed on sidewalks.

§2. This local law shall take effect immediately after it is enacted into law.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of the city of New York, passed by the Council on December 19, 2001, and approved by the Mayor on December 27, 2001.

VICTOR L. ROBLES, City Clerk Of The Council.

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 78 of 2001, Council Int. No. 1007) contains the correct text and:

Received the following vote at the meeting of the New York City Council on December 19, 2001: 48 for, 0 against, 0 not voting.

Was signed by the Mayor on December 27, 2001.

Was returned to the City Clerk on December 28, 2001.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel