

OFFICE OF CITYWIDE EVENTS COORDINATION AND MANAGEMENT

Notice of Opportunity to Comment

Notice of opportunity to comment on proposed rule changes relating to street activity permits to promulgate a fee schedule for certain street activity permits

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE Office of Citywide Events Coordination and Management by Executive Order No. 105 of 2007, and in accordance with Section 1043 of the Charter, that the Office of Citywide Events Coordination and Management proposes to amend Chapter 1 of Title 50 of the Official Compilation of Rules of the City of New York relating to street activity permits. Matter underlined is new. This rule proposal was not included in the regulatory agenda because it was not contemplated at the time of publication of the regulatory agenda.

Written comments regarding the proposed rules may be sent to the office of Executive Director, Office of Citywide Events Coordination and Management, 100 Gold Street, 2<sup>nd</sup> Floor, New York, New York 10038, on or before February 9, 2009. A public hearing shall be held on February 9, 2009, at Barrish Conference Room, 2<sup>nd</sup> Floor, 22 Reade Street, New York, New York 10007, commencing at 2:00 P.M. Persons seeking to testify are requested, but not required, to notify the above named person not less than five (5) days prior to the hearing at the Office of Citywide Events Coordination and Management, 100 Gold Street, 2<sup>nd</sup> Floor, New York, New York 10038. Questions concerning the hearing and the procedure for submitting comments or testifying may be directed to (212) 788-7440. Persons who request that a sign language interpreter or other form of reasonable accommodation for a disability be provided at the hearing are asked to notify the above named person at the foregoing address no later than two (2) weeks prior to the hearing. Written comments and a summary of oral comments received at

the hearing will be available for public inspection, within a reasonable time after receipt, between the hours of 9:30 A.M. and 4:30 P.M. at the Office of Citywide Events Coordination and Management, 100 Gold Street, 2<sup>nd</sup> Floor, New York, New York 10038.

New material is indicated by underlining. Deletions are indicated by brackets.

Section 1. Section 1-01 of Title 50 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

§ 1-01 **Applicability and Definitions**

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

(b) For purposes of this chapter, the following terms shall have the following meanings:

“Business improvement district” shall mean an entity established pursuant to article nine of the general municipal law.

“Block party” shall mean a community sponsored street activity requiring the closure of a single block of a street, or a portion thereof, for a single day.

“Commercial or promotional events” shall mean street activities that promote, advertise or introduce a product, corporation, company or other commercial entity or the goods or services of a corporation, company or other commercial entity to either the general public or to a portion of the general public.

“Community sponsor” shall mean a community-based, not-for-profit organization, association, corporation or the like that has an indigenous relationship to the specific street or community where the event is proposed.

“Large events” shall mean street activities those that have an extensive impact on the surrounding community and vehicular and/or pedestrian traffic; include obstructions or

structures such as an enclosed tent, open-sided canopy or a stage, platform or press riser larger than 24 by 48 feet in size and of a height that requires a Department of Building permit; require substantial coordination between SAPO and City agency staff, including the Police Department, Department of Transportation and the Executive Director of Office of Citywide Event Coordination and Management; and use of a pedestrian island and/or full closure of a street and/or sidewalk with an emergency vehicle lane.

“Medium-sized events” shall mean street activities that impact pedestrian and/or vehicular traffic; require significant set up on a sidewalk or curb lane, including parking for vehicles such as a bus, trailer or other large vehicle or parking of more than three vehicles of any size; include an obstruction such as an enclosed tent or open sided canopy or a stage, platform or riser of less than 24 by 48 feet in size and of a height that requires a Department of Building permit; and requires coordination between SAPO and City agency staff, including the Police Department, Department of Transportation and the Executive Director of the Office of Citywide Event Coordination and Management.

“Pedestrian island or plaza” shall mean any public space abutting or separating a roadway or roadways that can accommodate pedestrians and cyclists through specific delineated routes.

“Small events” shall mean street activities that occur for a short period of time with low or minimum impact on pedestrian or vehicular traffic; require little coordination between SAPO, the Executive Director of the Office of Citywide Event Coordination and Management and the event sponsor; and where the curb lane of a street is used for parking of a promotional vehicle or a vehicle associated with the event or the sidewalk is used for

promotional set up or props no larger than a 10 by 10 foot open-sided canopy and allows five feet of unobstructed passage on the sidewalk remains for pedestrian use during the event.

“Extra small events” shall mean street activities that occur for a short period of time without significant impact on pedestrian and vehicular traffic and are not designed to draw the attention of passers by; require little coordination between SAPO, the Director of the Office of Citywide Event Coordination and Management and the event sponsor; and where the curb lane of a street is used only for a generator, short-term parking or passenger drop off and the loading or unloading of a vehicle associated with the event or the sidewalk is used for a red carpet and rope or stanchions, banner and a structure no larger than a 10 by 10 feet and where the activity allows at least five feet of unobstructed passage on the sidewalk is available for pedestrian use during the event.

“Street activity” shall mean any activity on a public street, street curb lane, sidewalk or pedestrian island or plaza where the activity will interfere with or obstruct the regular use of the location by pedestrian or vehicular traffic, including but not limited to street fairs, block parties and commercial or promotional activities, but shall not include activities conducted pursuant to a valid film permit, demonstrations or parades.

“Street fair or festival” shall mean a community sponsored street activity requiring a multi-day and/or multi-block street closure.

§ 2. Subdivision b of section 1-10 of Chapter 1 of Title 50 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

(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 instance, the street activity fee shall be [no greater than that fee which would have been charged in paragraph three of subdivision (a) of this section was applicable] imposed pursuant to section 1-12 of this chapter.

§ 3. Chapter 1 of Title 50 of the Official Compilation of the Rules of the City of New York is amended to add a new section 1-12 to read as follows:

**§ 1-12 Street Activity Fees for Commercial or Promotional Events**

(a) In addition to the application processing fee set forth in subdivision a of section 1-10 of this chapter, the Director of SAPO shall assess the street activity fees set forth in subdivision c of this section for commercial or promotional events.

(b) Fees under this section, with the exception of extra small events, shall be assessed on a daily basis.

(c) The Director of SAPO shall charge an applicant a fee in accordance with the following schedule, which shall be in addition to any bonding requirement imposed by the Director or the Department of Sanitation under any other section of this chapter or any other amount or fee imposed by any City agency:

<b><u>Type of Event</u></b>	<b><u>2009</u></b>
<u>Extra Small Event (use of sidewalk or curb lane only)</u>	<u>\$220</u>
<u>Extra Small Event (use of sidewalk and curb lane)</u>	<u>\$550</u>
<u>Small Event</u>	<u>\$2,600</u>
<u>Medium Sized Event</u>	<u>\$6,500</u>
<u>Large Event</u>	<u>\$38,500</u>

(e) This schedule does not apply to the following:

- (1) sites or events covered by a license, lease or agreement with a third party, unless otherwise provided by a rule issued by the licensor, leasing or contracting agency;
- (2) City agency facilities or departmental or administrative offices;
- (3) block parties or street fairs covered by section 10-110(a) of this chapter;
- (4) demonstrations or other political activity; or
- (5) parades; or
- (6) events of a business improvement district if (i) the business improvement district is the sponsor and permittee for the event; and (ii) the event furthers the marketing and promotion of local businesses within the business improvement district but does not promote a single entity or business within the business improvement district.

#### STATEMENT OF BASIS AND PURPOSE

The Office of Citywide Event Coordination and Management (CECM), Street Activity Permit Office (SAPO) is charged with administration of the permit system for street activities, block parties and fairs. Under § 1-02 of the current rules, the director of SAPO is authorized to impose conditions upon the issuance of any street activity permit that are necessary to protect the interests of the City, the community and the general public.

A fee scale is needed in order to grant street permits for commercial activities based on the costs the City incurs to process the permit application and ensure the safety of the event. Applications will be assessed fees, that correlate to the size of the event. The fee scale was created by analyzing the administrative and manpower costs incurred by City agencies to review, evaluate and approve or deny an application, as well as provide oversight and security for the event. The agencies involved in these various processes include CECM, SAPO, NYPD, FDNY, DOT and DOB.