

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2022**

No. 39

Introduced by Council Members Kallos, Powers, Dromm and Gennaro.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to authorizing the department of consumer and worker protection to issue temporary operating licenses to sidewalk cafe applicants if certain requirements are satisfied

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 20-227.1 of the administrative code of the city of New York, as amended by local law number 80 for the year 2021, is amended to read as follows:

§ 20-227.1. *Violations and penalties.* a. Any person found to be operating an unlicensed sidewalk cafe shall be liable for a civil penalty of two hundred dollars for the first violation, and two hundred dollars for each additional violation occurring on the same day; and five hundred dollars for the second violation and each subsequent violation at the same place of business within a two-year period. For purposes of this section, any violation for operating an unlicensed sidewalk cafe shall be included in determining the number of violations by any subsequent license holder at the same place of business unless the subsequent license holder provides the department with adequate documentation demonstrating that the subsequent license holder acquired the premises or business through an arm's length transaction as defined in subdivision f of this section and that the sale or lease was not conducted, in whole or in part, for the purpose of permitting the original license holder to avoid the effect of violations on the premises.

§ 2. Subchapter 6 of chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-227.2 to read as follows:

§ 20-227.2. Temporary sidewalk cafe authorization. a. Where an applicant for a sidewalk cafe license submits a petition to operate an enclosed or unenclosed sidewalk cafe for which a consent issued to another person has lapsed or was terminated, the commissioner may authorize such applicant to operate the sidewalk cafe at such premises pending the approval of consent for operating such cafe, provided that the plans for the cafe are the same as the cafe for which a consent to operate a sidewalk cafe had previously been granted and, if it is an enclosed sidewalk cafe, that the structure is the same for which consent was previously granted. For the purposes of this section, the commissioner may not authorize an applicant to operate an unenclosed sidewalk cafe if the original consent has been expired for more than three years from the date of the submission of an applicant's petition.

b. Where the department has approved a petition to operate an enclosed or unenclosed sidewalk cafe pursuant to sections 20-225 or 20-226, the commissioner may authorize such applicant to operate a sidewalk cafe pending the registration of the revocable consent by the comptroller.

§ 3. This local law takes effect immediately.

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 15, 2021 and returned unsigned by the Mayor on January 14, 2022.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 39 of 2022, Council Int. No. 2096-A of 2020) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.