



Jonathan Mintz
Commissioner

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VIA EMAIL

Re: Vending on Private Property/Selling Flowers on a Sidewalk

Dear Ms. [REDACTED],

I write in response to your email, which asked two questions:

- 1) Is a general vendor license required from the New York City Department of Consumer Affairs ("DCA") to vend on private property?
- 2) What license is required from the DCA to sell flowers on a sidewalk?

A general vendor is required to obtain a license from the DCA. Section 20-452(b) of the New York City Administrative Code ("the Code") defines a general vendor as, "A person who hawks, peddles, sells, leases or offers to sell or lease, at retail, goods or services, including newspapers, periodicals, books, pamphlets or other similar written matter in a *public space*." (emphasis added)

Section 20-452(d) of the Code defines public space as, "All 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. It shall also include, but not be limited to, publicly owned or leased land, buildings, piers, wharfs, stadiums and terminals."

Accordingly, the answers to your questions are as follows:

- 1) A license is not required from DCA to vend on private property.
- 2) A sidewalk falls within the definition of public space. Selling flowers falls within the definition of a general vendor. The selling of flowers on a public sidewalk requires a general vendor's license.

Please be advised that there is a waiting list for a general vendor's license.

Sincerely,

[REDACTED]
Staff Counsel