

**New York City Administrative Code -
Title 20 Consumer Affairs**

§ 20-465 Restrictions on the placement of vehicles, pushcarts and stands; vending in certain areas prohibited. a. No general vendor shall engage in any vending business on any sidewalk unless such sidewalk has at least a twelve-foot wide clear pedestrian path to be measured from the boundary of any private property to any obstructions in or on the sidewalk, or if there are no obstructions, to the curb. In no event shall any pushcart or stand be placed on any part of a sidewalk other than that which abuts the curb.

b. No general vendor shall occupy more than eight linear feet of public space parallel to the curb in the operation of a vending business and, in addition, no general vendor operating any vending business on any sidewalk shall occupy more than three linear feet to be measured from the curb toward the property line.

c. No vending vehicle, pushcart, stand, goods or any other item related to the operation of a vending business shall touch, lean against or be affixed permanently or temporarily to any building or structure including, but not limited to lamp posts, parking meters, mail boxes, traffic signal stanchions, fire hydrants, tree boxes, benches, bus shelters, refuse baskets or traffic barriers.

d. No vending pushcart, stand or goods shall be located against display windows of fixed location businesses, nor shall they be within twenty feet from an entranceway to any

building, store, theatre, movie house, sports arena or other place of public assembly.

e. No general vendor shall vend within any bus stop or taxi stand, or within ten feet of any driveway, any subway entrance or exit, or any corner. For purposes of this subdivision, ten feet from any corner shall be measured from a point where the property line on the nearest intersecting block face, when extended, meets the curb.

f. Each general vendor who vends from a pushcart or stand in the roadway shall obey all traffic and parking laws, rules and regulations as now exist or as may be promulgated, but in no case shall a general vendor vend so as to restrict the continued maintenance of a clear passageway for vehicles.

g. (1) No general vendor shall vend on any street which is in a C4, C5, or C6 zoning district, or in the area bounded on the east by Second Avenue, on the south by Thirtieth Street, on the west by Ninth Avenue and Columbus Avenue and on the north by Sixty-fifth Street, except that as chairperson of the street vendor review panel established pursuant to section 20-465.1 of this subchapter, the commissioner of the department of small business services or his or her designee may receive applications from any person, group, organization or other entity to permit general vendors on any street within said area or said zones, or to prohibit general vendors on any other street. Such applications shall be considered by the street vendor review panel in accordance with the procedures enumerated in section 20-465.1 of this subchapter.

(2) No general vendor shall vend on any street which is in the area including and bounded on the east by the

easterly side of Broadway, on the south by the southerly side of Liberty Street, on the west by the westerly side of West Street and on the north by the northerly side of Vesey Street.

(3) Upon issuance of a new general vendor license or a renewal of an existing license, the commissioner shall provide a copy of subchapter twenty-seven of chapter two of this title and of the rules of the city of New York implementing such subchapter to such new or renewal licensee.

h. Reserved.

i. No general vendor shall vend on the median strip of a divided roadway unless such strip is intended for use as a pedestrian mall or plaza.

j. No general vendor shall vend within the geographical areas under the jurisdiction of the department of parks and recreation unless written authorization therefor has been obtained from the commissioner of such department, but nothing therein contained shall exempt any general vendor from obtaining a license in accordance with this subchapter.

k. Where exigent circumstances exist and a police officer or other authorized officer or employee of any city agency gives notice to a general vendor to temporarily move from any location such general vendor shall not vend from such location. For the purposes of this subdivision, exigent circumstances shall include, but not be limited to, unusually heavy pedestrian or vehicular traffic, existence of any obstructions in the public space, an accident, fire or other emergency situation, a parade, demonstration or other such event or occurrence at or near such location.

l. Reserved.

m. No general vendor shall vend over any ventilation grill, cellar door, manhole, transformer vault, or subway access grating.

n. No general vendor shall vend using the surface of the sidewalk, or a blanket or board placed immediately on the sidewalk or on top of a trash receptacle or cardboard boxes to display merchandise. No general vendor display may exceed five feet in height from ground level. The display may not be less than twenty-four inches above the sidewalk where the display surface is parallel to the sidewalk, and may not be less than twelve inches above the sidewalk where the display surface is vertical. Where a rack or other display structure is placed on top of or above a table or other base, the size of the base shall not be less than the size of the display structure placed thereon. Nothing shall be placed on the base so as to exceed the size limitations contained in this section. No general vendor shall use any area other than that area immediately beneath the surface of the display space for the storage of items for sale.

o. No general vendor shall sell or offer for sale any item directly from any parked or double parked motor vehicle.

p. No general vendor shall use electricity, electrical generating equipment or oil or gasoline powered equipment, devices or machinery of any kind.

q. No general vendor shall vend:

1. within twenty feet from sidewalk cafes;
2. within five feet from (a) bus shelters, (b) newsstands, (c) public telephones or (d) disabled access ramps; and
3. within ten feet from entrances or exits to buildings which are exclusively residential at the street level.

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§ 20–468 **Enforcement.** a. Authorized officers and employees of the department and members of the police department shall have the power to enforce all laws, rules and regulations relating to general vendors. This provision shall in no way restrict any other power granted by law to an officer or employee of any city agency.

b. If a general vendor does not move his or her goods, vehicle, pushcart or stand when directed to do so by a police officer or other authorized officer or employee of the city in compliance with the provisions of subdivision k of section 20-465 such officer or employee is authorized to provide for the removal of such goods, vehicle, pushcart or stand to any garage, automobile pound or other place of safety, and the owner or other person lawfully entitled to the possession of such vehicle, pushcart, stand or goods may be charged with reasonable costs for removal and storage payable prior to the release of such goods, vehicle, pushcart or stand.

c. Any police officer may seize any vehicle, pushcart or stand or other such device used by an unlicensed general vendor in violation of section 20–453 including a vehicle, pushcart or other such device used to transport goods sold, given or otherwise transferred to an unlicensed general vendor in violation of section 20–466 of this subchapter and may seize any goods which are being sold by an unlicensed general vendor in violation of section 20–453

and such vehicle, pushcart, stand or goods or other device shall be subject to forfeiture upon notice and judicial determination. If a forfeiture proceeding is not commenced, the owner or other person lawfully entitled to the possession of such goods, vehicle, pushcart, or stand or other device may be charged with the reasonable cost for removal and storage payable prior to the release of such goods, vehicle, pushcart, or stand or other device, unless the charge of unlicensed vending has been dismissed.

d. If a general vendor operates any general vending business in violation of the provisions of section 20–465.1 of this subchapter and any rules promulgated pursuant thereto on any such street and at any such time as the street vendor review panel has determined to be regularly too congested by pedestrian or vehicular traffic to permit the operation of any general vending business thereat without there being a serious and immediate threat to the health, safety and well-being of the public, or if a general vendor operates any such business in the area designated in paragraph two of subdivision g of section 20–465 of this subchapter, any authorized officer or employee of the department or member of the police department is authorized to provide for the removal of such general vendor's goods, vehicle, pushcart or stand to any garage, automobile pound or other place of safety, and such goods, vehicle, pushcart or stand may be subject to forfeiture upon notice and judicial determination. If a forfeiture hearing is not commenced, the owner or other person lawfully entitled to the possession of such vehicle, pushcart, stand or goods may be charged with reasonable costs for removal and storage payable prior to the release of such goods, vehicle,

pushcart or stand.

e. Any police officer may seize any vehicle, pushcart, stand or goods of a vendor operating any general vending business in violation of the following subdivisions of section 20–465: subdivisions b, e, i, or the provisions of subdivision m relating to obstruction of ventilation grilles. The owner or other person lawfully entitled to the possession of such vehicle, pushcart, stand, or goods may be charged with reasonable costs for removal and storage payable prior to the release of such vehicle, pushcart, stand or goods, unless the violation has been dismissed.

f. If a general vendor who exclusively vends written matter conducts such business with the use of a vehicle, pushcart or stand, or using the surface of the sidewalk, or a blanket or board placed immediately on the sidewalk or on top of a trash receptacle or cardboard boxes to display merchandise, on any street and at any time where both (i) general vending is prohibited pursuant to section 20–465.1 of this subchapter and any rules promulgated thereunder or paragraph two of subdivision g of section 20–465 of this subchapter; and (ii) food vending is prohibited pursuant to section 20–465.1 of this subchapter and any rules promulgated thereunder or pursuant to subdivision k or 1 of section 17–315 of this code, any authorized officer or employee of the department or member of the police department is authorized to provide for the removal of such general vendor's goods, vehicle, pushcart or stand to any garage, automobile pound or other place of safety.

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§ 20–472 **Penalties.** a. Any person who violates the provisions of sections 20–453 and 20–474.1 of this subchapter shall be guilty of a misdemeanor punishable by a fine of not less than two hundred fifty dollars nor more than one thousand dollars, or by imprisonment for not more than three months or by both such fine and imprisonment. In addition, any police officer may seize any vehicle used to transport goods to a general vendor, along with the goods contained therein, where the driver is required to but cannot produce evidence of a distributor's license. Any vehicle and goods so seized may be subject to forfeiture upon notice and judicial determination. If a forfeiture proceeding is not commenced, the owner or other person lawfully entitled to possession of such vehicle and goods may be charged with the reasonable cost for removal and storage payable prior to the release of such vehicle and goods, unless the charge of unlicensed distributing has been dismissed.

b. Except as provided in subdivision a of this section, a person who violates any provision of this subchapter or any of the rules or regulations promulgated hereunder shall be guilty of an offense punishable by the court as follows:

1. For a first violation, a fine of not less than twenty-five dollars nor more than fifty dollars.

2. For a second violation within a period of two years of the date of a first violation, a fine of not less than fifty dollars nor more than one hundred dollars.

3. For a third violation within a period of two years of the date of a first violation, a fine of not less than one hundred dollars nor more than two hundred fifty dollars.

4. For any subsequent violations within a period of two years of the date of a first violation, a fine of not less than two hundred dollars nor more than one thousand dollars.

c. 1. In addition to the penalties prescribed by subdivision a of this section, any person who violates, or any person aiding another to violate, the provisions of section 20–453 of this subchapter shall be liable for a civil penalty of not less than two hundred fifty dollars nor more than one thousand dollars together with a penalty of two hundred fifty dollars per day for every day during which the unlicensed business operated.

2. In addition to the penalties prescribed by subdivision b of this section, any person who violates any provision of this subchapter, other than section 20-453, or any of the rules or regulations promulgated hereunder shall be liable for a civil penalty as follows:

(a) For a first violation, a penalty of not less than twenty-five dollars nor more than fifty dollars.

(b) For a second violation within a period of two years of the date of a first violation, a penalty of not less than fifty dollars nor more than one hundred dollars.

(c) For a third violation within a period of two years of the date of a first violation, a penalty of not less than one hundred dollars nor more than two hundred fifty dollars.

(d) For any subsequent violations within a period of two years of the date of a first violation, a penalty of not less than two hundred fifty dollars nor more than one thousand dollars.

d. A proceeding to recover any civil penalty authorized pursuant to the provisions of subdivision c of this section shall be commenced by the service of a notice of violation which shall be returnable to the environmental control board. The board shall have the power to impose the penalties prescribed by subdivision c of this section.

e. Any person who violates the provisions of sections 20-465 and 20-465.1 of this subchapter and any rules promulgated thereunder shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars, or by imprisonment for not more than thirty days or by both such fine and imprisonment.