



## Chapter 1 - Rules of the Street Activity Permit Office Relating to Applications, Fees and Charges

### **§1-01 Applicability.**

These rules shall apply to all applications for street activity permits.

### **§1-02 Street Activity Permit Office.**

The Commissioner of the Community Assistance Unit (hereinafter referred to as “CAU”) here by establishes with CAU a Street Activity Permit Office (hereinafter referred to as “SAPO”) and the position of Director of the Street Activity Permit Office. The function of SAPO will be to administer the procedures set forth in these rules. The director of SAPO shall be consistent with these rules, have the authority to approve or deny any application for a street activity permit, to revoke any street activity permit, or to impose upon the issuance of any street activity permit any conditions necessary to protect the interests of the City, the community and the general public.

### **§1-03 Processing of Applications by Community Boards.**

(a) A street activity permit shall be required to conduct any street activity, including, but not limited to, a street fair, block party, festival, green market or farmers market, religious ceremony, block cleanup, recreation program or other such activity on a public street or sidewalk when such activity may interfere with or obstruct the normal use by pedestrian or vehicular traffic of such street or sidewalk.

(b) Street activity permits for such events shall be issued to a sponsor, who shall take responsibility for the conduct of the event. A sponsor shall be a community-based, not-for-profit organization, association, or the like, which has an indigenous relationship to the specific street or community or both, for which the event is proposed and which demonstrates that it has the support of the community and is willing to take full responsibility for the conduct of the event. Street activity permits for business celebrations or the like may, at the discretion of the Director of SAPO, be issued to individuals or commercial entities. All applications for street activity permits must be completed, endorsed, and submitted by the applicant, who shall be a natural person authorized to act on behalf of the sponsor in connection with the application.

(c) All applications for street activity permits shall be submitted on forms prescribed by the Director of SAPO. Applications for street activity permits for single block and /or single day events shall be obtained at, and filed with, the office of the Community Board of the community district which encompasses the area or areas in which the proposed street activity is to take place in accordance with the procedures of such board. Notwithstanding the foregoing, if applications for such permits cannot be obtained, then applications shall be obtained at, and filed with, SAPO. SAPO will forward copies of applications for single block and/or single day events that are filed directly with SAPO to the community board(s) for the community district(s) which encompass(es) the area(s) in which the proposed single block or single day event is to take place.

All applications for multi-block and/or multi-day street events shall be obtained at the office of the Community Board or SAPO and must be filed directly with SAPO no later than December 31<sup>st</sup> of the calendar year **preceding** the calendar year of such event; provided, however, that where an earlier date for filing is required by the procedures of the affected community board, filing at SAPO by such earlier date is required. All applications for street activity permits shall be processed as hereinafter provided.

(d) Upon the filing of an application with the office of the community board (or boards) for the community district (or districts) which encompass(es) the area or areas in which the proposed street activity is to take place, the community board, in accordance with its procedures, shall recommend the approval or denial of the application, or it may so qualify such recommendation with conditions the community board deems to be in the best interest of the area of the proposed street activity or of the community district. Applications for multi-block and/or multi-day events must be returned by the specific community board to SAPO with comments and recommendations no later than March 1st of the calendar year of such multi-block and/or multi-day event. Community boards shall forward to SAPO single block and/or single day applications no later than sixty days prior to the first day of the proposed street activity, except that applications for street clean-ups shall be received no later than thirty days prior to the first day of the proposed activity. In all cases, as provided in of §1-04 of these rules, such applications shall be forwarded with such community board's recommendation for either approval, approval with conditions or denial.

(e) There shall be a processing fee of fifteen dollars in the form of a certified check or money order made payable to the "New York City Department of Finance" which shall accompany each application for a street activity permit, except that no processing fee shall be required for applications for street clean-ups. Such fee shall be non-refundable.

(f) No application for a rain date or other form of make-up date will be accepted on any application for a multi-block and/or multi-day street event.

#### **§1-04 Recommendations by Community Boards.**

The community board shall forward its recommendation for approval, approval with conditions or denial of a street activity permit application to SAPO for further processing, and shall notify the applicant in writing of such recommendation. If the community board has recommended approval with conditions or denial of a street activity permit application, it shall also notify the applicant of the applicant's opportunity to comment on such recommendation to SAPO in accordance with §1-05 of these rules.

#### **§1-05 Comments on Recommendations by Community Boards.**

(a) In the event that the community board recommends approval with conditions or denial of the permit application, an applicant shall have five business days from the receipt of the notification by the community board of its recommendation to file written comments with SAPO. If the board recommends denial and the applicant fails to file comments written comments with SAPO. If the board recommends denial and the applicant fails to file comments within the time provided, then the application shall be deemed denied. If

the board gives an approval with conditions, failure to file comments by the applicant shall be deemed acceptance of such conditions by the applicant and sponsor.

(b) Within five business days of receipt of comments from an applicant challenging the recommendation of the community board, the Director of SAPO, or a designee, shall review the recommendation of the community board and either hold a conference with, or receive solicited written statements from, the interested parties. Such interested parties shall include the community board and the applicant and may also include any other parties the Director deems appropriate. The applicant and the community board shall be notified in writing of the Director's determination within a reasonable time following such conference or the receipt of such written statements.

**§1-06 Processing of Applications by the Street Activity Permit Office.**

Upon receipt of an application which has been recommended for approval by a community board or after a review of such recommendation by SAPO has resulted in a determination of preliminary approval, SAPO shall forward review copies of such application to the Police Department, the Fire Department, the Department of Sanitation and the Department of Transportation. Additional copies may also be sent to other agencies, including, but not limited to, the Department of Health, the Department of Consumer Affairs, the New York City Transit Authority, the Department of Social Services, the Department of Finance, the Department of Investigation, the New York State Department of Taxation and Finance, or any other appropriate agency. SAPO shall consider comments, if any, forwarded by any agencies if such comments are forwarded to SAPO by such agencies within fifteen days of such agencies receipt of such applications.

**§1-07 Approval or Denial of Applications by the Street Activity Permit Office.**

(a) The Director of SAPO shall take into consideration any recommendations or comments received from community boards or City or other government agencies in determining whether to approve, approve with conditions, or deny a street activity permit application. At any time during the review of an application for a street activity permit, the Director of SAPO or Commissioner of the CAU may require the submission by the applicant or sponsor of such additional information which he or she deems necessary to evaluate the application or the qualifications of the sponsor or to implement the requirements of these rules.

(b) The Director shall have the authority to deny an application, to condition the approval of an application, or to revoke a street activity permit, based on the past or present failure of the application or sponsor:

- (1) to make payment of the processing fee; or
- (2) to make payment to, or reach satisfactory agreement with, the Department of Sanitation regarding a clean-up deposit; or
- (3) to present proof that all necessary and proper licenses, permits or authorizations have been received; or
- (4) to make payment to, or reach satisfactory agreement with, SAPO regarding a street activity fee; or

- (5) to comply with applicable laws or rules; or
- (6) to comply with a condition imposed on a permit issued previously to the applicant or sponsor; or
- (7) to provide the Director or Commissioner with any additional information which he or she has determined to be necessary to evaluate the application or the qualifications of the sponsor.

(c) In addition to the provisions of subdivision (b) of this section, the Director shall have the authority to deny an application, condition the approval of an application or revoke a street activity permit on any or all of the following grounds:

- (1) The Police Department, the Fire Department, the Department of Sanitation, the Department of Transportation, the Department of Health, the Department of Consumer Affairs, the New York City Transit, the Department of Social Services, the Department of Finance, the Department of Investigation, the New York State Department of Taxation and Finance, or any other appropriate agency which was forwarded a copy of a street activity permit application for comment, has notified the Director of SAPO of its disapproval and the reasons therefor; or
- (2) the proposed activity, when considered in conjunction with other proposed activities, would produce an excessive burden on the community, City services or City personnel; or
- (3) the information provided on the application or forms or documentation required to be submitted is false, misleading, incomplete or inaccurate; or
- (4) approval of the application is not in the best interest of the community, City or general public for reasons that may include, but are not limited to, lack of good character, honesty, integrity or financial responsibility of the sponsor. If the Director determines that the application shall be denied on the ground that the sponsor lacks good character, honesty, integrity or financial responsibility, the Director shall notify the applicant that the application has been denied and shall specify the reason for such denial. The applicant and/or sponsor may thereafter respond to the Director's determination and appeal such denial pursuant to the provisions of §1-08 of these rules.

(d) The Director shall have the authority to issue a "Notice of Permit in Process" at the request of the applicant to assist the applicant in obtaining related permits, licenses or authorizations required pursuant to provisions of law.

(e) Any application filed with a community board or SAPO which is similar in all material aspects except for the date, location or time of a street activity proposed in a prior application for the same calendar year which has been denied shall be accompanied by a processing fee of fifteen dollars. The Director of SAPO shall have the authority to reduce or waive the required filing period for such applications.

(f) As used in this section, the term "sponsor" shall include the sponsoring organization or entity named in the application, all the principals and agents of such sponsoring entity,

including the applicant, and any other organization or entity affiliated with such sponsoring entity or controlled by a principal or agent thereof; any person or entity which produces, organizes, or manages the street activity; and any person or entity which provides services relating to the conduct of the street activity to either the sponsor or to any producer, organizer or manager of the street activity.

**§1-08 Appeals from Determinations of the Director of the Street Activity Permit Office.**

(a) An applicant shall have five business days from receipt of the notification of a denial or of an approval with conditions by the Director of SAPO to file a written appeal with the Commissioner of CAU. If an applicant fails to appeal a denial within the time provided, then the application process shall be terminated. If the Director approves the application with conditions and the applicant fails to appeal, the applicant and sponsor shall be deemed to have accepted such conditions.

(b) Following the receipt of a written request by an applicant to appeal the determination of the Directory of SAPO, the Commissioner of CAU, or a designee, shall review that determination and may hold an appeal conference with, or received solicited written statements from, the interested parties. Such interested parties shall include the Directory of SAPO and the applicant and may also include any other parties the Commissioner of CAU deems appropriate. The applicant shall be notified in writing of the determination of the Commissioner of CAU within a reasonable time following the receipt by the Commissioner of CAU of such request.

**§1-09 Amendments to Applications for Permits.**

(a) Any applicant who proposes to amend the date, location or time or make any other material change on an application that has been filed or a permit that has been granted shall file such proposal with SAPO no later than ten business days prior to first day of the proposed activity. The Director of SAPO shall consider the recommendations and comments of the community board and City agencies, if any, prior to his or her approval or denial of the proposed amendment.

(b) If a proposed amendment is approved by SAPO, then SAPO shall indicate such approval by either issuing an amended application or permit or noting the amendment on the application or permit.

**§1-10 Street Activity Fees.**

(a) In addition to the application processing fee, the following street activity fees are hereby imposed upon holders of permits for street activities:

- (1) for street activities which occupy one block for one day, no fee shall be charged;
- (2) for street activities which occupy one block for more than one day, a fee of thirty-five dollars shall be charged for each day after the first day;
- (3) for street activities which occupy more than one block, a fee equal to twenty percent of the total fees paid by the vendors to participate in such events shall

be charged, except that such total fees shall not include the fees paid by those organizations which the Director of SAPO has determined constitute community-based, non-for-profit organizations.

(b) The Director of SAPO shall have the authority to assess a reasonable street activity fee for a street activity for which a permit has been granted in an instance where either no reasonable fee has been paid by vendors to participate in the street activity or where the street activity has been financed in whole or in substantial part by other than participating vendors. In such an instance, the street activity fee shall be no greater than that fee which would have been charged if paragraph three of subdivision (a) of this section was applicable.

(c) An applicant who has received a permit to conduct a street activity shall provide the Director of SAPO with all requested information pertaining to the vendors participating in the activity and the fees paid by such vendors.

(d) The Director of SAPO shall have the authority to require that full or partial payment of the street use fee be made prior to the date of the street activity and to require that any amounts remaining owed to the City be paid within a specified period of time following the date of such activity.

**§1-11 Applications for Street Activity Permits for Street Activities Held On or After the Effective Date of Rules.**

Except as otherwise provided in these rules, all applications for street activity permits for street activities held on or after the effective date of these rules and all applications pending at such date, shall be valid only if processed in accordance with the rules provided herein.

## Community Assistance Unit

### Notice of Rule Adoption

**Notice of Adoption of Final Rule** relating to the Sale of Alcoholic Beverages at Street Activities

**NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE** Commissioner of the Community Assistance Unit by Executive Order No. 14 of 1990 and Executive Order No. 59 of 1993, Section 2903, subdivision 14 of the New York City Charter, and in accordance with Section 1043 of the Charter, that the Community Assistance Unit has adopted rules governing the sale of alcoholic beverages at street activities requiring a street activity permit. New material is underlined.

The Community Assistance Unit hereby adopts a new Chapter 2 of its rules in Title 50 of the Rules of the city of New York to read as follows:

#### Chapter 2 - Sale of Alcoholic Beverages at Events Authorized by a Street Activity Permit

##### § 2-01 Sale of Alcoholic Beverages Prohibited.

No sponsor who has received a permit to conduct a street activity from the Street Activity Permit Office (SAPO) shall sell or otherwise distribute alcoholic beverages to any person during the course of such street activity, nor shall such sponsor allow any vendor or any other person or entity that participates in such street activity to sell or otherwise distribute alcoholic beverages to any person during the course of such street activity.

##### § 2-02 Enforcement.

The director of SAPO shall have the authority to deny an application for a street activity permit, to condition the approval of an application for a street activity permit, or to revoke a street activity permit, based on the past or present failure of the applicant or sponsor to comply with the provisions of this chapter.

##### § 2-03 Exception.

This prohibition shall not apply to entities or persons licensed by the New York State Liquor Authority to sell alcoholic beverages at retail to be consumed on the premises where sold, including those licenses who operate a sidewalk café pursuant to a license issued by the commissioner of consumer affairs.

### STATEMENT OF BASIS AND PURPOSE

This rule is being adopted to ensure that all street events are conducted in an orderly manner and without interference with the rights of both the participants in street activities and the businesses and residents who operate or reside in the areas near or adjacent to the

permitted street activities. The effect of the sale of alcoholic beverages can create disorder and disruptive behavior at street events which are dangerous to the participants and organizers of the event.