

What Is a Sidewalk Defect According to NYC Administrative Code?



According to New York City Administrative Code § 19-152 a substantial defect shall include any of the following:

1. **Missing Sidewalk Flag:** where one or more sidewalk flag(s) is missing or where the sidewalk was never built;
2. **Sidewalk Crack:** one or more sidewalk flag(s) are cracked to such an extent that one or more pieces of the flag(s) may be loosened or readily removed;
3. **Loose Sidewalk Flag:** an undermined sidewalk flag below which there is a visible void or a loose sidewalk flag that rocks or seesaws;
4. **Vertical Grade Differential:** a trip hazard, where the vertical grade differential between adjacent sidewalk flags is at least one half inch or where a sidewalk flag contains one or more surface defects of one inch or greater in all horizontal directions and is at least one half inch in depth;
5. **Improper Slope:** which shall mean (i) a flag that does not drain toward the curb and retains water, (ii) flag(s) that must be replaced to provide for adequate drainage or (iii) a cross slope exceeding established standards;
6. **Hardware Defect:** which shall mean (i) hardware or other appurtenances not flush within one half inch of the sidewalk surface or (ii) cellar doors that deflect greater than one inch when walked on, are not skid resistant or are otherwise in a dangerous or unsafe condition;
7. **Structural Integrity:** which shall mean that a flag has a common joint, which is not an expansion joint, with a defective flag and has a crack that meets such common joint and one other joint;
8. **Non-compliant with DOT Specifications:** non-compliance with DOT specifications for sidewalk construction; and
9. **Patchwork:** which shall mean (i) less than full-depth repairs to all or part of the surface area of broken, cracked or chipped flag(s) or (ii) flag(s) which are partially or wholly constructed with asphalt or other unapproved non-concrete material; except that, patchwork resulting from the installation of canopy poles, meters, light poles, signs and bus stop shelters shall not be subject to the provisions of the subdivision unless the patchwork constitutes a substantial defect as set forth in paragraphs 1-8 of this subdivision.

(continued)

Common Sidewalk Defects Include:

Cracks: One or more sidewalk flag(s) are cracked to such an extent that one or more pieces of the flag(s) may be loosened or readily removed.

Unleveled Sidewalk (change in elevation / grade): Adjacent sidewalk flags where the vertical height difference is one half inch or greater. Horizontal surface defects on a sidewalk flag that is one half inch or greater in depth.

Tree Well: Cracked and unleveled sidewalk flags due to tree roots.

Hardware Defect: Utility cap, grating, access hatch, manhole cover and cellar door not flush within one half inch of the sidewalk surface.

Patchwork: Patchwork that is partially or wholly constructed with asphalt or other listed concrete materials not approved for permanent sidewalk repairs under DOT specifications.

Sidewalk Cracks

One or more sidewalk flag(s) are cracked to such an extent that one or more pieces of the flag(s) may be loosened or readily removed and/or an undermined sidewalk flag below which there is a visible void or a loose sidewalk flag that rocks or seesaws.



Unleveled Sidewalk

A trip hazard, where the vertical grade differential between adjacent sidewalk flags is at least one-half inch or where a sidewalk flag contains one or more surface defects of one inch or greater in all horizontal directions and is one half inch or more in depth.

Tree Well

A qualified contractor should be obtained to make necessary repairs in accordance with New York City Parks Department requirements.

- City tree cutting / shaving is unlawful and prohibited.
- Sidewalk Design Consultation can be requested through Parks' Borough Forestry Offices and obtaining a free Tree Work Permit from Parks to work around the roots.
 - [NYC Parks Department Tree wells](#)



Hardware Defects

(I) Hardware or other appurtenances not flush within one half inch of the sidewalk surface or (II) cellar doors that deflect greater than one inch when walked on, are not skid resistant or are otherwise in a dangerous or unsafe condition.

RCNY Title 34 2-07 - Maintenance Requirement:

1. The owners of covers or gratings on a street are responsible for monitoring the condition of the covers and gratings and the area extending 12 inches outward from the perimeter of the hardware.
2. The owners of covers or gratings shall replace or repair any cover or grating found to be defective and shall repair any defective street condition found within an area extending 12 inches outward from the perimeter of the cover or grating. Such owner must obtain a permit to maintain a steel plate that is covering such cover or grating or such street condition.



Patchwork

Patchwork which shall mean (I) less than full-depth repairs to all or part of the surface area of broken, cracked or chipped flag(s) or (II) flag(s) which are partially or wholly constructed with asphalt or other unapproved non-concrete material; except that, patchwork resulting from the installation of canopy poles, meters, light poles, signs and bus stop shelters shall not be subject to the provisions of this subdivision unless the patchwork constitutes a substantial defect.



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