

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2004**

No. 35

Introduced by Council Members Monserrate, Weprin, Gennaro, Martinez, Barron, Fidler, Recchia Jr., Jackson, Comrie Jr., Addabbo Jr., Clarke, Dilan, Koppell, Liu, Nelson, Quinn, Reed, Lopez, Sanders Jr., Stewart, Perkins and Gonzalez.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to awnings.

Be it enacted by the Council as follows:

Section 1. Subdivision g of section 26-125 of the administrative code of the city of New York, as added by local law number 44 for the year 2003, is amended to read as follows:

g. (i) Notwithstanding any other provision of law, where a notice of violation or summons is issued on or after [the effective date of this subdivision] *July fourteen, two thousand three* for a violation of section 27-147 of this code or *paragraph (a) of section 32-653 or paragraph (a) of section 42-542 of the zoning resolution, or any provision amending, replacing or supplementing such sections of the zoning resolution*, for an awning in existence on [the effective] *such* date [of this subdivision, and such violation is based upon the failure to obtain a permit, the commercial copy on such awning or the height of any lettering on such awning], no penalty may be imposed, nor may injunctive relief be sought to restrain such violation, during the [six-month] period commencing on [the effective] *such* date [of this subdivision] *and ending on the later of (A) July fourteen, two thousand five, and (B) the date established by the commissioner in accordance with paragraph (iii) of this subdivision as the date of the conclusion of a program of education of the public regarding amendments of section 32-653 or 42-542 of the zoning resolution or the replacement or supplementation of such sections*. Where the person to whom the violation was issued cures such violation during [that six-month] *such* period, no penalty may subsequently be sought or imposed for such violation.

(ii) The provisions of paragraph i of this subdivision shall not apply where such awning creates an imminent threat to public health or safety.

(iii) *The commissioner shall develop a program to educate the public regarding amendments, adopted after the enactment of the local law that added this paragraph, of section 32-653 or 42-542 of the zoning resolution or the replacement or supplementation of such sections. Such program shall be implemented as soon as practicable following the adoption of such amendments, replacement or supplementation, and shall continue for a period of time deemed sufficient by the commissioner to provide reasonable notice to the public of the requirements imposed by such amendments, replacement or supplementation. The date of the conclusion of such program shall be established by the commissioner by rule which date shall be no later than November thirtieth, two thousand five.*

§2. Subdivision d of section 26-126 of the administrative code of the city of New York, as added by local law number 44 for the year 2003, is amended to read as follows:

d. (i) Notwithstanding any other provision of law, where a notice of violation or summons is issued on or after [the effective date of this subdivision] *July fourteen, two thousand three* for a violation of section 27-147 of this code or *paragraph (a) of section 32-653 or paragraph (a) of section 42-542 of the zoning resolution, or any provision amending, replacing or supplementing such sections of the zoning resolution*, for an awning in existence on [the effective] *such* date [of this subdivision, and such violation is based upon the failure to obtain a permit, the commercial copy on such awning or the height of any lettering on such awning], no penalty may be imposed, nor may injunctive relief be sought to restrain such violation, during the [six-month] period commencing on [the effective] *such* date [of this subdivision] *and ending on the later of (A) July fourteen, two thousand five, and (B) the date established by the commissioner in accordance with paragraph (iii) of this subdivision as the date of the*

conclusion of a program of education of the public regarding amendments of section 32-653 or 42-542 of the zoning resolution or the replacement or supplementation of such sections. Where the person to whom the violation was issued cures such violation during [that six-month] such period, no penalty may subsequently be sought or imposed for such violation.

(ii) The provisions of paragraph i of this subdivision shall not apply where such awning creates an imminent threat to public health or safety.

(iii) The commissioner shall develop a program to educate the public regarding amendments, adopted after the enactment of the local law that added this paragraph, of section 32-653 or 42-542 of the zoning resolution or the replacement or supplementation of such sections. Such program shall be implemented as soon as practicable following the adoption of such amendments, replacement or supplementation, and shall continue for a period of time deemed sufficient by the commissioner to provide reasonable notice to the public of the requirements imposed by such amendments, replacement or supplementation. The date of the conclusion of such program shall be established by the commissioner by rule which date shall be no later than November thirtieth, two thousand five.

§3. This local law shall take effect immediately and shall be deemed to have been in full force and effect on January 14, 2004.

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 June 28, 2004 and approved by the Mayor on July 12, 2004.

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 35 of 2004, Council Int. No. 272-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on June 28, 2004: 45 for, 1 against, 2 not voting.

Was signed by the Mayor on July 12, 2004.

Was returned to the City Clerk on July 14, 2004.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel