



Jonathan Mintz
Commissioner

██████████
Staff Attorney
████████████████████

42 Broadway
9th Floor
New York, NY 10004

nyc.gov/consumers

May 16, 2012

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Re: Storage Warehouse License

Dear Mr. ██████████:

You inquired as to whether your potential business, which will involve storing cell phones for public high school students during school hours, requires a “storage warehouse” license from the Department of Consumer Affairs (the “Department”). For the following reasons, the Department concludes that your potential business does not require a storage warehouse license, however, it does require a general vendor license.

Pursuant to the City of New York’s Administrative Code (“Code”) § 20-475(a), a “storage warehouse” is defined as “a building or structure, or any part thereof, in which a consumer’s household goods are received for storage for compensation.”

In your telephone conversation with the Department on September 14, 2011, you stated that the cell phones would be stored in a vehicle. A vehicle does not fall within the definition of “storage warehouse” as defined in Code § 20-475(a), because a vehicle is not “a building or structure, or any part thereof.” Accordingly, activity conducted in connection with your business would not require a storage warehouse license.

However, the daily storage of cell phones for students who attend public high schools during school hours does require a general vendor license, pursuant to Code § 20-452 *et seq.*

The Code defines a “general vending business” or “vending business” as “[t]he business of selling, leasing or offering to sell or lease, at retail, goods or services other than food, engaged in by a general vendor in a public space.” Code § 20-452(c) (emphasis added). The term “public space” is defined to include “[a]ll publicly owned property between the property lines on a street as such property lines are shown on the City



Record including but not limited to a park, plaza, roadway, shoulder, tree space, sidewalk or parking space between such property lines.” Code § 20-452(d) (emphasis added). Finally, the Code defines a vehicle as “[a] motor vehicle or trailer, as defined in the vehicle and traffic law.” Code § 20-452(g).

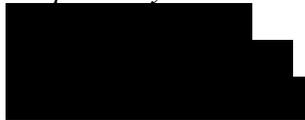
A general vendor license is required because your proposed business involves “selling” the “service” of daily cell phone storage in a “vehicle” located in “public space” outside of public high schools, Please be advised, however, that the number of general vendor licenses issued by the City is limited by law (*see* Code § 20-459) and there are no general vendor licenses currently available.

Sincerely,


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Prepared by:


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