



Legislation Details (With Text)

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In control: Committee on Consumer Affairs
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Title: A Local Law to amend the administrative code of the city of New York, in relation to bicycle parking in garages and parking lots.
Sponsors: Karen Koslowitz, Brad S. Lander, Darlene Mealy, James G. Van Bramer, Daniel Dromm, Ydanis A. Rodriguez, Stephen T. Levin, Charles Barron, James F. Gennaro, David G. Greenfield, Peter A. Koo
Indexes:
Attachments: Int. No. 720 - 11/29/11, Committee Report 11/23/11, Hearing Testimony 11/23/11, Hearing Transcript 11/23/11, Committee Report 12/6/11, Hearing Transcript 12/6/11, Fiscal Impact Statement, Hearing Transcript - Stated Meeting 12-8-11, Mayor's Letter

Date	Ver.	Action By	Action	Result
11/23/2011	*	Committee on Consumer Affairs	Hearing on P-C Item by Comm	
11/23/2011	*	Committee on Consumer Affairs	P-C Item Laid Over by Comm	
11/29/2011	*	City Council	Referred to Comm by Council	
11/29/2011	*	City Council	Introduced by Council	
12/6/2011	*	Committee on Consumer Affairs	Hearing Held by Committee	
12/6/2011	*	Committee on Consumer Affairs	Amendment Proposed by Comm	
12/6/2011	*	Committee on Consumer Affairs	Amended by Committee	
12/6/2011	A	Committee on Consumer Affairs	Approved by Committee	Pass
12/8/2011	A	City Council	Approved by Council	Pass
12/8/2011	A	City Council	Sent to Mayor by Council	
12/27/2011	A	Mayor	Hearing Held by Mayor	
12/27/2011	A	Mayor	Signed Into Law by Mayor	
12/27/2011	A	City Council	Recved from Mayor by Council	

Int. No. 720-A

By Council Members Koslowitz, Lander, Mealy, Van Bramer, Dromm, Rodriguez, Levin, Barron, Gennaro, Greenfield and Koo

A Local Law to amend the administrative code of the city of New York, in relation to bicycle parking in garages and parking lots.

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 20-327.1 of the administrative code of the city of New York, as added by local law number 51 of the laws of 2009, is amended to read as follows:

b. Bicycle parking spaces in garages and lots.

1. The operator of every garage or lot subject to the provisions of this section shall [provide not less than] maintain: (i) racks, hooks, poles or other devices to which bicycles can be secured; and (ii) locks, chains or other devices with which to secure them.

Such devices shall enable the garage or lot to park and secure at least one bicycle [parking space] for every ten automobile parking spaces provided, up to two hundred automobile parking spaces. Thereafter, the garage or lot shall be equipped to park one bicycle [parking space shall be provided] for every one hundred automobile parking spaces. Fractions equal to or greater than one-half resulting from this calculation shall be [considered] deemed to [be] require parking for one bicycle [parking space] . Parking garages or lots that permit customers to park and lock their bicycles using the customers' own locks, chains or other devices with which to secure such bicycles shall be required to maintain locks, chains or other devices with which to secure bicycles sufficient to accommodate customers who do not have their own lock, chain or other device with which to secure their bicycles.

2. [The] A bicycle [parking spaces] parked in [garages and lots] a garage or lot that is subject to the provisions of this section shall be [enclosed to the same extent that parking spaces for automobiles are enclosed] parked at least two feet away from any motor vehicle.

3. [Each such bicycle parking space] Bicycles parked pursuant to this section shall [adjoin] be locked to a rack , pole or [similar system for] other device capable of securing the bicycle [and shall be located in an area secured by a lock or similar means], or [adjoin a] shall be hung on the wall from a securely anchored rack or hook to which the bicycle frame and at least one wheel [can] shall be locked [without damage to the wheels, frame or components of the bicycle, unless the bicycle is parked in a] . Such requirements for racks, poles, or hooks and locks, chains or other securing devices shall not be required where a parking garage or lot provides bicycle parking in a location [not accessible to the public and bicycles are parked therein] that prohibits any

bicycle parking in a location [not accessible to the public and bicycles are parked therein] that prohibits any person other than [only by] employees of the facility from parking or removing the bicycle from the garage or lot.

[4. An area consisting of at least two by three by six feet in volume shall be provided for each such bicycle parking space.]

§ 2. Subdivision c of section 20-327.1 of the administrative code of the city of New York, as added by local law number 51 for the year 2009, is amended to read as follows:

c. Bicycle parking racks [or other devices shall be securely anchored so they cannot be easily removed and] , hooks, poles or other devices used by garage or lot operators to secure bicycles shall be of sufficient strength and design to resist vandalism and theft.

§ 3. Subdivision d of section 20-327.1 of the administrative code of the city of New York is REPEALED.

§ 4. Subdivision e of section 20-327.1 of the administrative code of the city of New York, as added by local law number 51 for the year 2009, is re-lettered as subdivision d and amended to read as follows:

[e] d . Bicycle parking [spaces] shall be accessible to bicycle owners/operators to at least the same extent as vehicle parking [spaces are] is accessible to vehicle owners/operators. The operator of a garage or lot subject to this section shall not refuse to provide parking for a bicycle unless there is no room for such bicycle at that time because the total number of bicycles required to be accommodated by paragraph one of subdivision b of this section has been met.

§ 5. Subdivisions f, g, i, and j of section 20-327.1 of the administrative code of the city of New York, as added by local law number 51 for the year 2009, are re-lettered as subdivisions e, f, h and i, respectively.

§ 6. Subdivision h of section 20-327.1 of the administrative code of the city of New York, as added by local law number 51 for the year 2009, is re-lettered as subdivision g and amended to read as follows:

[h] g . The operator of each garage or parking lot subject to the provisions of this section shall post conspicuously at the public entrance to the garage or parking lot a sign composed of letters and figures of such

conspicuously at the public entrance to the garage or parking lot a sign composed of letters and figures of such size, height, width, spacing, color and description as shall be prescribed by the rules of the commissioner. Such sign shall set forth the rate to be charged by such garage or parking lot for bicycle parking [spaces], the hours during which such garage or parking lot will remain open for business and the minimum capacity of bicycle s [parking spaces] of such garage or parking lot.

§ 7. This local law shall take effect 120 days after its enactment except that the commissioners of consumer affairs and/or buildings shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

R.C.
LS#2846
11/30/11

The following Notice of Adoption to promulgate amendments to the rule regarding parking lots and garages was published in the *City Record* on page 4306 on December 15, 2009. The amendments become effective January 14, 2010.

NOTICE OF ADOPTION

Notice of Adoption of Amendments to Rule to Regarding Parking Lots and Garages.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of the Department of Consumer Affairs by Section 20-104(b) of Chapter 1, and Section 20-331 of Chapter 2, Title 20 of the Administrative Code of the City of New York and in accordance with the requirements of Section 1043 of the New York City Charter that the Department promulgates and adopts amendments to an existing rule regarding parking lots and garages.

These amendments were proposed and published on November 6, 2009. The required public hearing was held on December 7, 2009.

Material being deleted is shown below in brackets and material being be added is underlined.

RULE

Section 1. The title of section 2-161 of title 6 of the Rules of the City of New York and paragraph (1) of subdivision (d), paragraph (1) of subdivision (f) and paragraph (1) of subdivision (i) of section 2-161 are amended to read as follows:

§2-161 [**Certification by Agencies**] **Operation of Parking Lots and Garages.**

(d) (1) The number and types of insurance policies carried by the applicant for a license, must be set forth on the face of the application and must be reasonably adequate, in the opinion of the Commissioner, to protect the public, which policies shall include coverage for legal liability[, for operations including] resulting from operation on the licensed premises of vehicles and bicycles owned by the licensee [and owned] or by third persons, for injury or [damages] damage to person or property and garage keepers liability, in the sum of not less than \$100,000 for personal injury to any one person and \$300,000 for personal injury to two or more persons and \$25,000 for [damages] damage to property.

(f) (1) (i) Motor vehicles shall not be stored or parked by licensees on public streets, avenues, highways, or public places except when permission is given by the customer in a written agreement which is signed by the customer.

(ii) Bicycles shall not be stored or parked by licensees on public streets, avenues, highways, or public places.

(i) (1) Every applicant for a license shall file with his application a schedule of rates showing the prices charged for hourly, daily, weekly, and monthly parking or storage of motor vehicles and bicycles, and all other rates charged therefor.

§2. Subparagraphs (ii) and (vi) of paragraph (2) of subdivision (g) of section 2-161 of title 6 of the Rules of the City of New York are amended, and subparagraphs (viii) and (ix) are added, to read as follows:

(ii) Separate signs, having reverse color schemes placed in juxtaposition to each other, shall be used when DAY and NIGHT Rates differ, provided that the DAY Rate sign (black letters on white background) shall be so marked that a motorist parking his vehicle or a bicyclist parking his bicycle when DAY Rates are in effect may, from said schedule, readily and easily determine his total charges should he remove his vehicle or bicycle when NIGHT Rates (white letters and numerals on black background) are in effect.

For Example:

DAY RATES	NIGHT RATES
Enter 7 A.M. to 6 P.M.:	Enter 6 P.M. to 2 A.M.:
Up to 1 hour: \$	Up to 1 hour: \$
Up to 2 hours: \$	Up to 2 hours: \$
etc.	etc.,
Maximum to 6 P.M.: \$	Maximum to 2 A.M.: \$

One of the following may be used, (whichever policy the Licensee adopts) under the last line of the "DAY Rates" sign.

For Example:

Either
After 6 P.M.\$ for
each additional hour or part thereof.
Maximum to 2 A.M.: \$

Or
After 6 P.M.—NIGHT RATES apply.
(See attached specimen "No. II")

(vi) Each licensee shall also post conspicuously at the public entrance or entrances to the garage or parking facility or, when impossible, in immediate proximity thereto, a separate sign composed of letters and numerals of the same dimensions and specifications as hereinabove set forth, stating the name, address, license number of the Licensee, the licensed capacity of said premises, the minimum number of bicycle parking spaces in said premises, and the business hours thereof.

(viii) Licensees required to provide space for parking bicycles shall post the rate schedules for rates the licensee is authorized to charge for parking bicycles in the same manner as required for posting the rate schedule for vehicles. The signs for the rate schedule applicable to each type of

conveyance shall be clearly marked as DAY or NIGHT RATES for VEHICLES or DAY or NIGHT RATES for BICYCLES, as appropriate.

(ix) The rates initially posted for parking bicycles on or after the effective date of Local Law Number 51 for the year 2009 by licensees required to provide space for parking bicycles by such law shall remain in effect without having been filed with the Commissioner until January 14, 2010, provided such licensee files such rates with the Commissioner prior to such date. No rate shall be in effect thereafter unless a rate change is implemented as provided by law and this subchapter.

§3. Subdivisions (h), (j), (n), paragraph (4) of subdivision (r), and subdivision (s) of section 2-161 of title 6 of the Rules of the City of New York are amended to read as follows:

(h) (1) In the event the maximum capacity of a licensed parking lot or garage has been reached, a sign composed of letters at least six inches in height, must be posted at the public entrance of such garage or parking lot, stating, "Capacity full."

(2) In the event that all available bicycle parking spaces are occupied, a sign composed of letters at least six inches in height, must be posted at the public entrance of such garage or parking lot, stating, "Bike Parking Capacity Filled."

(j) No contract, agreement, lease, receipt, rule or regulation made or issued by any licensee with or to a person who parks or stores a motor vehicle or bicycle in a garage or parking lot operated by such licensee, shall exempt such licensee from liability for damage or loss caused by the negligence of such licensee or any employee of such licensee.

(n) Licensee is not permitted to use a customer's vehicle or bicycle under any circumstances whatsoever except when indispensably necessary to the operation of the business conducted by the licensee in connection with the incidental movement of vehicles or bicycles solely for the purpose of storage.

(r) (4) Whenever an auxiliary time clock is required to be provided as set forth hereinabove, a sign shall be conspicuously posted directly above or adjacent to the clock stating:

"CUSTOMER'S TIME CLOCK. THIS CLOCK MAY BE USED BY
CUSTOMER TO STAMP TIME ON PARKING RECEIPT WHENEVER
CASHIER CANNOT STAMP RECEIPT IMMEDIATELY UPON CUSTOMER'S
ARRIVAL TO PICK UP CAR OR BICYCLE"

Said statement shall be on a sign or placard at least 12 inches by 18 inches in dimension and shall have letters thereon not less than 1 inch high.

(s) Licensees shall take reasonable care to prevent damage to or loss of a customer's vehicle, bicycle or personal property. Licensees must also respond in writing within 30 days to all written

notices of claim from consumers. A licensee's failure to meet its obligations under this subdivision (s) will subject it to an order to pay damages to the affected party.

§4. Section 2-161 of title 6 of the Rules of the City of New York is amended by adding new subdivisions (t) and (u), to read as follows:

(t) A licensee shall be in compliance with sections 25-80, 36-70 and 44-60 of the zoning resolution regarding bicycle parking for the purpose of exempting licensees from the requirements of subdivisions (a) through (f) of section 20-327.1 of the administrative code of the city of New York only if such licensee files with the Department an affidavit affirming it is in full compliance with the requirements specified such sections of the zoning resolution.

(u) A licensee who is granted a waiver from compliance with the requirements of section 20-327.1 of the administrative code of the city of New York as provided by section 20-327.1 (a) (3) of such code shall post a sign in letters at least four inches high adjacent to the public entrance to its parking garage or lot stating "Bike Parking Not Required by Law." Such licensee shall have a copy of the waiver available on premises and shall display it on request.

Statement of basis and Purpose: Section 20-104 (b) of the Administrative Code of the City of New York confers on the Commissioner the power to promulgate rules necessary to carry out his or her powers and duties, and to require adequate disclosure by those engaged in licensed activities of both the terms and conditions under which they perform licensed activity...and adequate disclosure of applicable local...law pertinent to consumers' interests regarding the conduct of activities licensed under chapter two. Section 20-330 of the Administrative Code authorizes the Commissioner to promulgate such rules as may be necessary to carry out the provisions of subchapter 18 of such chapter governing parking lots and garages. Local Law Number 51 for the Year 2009 amended such subchapter to require that, unless exempted by such Local Law, the operators of parking lots and garages with an authorized capacity of 100 or more motor vehicles provide a specified number of spaces for parking bicycles, and that such operators post signs prescribed by rules promulgated by the Commissioner describing the rates to be charged for parking bicycles.

The Department amends the applicable provisions of section 2-161 of Chapter 2 of Title 6 of the Rules of the City of New York that prescribe requirements which operators of parking lots and parking garages must follow relating to the parking of motor vehicles. Since those operators who will be required to park bicycles must adhere to the same requirements as apply to the parking of vehicles, the Department amends the provisions of the rule by expanding these requirements to cover the parking of bicycles whenever applicable, including the posting of rate signs for bicycles. Because operators would be unable to make their initial rate filing 60 days in advance to be in effect on the effective date of the law, the Department authorizes such operators to charge such rates for parking of bicycles on the effective date of the law and file with the Department within 60 days after the effective date of this rule. This will enable operators to initiate compliance with their obligation to begin parking bicycles upon the effective date of the law.

Finally, the Department is specifying that an operator, in order to establish that it is exempt from the requirements for parking bicycles as prescribed in Local Law 51 on the basis of compliance with section 25-80, 36-70 and 44-60 of the Zoning Resolution, such operator shall

file with the Department an affidavit affirming its compliance with the applicable provisions of the Zoning Resolution. This will enable the Department to readily identify the operators that qualify for such exemption. The Department also requires that licensees who have obtained a waiver pursuant to section 20-237.1 (a) (3) of the Administrative Code be required to post a sign that bicycle parking is not available at such facility, ensuring that consumers are informed that the facility is not required to provide parking spaces for bicycle. This will avoid confusion about whether a facility is in compliance with the law.



Legislation Text

File #: Int 0780-2008, Version: A

Int. No. 780-A

By Council Members Koppell, Brewer, Comrie, James, Yassky, White Jr., Garodnick, Gennaro, Vacca and Liu

A Local Law to amend the administrative code of the city of New York, in relation to bicycle parking in garage and parking lots.

Be it enacted by the Council as follows:

Section 1. Subchapter 17 of chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-327.1 to read as follows:

§ 20-327.1 Bicycle parking spaces.

a. Applicability.

1. i. The operator of every garage and parking lot that has an authorized capacity of one-hundred or more motor vehicles shall provide and maintain parking spaces for bicycles in accordance with the provision of this section.

ii. Two years after the effective date of the local law that added this section, the operator of every garage and parking lot that has an authorized capacity of fifty-one or more motor vehicles shall provide and maintain parking spaces for bicycles in accordance with the provisions of this section.

2. The requirements of subdivisions a through f of this section shall not apply to buildings or parking lots that comply with the bicycle parking provisions of sections 25-80, 36-70 and 44-60 of the zoning resolution of the city of New York.

3. Waiver. The operator of a garage or parking lot subject to the provisions of this section may apply to the commissioner for a waiver from the requirements of this section on the grounds that compliance with this section will result in a violation of otherwise applicable zoning regulations, including, but not limited to zoning regulations determining the number of required automobile parking spaces a garage or parking lot shall have.

Prior to applying for such waiver, such operator of a garage or parking lot shall submit to the commissioner of buildings a certification from a registered design professional and other supporting additional documentation as such commissioner may require, including, but not limited to, floor plans and diagrams of the garage or parking lot in anticipation of the waiver application. Upon complete submission of all required documentation, the commissioner of buildings shall within forty days review the documentation submitted by the operator, and shall provide to the operator a written recommendation, of whether compliance would be impracticable because of the requirements of applicable zoning regulations. The operator shall submit such recommendation to the commissioner as part of its waiver application, and the resulting written grant or denial of such application by the commissioner shall be final.

b. Bicycle parking spaces in garages and lots.

1. The operator of every garage or lot subject to the provisions of this section shall provide not less than one bicycle parking space for every ten automobile parking spaces provided, up to two hundred automobile parking spaces. Thereafter, one bicycle parking space shall be provided for every one hundred automobile parking spaces. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one bicycle parking space.

2. The bicycle parking spaces in garages and lots subject to the provisions of this section shall be enclosed to the same extent that parking spaces for automobiles are enclosed.

3. Each such bicycle parking space shall adjoin a rack or similar system for securing the bicycle and shall be located in an area secured by a lock or similar means, or adjoin a securely anchored rack to which the bicycle frame and at least one wheel can be locked without damage to the wheels, frame or components of the bicycle, unless the bicycle is parked in a location not accessible to the public and bicycles are parked thereir only by employees of the facility.

4. An area consisting of at least two by three by six feet in volume shall be provided for each such bicycle parking space.

c. Bicycle parking racks or other devices shall be securely anchored so they cannot be easily removed and shall be of sufficient strength and design to resist vandalism and theft.

d. Bicycle parking spaces in both garages and parking lots shall be protected from damage by motor vehicles by a physical barrier such as curbs, wheel stops, poles or other similar features capable of inhibiting motor vehicles from contacting a bicycle or encroaching upon a bicycle parking space.

e. Bicycle parking spaces shall be accessible to bicycle owners/operators to at least the same extent as vehicle parking spaces are accessible to vehicle owners/operators .

f. The operator of every garage and parking lot that is subject to the provisions of this section shall file with the commissioner a schedule of rates showing the prices charged daily, weekly, and monthly for parking and storage of bicycles.

g. No operator of a garage or parking lot subject to the provisions of this section shall make any charge for parking or storage of a bicycle in excess of the rates set forth in the schedule filed with the commissioner unless at least sixty days prior to the effective date of such changed rates, such operator has filed with the commissioner, in writing, such change in rates and has posted such changed rates on signs which conform with the requirements of subdivision h of this section.

h. The operator of each garage or parking lot subject to the provisions of this section shall post conspicuously at the public entrance to the garage or parking lot a sign composed of letters and figures of such size, height, width, spacing, color and description as shall be prescribed by the rules of the commissioner. Such sign shall set forth the rate to be charged by such garage or parking lot for bicycle parking spaces, the hours during which such garage or parking lot will remain open for business and the minimum capacity of bicycle parking spaces of such garage or parking lot.

i. Bicycles unclaimed after sixty days shall be considered abandoned property and shall become the property of the operator of the garage or parking lot.

j. Within twelve months after the effective date of the local law that added this section, the

commissioners shall submit a report to the council regarding the effectiveness of this local law at increasing the capacity of parking for bicycles in garages. Such report shall contain, among other things, the number and location of bicycle parking spaces and rate of usage of such spaces.

§2. This local law shall take ninety days after enactment except that the commissioners of consumer affairs and/or buildings shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

LCC
LS #5260
6/2209

Note: New York City businesses must comply with all relevant federal, state, and City laws and rules. All laws and rules of the City of New York, including the Consumer Protection Law and Rules, are available through the Public Access Portal, which businesses can access by visiting www.nyc.gov/consumers. For convenience, sections of the New York City Licensing Law (and Rules, if enacted) are included as a handout in this packet. The Law (and Rules) are current as of January 2009.

Please note that businesses are responsible for knowing and complying with the most current laws, including any City Council amendments. The Department of Consumer Affairs (DCA) is not responsible for errors or omissions in the handout provided in this packet. The information is not legal advice. You can only obtain legal advice from a lawyer.

NEW YORK CITY ADMINISTRATIVE CODE
TITLE 20: CONSUMER AFFAIRS
CHAPTER 2: LICENSES
SUBCHAPTER 17: GARAGES AND PARKING LOTS

§ 20-320 Definitions. As used in this subchapter, the following terms shall mean and include:

1. "Garage." A building, shed or enclosure or any portion thereof which has the capacity to hold five or more motor vehicles and which is used to accommodate, store, or keep any motor vehicle for the payment of a fee or other consideration charged directly or indirectly.
2. "Parking lot." Any outdoor space or uncovered plot of ground which has the capacity to hold five or more motor vehicles and is used to accommodate, store, or keep any motor vehicle for the payment of a fee or other consideration, charged directly or indirectly.

§ 20-321 License required; fees; term. a. It shall be unlawful for any person to maintain, operate or conduct a garage or parking lot without a license therefor issued by the commissioner.

b. A license to maintain, operate or conduct a garage or parking lot shall be granted to a person of good character, in accordance with the provisions of this subchapter and the rules and regulations of the commissioner.

c. The biennial fee for every such license or renewal thereof shall be as follows:

1. For each garage or parking lot which has the capacity to hold not more than twenty-five motor vehicles, three hundred dollars.
2. For each garage or parking lot which has the capacity to hold twenty-six, and not more than fifty motor vehicles, three hundred eighty dollars.
3. For each garage or parking lot which has the capacity to hold fifty-one, and not more than one hundred motor vehicles, five hundred forty dollars.

4. For each garage or parking lot which has the capacity to hold more than one hundred motor vehicles, six hundred ninety dollars.

d. A commuted license may be issued for a period not exceeding any four months in the year at one-half the fees provided for hereinabove, except that the minimum rate for any such commuted license shall not be less than one hundred fifty dollars.

e. Notwithstanding the provisions above, a fee of three hundred dollars shall be paid for a license to conduct a garage or parking lot maintained, operated or conducted under thirty-day permits issued by the city, any agency thereof, or the transit authority.

§ 20-322 Exemptions. The provisions of this subchapter shall not apply to the maintenance, operation or conduct of a garage or parking lot:

- a. by the city or any agency thereof;
- b. in conjunction with a business for the exclusive accommodation of patrons of such business or the employees of such business; or
- c. by the owner or lessee of a multiple dwelling for the exclusive accommodation of the tenants or residents of such multiple dwelling.

§ 20-323 Applications. Each applicant for such license shall file with the commissioner a written application in such form and containing such information as may be prescribed by the commissioner.

§ 20-324 Rate schedules; change of rates. a. Every applicant for a license to maintain, conduct or operate a parking lot or garage shall file with the commissioner a schedule of rates showing the prices charged daily, weekly, and monthly for parking or storage of motor vehicles.

b. Each such licensee shall post conspicuously at the public entrance to the garage or parking lot a sign composed of letters and figures of such size, height, width, spacing, color and description as shall be prescribed by the rules and regulations of the commissioner. Such sign shall set forth the schedule of rates charged, the hours during which such garage or parking lot will remain open for business, and the maximum capacity of such garage or parking lot. Where more than one rate is charged for the parking or storage of a motor vehicle, the letters and figures designating each such rate shall be of the same size and dimensions.

c. No licensee shall make any charge for parking or storing in a garage or parking lot in excess of the rates set forth in the schedule filed with the commissioner, unless and until at least sixty days prior to the effective date of such changed rates, such licensee has filed with the commissioner, in writing, such change in rates and has posted

such changed rates on signs which conform with the requirements of subdivision b hereof.

§ 20-325 License not transferable. No license issued under the provisions of this subchapter shall be transferred or assigned to any person or used by any person, other than the licensee to whom it was issued, nor shall such license be used at any location other than the location stated in such license.

§ 20-326 Claim checks. Every licensee, at the time of accepting a motor vehicle for parking or storage, shall furnish to the driver of such vehicle a distinctive claim check acknowledging the receipt of the vehicle and showing the date of such acceptance. Every such claim check shall contain the name of the licensee and his or her license number. Such licensee shall not be required to issue a claim check for any vehicle which is parked or stored on a weekly or monthly basis, nor for any vehicle parked in a parking lot where the patrons are permitted to park and lock their own cars.

§ 20-327 Limitation on number of vehicles; manner of storage. a. No motor vehicle shall be accepted by a licensee for parking, or storage, in excess of the capacity of the garage or parking lot, as shown in the license. Whenever the maximum capacity of a garage or parking lot has been reached, the licensee shall post, at the public entrance thereof, a sign, composed of letters of such size, height, width, spacing, color and description as shall be prescribed by the rules and regulations of the commissioner, stating that such maximum capacity has been reached.

b. Vehicles shall be stored or parked on the licensed premises in such manner as shall be prescribed by the rules and regulations of the commissioner, for the purpose of safeguarding persons and property and permitting adequate inspection of the premises.

§ 20-328 Unauthorized use. a. Definition. Whenever used in this section, unauthorized use shall mean any and all unlawful act or acts and any activity not expressly permitted by the owner, lessor or operator of any property.

b. The commissioner shall receive and investigate complaints concerning the unauthorized use of parking lots during the hours when such parking lots are not in operation.

c. Upon due notice and hearing the commissioner shall be empowered to order remedies to cure such unauthorized use including but not limited to requiring that the licensee lock or guard the parking lot when it is

not in operation.

d. The commissioner shall promulgate such regulations as may be necessary to effectuate the purpose of this section.

§ 20-329 Payments of judgments. Every license issued pursuant to this subchapter shall be subject to suspension or revocation upon the failure of such licensee to pay or satisfy any judgment secured against him or her by anyone who stored or parked a motor vehicle in the garage or parking lot licensed hereunder, provided that such judgment was secured in a court of competent jurisdiction against the licensee for acts of commission or omission with regard to the business maintained, operated or conducted by him or her pursuant to the license issued hereunder.

§ 20-330 Regulations. The commissioner may promulgate such rules and regulations as may be necessary to carry out the provisions of this subchapter.

§ 20-331 Revocation, suspension or renewal of license. Any license may be suspended or revoked by the commissioner, and any application for a renewal thereof denied, for the failure of the licensee to comply with any applicable provision of law or any rule or regulation duly promulgated by the commissioner.

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RULES OF THE CITY OF NEW YORK
TITLE 6: DEPARTMENT OF CONSUMER AFFAIRS
CHAPTER 2: LICENSES
SUBCHAPTER Q: GARAGES AND PARKING LOTS

§2-161 Certification by Agencies.

(a) Except within the discretion of the Commissioner, no license may be issued unless certificates have been forwarded to the commissioner by the Fire Department, the Department of Buildings, the Bureau of Gas and Electricity in the Department of General Services, and the Department of Ports and Trade when applicable; stating that the premises proposed to be licensed comply with all applicable laws and regulations.

(b) The determination of the maximum motor vehicle capacity of each garage and parking lot, which shall appear on the face of the license, shall be made by adopting the maximum vehicle capacity as stated on the approved Certificate of Occupancy issued by the Department of Buildings or on the approved Certificate of Completion issued by the Department of Ports and Trade, whichever is applicable.

(c) (1) The application for a license must state the number of applicant's employees, including the number of full time employees and the number of part time employees.

(2) The premises of licensed parking lots and garages must be adequately attended at all times during operation.

(d) (1) The number and types of insurance policies carried by the applicant for a license, must be set forth on the face of the application and must be reasonably adequate, in the opinion of the Commissioner, to protect the public, which policies shall include legal liability, for operations including vehicles owned by the licensee and owned by third persons for injury or damages to person or property and garage keepers liability in the sum of not less than \$100,000 for personal injury to any one person and \$300,000 for personal injury to two or more persons and \$25,000 for damages to property.

(2) In the event of cancellation of any of the insurance policies referred to in the application, the licensee must make immediate notification to the Commissioner of such cancellation and of any substitutions. Such notification may be made on behalf of the licensee by its insurance company or broker.

(3) The applicant shall present for review and consideration at the time of this application for a license, or renewal thereof, the original policies of insurance, or certificates of insurance.

(e) In the event of a change of ownership of licensed garage or parking lot, the licensee of record must make prompt notification to the Commissioner.

(f) (1) Motor vehicles shall not be stored or parked by licensees on public streets, avenues, highways, or public places except when permission is given by the customer in a written agreement which is signed by the customer.

(2) Every licensee shall report to the Police Commissioner, in writing, the registration number, make and the name of the owner of every motor vehicle stored on a transient basis and left in a licensed garage or parking lot and remaining unclaimed for a period of more than seventy-two consecutive hours. No additional report shall be required to be made concerning any such vehicle, unless it shall have remained unclaimed for an additional thirty or more consecutive days. In such case, an additional report or reports shall be made every thirty days after such prior report, during the period for which such vehicle shall have remained unclaimed. The term "transient basis" used in this subdivision (f) means storage of cars for periods not covered by contractual agreements for storage of cars by the week, month or longer periods.

(g) (1) Licensed parking lots and garages having a separate entrance and exit, must have their main entrance and main exit clearly designated, with illuminated signs marked "Entrance" and "Exit."

(2) (i) Each licensee shall post conspicuously at the public entrance or entrances to the garage or parking facility or, when impossible, in immediate proximity thereto, a durable sign or signs composed of black letters and numerals on white background, the upper-case (capital) letters and numerals to be three inches (3") high, the lower-case letters to be two inches (2") high; all letters "same serif," as per attached specimen "No. I." Letters and numerals shall be proportionately spaced and shall neither be contracted nor expanded so as to inhibit readability. Each classification and the applicable rate or rates thereunder shall be listed on a separate line not to exceed forty inches (40") in width. Said lines shall be spaced one and one-half inches (1 1/2") apart, as measured between the upper-case (capital) letters. Rates for fractional or hourly periods shall be so listed as to reflect the total charge for each aggregate period up to the maximum thereof.

For Example:

Up to 1 hour: \$

Up to 2 hours: \$

Maximum: Hours:

or

Maximum: 6 A.M. to 7 P.M

as per attached specimen "No. II."

(ii) Separate signs, having reverse color schemes placed in juxtaposition to each other, shall be used when DAY and NIGHT Rates differ, provided that the DAY Rate sign (black letters on white background) shall be so marked that a motorist parking his vehicle when DAY Rates are in effect may, from said schedule, readily and easily determine his total charges should he remove his vehicle when NIGHT Rates (white letters and numerals on black background) are in effect.

For Example:

DAY RATES	NIGHT RATES
Enter 7 A.M. to 6 P.M.:	Enter 6 P.M. to 2 A.M.:
Up to 1 hour: \$	Up to 1 hour: \$
Up to 2 hours: \$	Up to 2 hours: \$
etc.	etc.,
Maximum to 6 P.M.: \$	Maximum to 2 A.M.: \$

One of the following may be used, (whichever policy the Licensee adopts) under the last line of the "DAY Rates" sign.

For Example:

Either
After 6 P.M.\$ for each additional hour or part thereof. Maximum to 2 A.M.: \$
or
After 6 P.M.—NIGHT RATES apply. (See attached specimen "No. II")

(iii) Licensees who maintain a different Rate Schedule for certain days of the week or for special occasions such as Matinees, Ball Games, etc., shall list chronologically such rates directly under the normal rate schedule applicable to DAY or NIGHT listings, as the case may be, or on a separate adjacent sign, to permit easy and ready readability.

(iv) A replica or legible typewritten facsimile of such rate sign or signs, at least eight inches (8") by ten inches (10"), shall be so conspicuously posted or displayed at the place designated by the Licensee for the payment of charges that it can be readily seen by the customer. A copy thereof shall also be filed in quadruplicate with the COMMISSIONER OF CONSUMER AFFAIRS OF THE CITY OF NEW YORK simultaneously with the filing of the Licensee's rate schedule or change thereof.

(v) Auxiliary signs may be displayed, provided that all letters and numerals are equal size and conform to the style of letterings as hereinabove set forth, and further provided that such sign or signs neither mislead nor confuse or tend to mislead or confuse the public except as otherwise expressly provided herein.

The license sign required to be displayed by §1-03 (Chapter 1 of Title 20, Administrative Code) shall be located in a conspicuous position at the place designated by the licensee for the payment of charges.

(vi) Each licensee shall also post conspicuously at the public entrance or entrances to the garage or parking facility or, when impossible, in immediate proximity thereto, a separate sign composed of letters and numerals of the same dimensions and specifications as hereinabove set forth, stating the name, address, license number of the Licensee, the licensed capacity of said premises and the business hours thereof.

(vii) The Commissioner may, upon due application by a licensee, vary any of the foregoing requirements, provided such variance is not inconsistent with the aim and purpose of this subdivision (g) nor detrimental to the public welfare. The sign posted at parking facilities accessory to multiple dwellings, which provide parking services exclusively to the residential tenants of the accessory multiple dwelling, and are subject to the Rent Stabilization Law and Code in regard to the charges for such services, may contain the following information on rates: "No transients or non-residents permitted. Residential tenants only. Rates as fixed by rent laws," or wording to such effect.

(3) (i) The sign must be sufficiently illuminated, clearly visible and readable.

Specimen No. 1	Specimen No. II	
ABCDEFGHIJKLMN OPQRSTUVWXYZ abcdefghijklmn opqrstuvwxyz 1/2 0123456789 1/2 0 1 2 3 4 5 6 7 8 9	DAY RATES Enter 7 A.M. to 6 P.M.	
	Up to 1/2 hour	\$.00
	Up to 1 hour	0.00
	Up to 2 hours	0.00
	Up to 3 hours	0.00
	Up to 4 hours	0.00
	After 6 P.M.	0.00
	for each add'l hour or part thereof	
	Max. to 2 A.M.	0.00
	(or) After 6 P.M.: Night Rates Apply	

(ii) Each licensee whose garage or parking facility is located in Manhattan shall also post conspicuously at the public entrance or entrances to the garage or parking facility

or, when impossible, in immediate proximity thereto, a separate sign, at least 12-inches by 18-inches in dimension with black letters at least 1-inch high, on a white background, stating the following:

ATTENTION MANHATTAN RESIDENTS

If you garage your car on a monthly basis or longer, you may be eligible for an exemption from the 8% parking tax surcharge.

To apply for a certificate of exemption, contact:

N.Y.C. Department of Finance
Parking Tax Exemption Section
25 Elm Place
Brooklyn, NY 11201
1-(718) 935-6144

(h) In the event the maximum capacity of a licensed parking lot or garage has been reached, a sign composed of letters at least six inches in height, must be posted at the public entrance of such garage or parking lot, stating, "Capacity full."

(i) (1) Every applicant for a license shall file with his application a schedule of rates showing the prices charged for hourly, daily, weekly, and monthly parking or storage of motor vehicles, and all other rates charged therefor.

(2) No licensee shall make any charge for parking or storage in excess of the rates set forth in such schedule, unless and until at least sixty days prior to the effective date of such changed rates, such licensee:

(i) has filed with the Commissioner in writing, such changes in rates;

(ii) has posted such changed rates on a sign which conforms with the requirements of §2-161(g)(2) and (3). In addition, the sign shall have the following heading in letters at least six inches in height:

"NEW RATE SCHEDULE

EFFECTIVE (DATE)."

(3) Licensees are expected and will be required to charge for parking the price scale filed with the Commissioner and advertised by sign on the premises, except that the charges to residential tenants in multiple dwellings shall be in accordance with the Rent Stabilization Law and Code if such charges are subject thereto. Where a less amount is charged, except as prescribed and controlled by the Rent Stabilization Law and Code for residential tenancies in multiple dwellings, the schedule filed with the Commissioner will be deemed to have been so amended and no higher price charged except after a formal sixty days notice to the Commissioner.

(4) A licensee who has taken over the business of a previous licensee may not increase the schedule of prices until formal notice has first been filed with the Commissioner and sixty days have elapsed subsequent to such filing.

(j) No contract, agreement, lease, receipt, rule or regulation made or issued by any licensee with or to a person who parks or stores a motor vehicle in a garage or parking lot operated by such licensee, shall exempt such licensee from liability for damage or loss caused by the negligence of such licensee or any employee of such licensee.

(k) Where a trade name is used by an applicant for a license, or a co-partnership applies for a license, a certified copy of the certificate required to be filed with the County Clerk must be filed with the application.

(l) Licensees may not reserve space for so-called regular customers unless such customer has obligated himself to pay on a weekly or monthly basis whether or not reserved space is actually used by the customer.

(m) Licensee is required to keep a written record of all weekly or monthly space rentals which record must be preserved for twelve months. The original of said record, or a true copy thereof, is required to be kept at the garage or parking lot at all times when the said garage or parking lot is open for business.

(n) Licensee is not permitted to use a customer's vehicle under any circumstances whatsoever except when indispensably necessary to the operation of the business conducted by the licensee in connection with the incidental movement of vehicles solely for the purpose of storage.

(o) Licensee may not require customer to purchase supplies or services as a condition to parking on the licensed premises.

(p) Licensee may not require customer to estimate or otherwise indicate time of departure from the licensed premises as a condition to parking on the premises.

(q) All licensed parking lots and garages shall comply with all applicable zoning requirements and with all other laws, ordinances, rules and regulations affecting the conduct of the licensed business as enforced by any city agency. Any violation of such requirements, laws, ordinances, rules or regulations may result in the suspension or revocation of the offender's license or the imposition of a monetary penalty.

(r) (1) Whenever a parking charge is determined by the time for which a parking space is provided and the receipt cannot be immediately stamped or marked with the time of return upon the customer's appearance at the licensed premises, an auxiliary time clock shall be provided at each place designated by the licensee for the payment of charges.

(2) For the purpose of determining the legal parking fee, the customer shall be permitted to stamp the receipt using the auxiliary time clock and the time shown thereon shall be the one utilized in making such determination.

(3) The time on an auxiliary time clock shall, at all times, correspond to the time shown on the time clock ordinarily used by the person receiving the parking fee.

(4) Whenever an auxiliary time clock is required to be provided as set forth hereinabove, a sign shall be conspicuously posted directly above or adjacent to the clock stating:

"CUSTOMER'S TIME CLOCK. THIS CLOCK MAY BE USED BY
CUSTOMER TO STAMP TIME ON PARKING RECEIPT WHENEVER
CASHIER CANNOT STAMP RECEIPT IMMEDIATELY UPON

CUSTOMER'S ARRIVAL TO PICK UP CAR"

Said statement shall be on a sign or placard at least 12 inches by 18 inches in dimension and shall have letters thereon not less than 1 inch high.

(s) Licensees shall take reasonable care to prevent damage to or loss of a customer's vehicle or personal property. Licensees must also respond in writing within 30 days to all written notices of claim from consumers. A licensee's failure to meet its obligations under this subdivision(s) will subject it to an order to pay damages to the affected party.