

OFFICE OF THE MAYOR

COMMUNITY ASSISTANCE UNIT

STREET ACTIVITY PERMIT OFFICE

NOTICE OF ADOPTION OF RULE

Notice of final rulemaking relating to amendments to update and clarify procedures related to the application, processing and issuance of 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.

The rule was first published on November 1, 2011 and written comments were received and a public hearing thereon was held on December 1, 2011 at 22 Reade Street, New York, NY 10007 in the Barrish conference room, 2nd Floor, commencing at 11:00 a.m. Written and oral comments received at the hearing were 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, 2nd Floor, New York, New York 10038.

STATEMENT OF BASIS AND PURPOSE

The Street Activity Permit Office (SAPO) is charged with the administration of the permit system for street festivals, block parties, religious events, clean-ups, greenmarkets, promotional events and other events that take place on the City's streets and sidewalks. The proposed amendments make the following changes to the rules:

- They reflect organizational changes at SAPO in accordance with Executive Order 105, which shifted SAPO from the Community Assistance Unit to the Office of Citywide Event Coordination and Management.

- They reflect operational enhancements at SAPO including but not limited to the E-Apply system launched in December 2009, which allows applicants to apply for SAPO permits online, pay for the processing fee by credit card, and view their application status in real-time. These enhancements also facilitate inter-agency coordination of applications upon submission.
- They update the fee schedule for events to account for 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 an event, at agencies including CECM, SAPO, Police Department, Fire Department, Department of Transportation and Department of Buildings.
- They clarify definitions of terms that are referenced within the rules to ensure that applicants can more easily understand and interpret the SAPO rules, e.g., clarify how fees are based, among other things, on the size of the event and on whether the event qualifies as a charitable or civic event.

After publishing the proposed rules in The City Record and on NYC Rules, comments and recommendations were received from the public. SAPO has modified portions of these rules to reflect some of these comments and recommendations. Specifically, the agency has modified: the definition of “charitable event” to capture events that include a public service component, e.g., free medical diagnostic services; the definition of “event” to exclude permitted activities that are not related to special events, e.g., construction permits for underground utility maintenance; the definition of “pedestrian plaza” to conform the rules to parallel provisions in the Administrative Code; and the maximum number of street fairs per applicant per calendar year, in an effort to strike a reasonable balance between different street uses.

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

§1-01 Applicability and Definitions.

These rules shall apply to all applications for street activity permits, and for purposes of this chapter, the following terms shall have the following meanings:

“Applicant” means an individual or entity applying for a street activity permit that is responsible for the street activity proposed in the application.

“Block” means the linear stretch of a street between the curb lines of the cross streets that intersect such block.

“Block party” means a community sponsored event requiring the closure of a single block of a street, or a portion thereof, for a single day in which no sales of goods or services occurs.

"Business improvement district" means an entity established pursuant to article nine of the general municipal law.

"Charitable event" means an event in which the sole purpose of the street activity is fundraising, donation of goods or provision of free services to the community by or for a specific not-for-profit organization. Charitable events shall not include street fairs or block parties.

"Clean-up" means an event that is held for the purpose of neighborhood improvement by a not-for-profit organization, Community Sponsor or an individual with an indigenous relationship with the proposed event location. No sales of goods or services to the general public shall occur at a Clean-up.

"Commercial or promotional event" means an event that promotes, advertises or introduces 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. Commercial or promotional events do not include charitable or civic events.

"Community sponsor" means a community-based, not-for-profit organization, association, corporation or the like that has an indigenous relationship to the specific street or geographic community where the event is proposed. If a permit requires a Community sponsor, than an individual from the organization shall be listed as the contact person.

"Civic event" means an event that is sponsored by a not-for-profit organization that is open to the public and does not have a fundraising component. Civic events include, but are not limited to, artistic/cultural performances, or educational gatherings that support the mission of the sponsoring not-for-profit organization.

"Event" means 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 but shall not include activities conducted pursuant to a valid film permit, demonstrations or parades. An event also shall not include any permitted activity that is not related to a special event under SAPO jurisdiction as described herein.

"Extra large event" means an event that has an extensive impact on the surrounding community and vehicular and/or pedestrian traffic, uses multiple locations or a combination of pedestrian islands or pedestrian plazas or full street closure; requires significant set-up including, but not limited to, erection of structures that may require a Department of Building permit; and requires substantial coordination between the Street Activity Permit Office and City agency staff, including the Police Department, Fire Department, Department of Transportation and the Executive Director of Office of Citywide Event Coordination and Management.

"Extra small event" means an event that denotes guest arrival and departure at a specific venue, has marginal impact on pedestrian and/or vehicular traffic and requires minimal coordination between SAPO, the Office of Citywide Event Coordination and Management and the Applicant and does not include any commercial or branding element.

“Farmer’s market” means an open-air market held on a sidewalk for the sale to the general public of products grown, raised, caught or baked by local farmers and fishers. An Applicant for a farmer’s market shall be a not-for-profit corporation with federal tax exempt status.

"Large event" means an event that has an extensive impact on the surrounding community and vehicular and/or pedestrian traffic; uses a single pedestrian island or pedestrian plaza or Military Island; requires significant set-up including, but not limited to, erection of structures that may require a Department of Building permit; and requires substantial coordination between SAPO and City agency staff, including the Police Department, Fire Department, Department of Transportation and the Executive Director of Office of Citywide Event Coordination and Management.

"Medium event" means an event that impacts pedestrian and/or vehicular traffic and requires significant set up on a sidewalk and/or curb lane, pedestrian island or pedestrian plaza or includes an obstruction such as a tent, canopy, stage platform, bleacher, reviewing stand, outdoor bandstand or similar structure that may 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" means any public space abutting or separating a roadway or roadways that can accommodate pedestrians.

"Pedestrian plaza" means an area designed by the Department of Transportation for use by pedestrians located within the bed of a roadway, which may contain benches, tables or other facilities for pedestrian use.

“Production event ” means an event that occurs for a short period of time in a curb lane and/or sidewalk to facilitate set-up or break down of event components only, has no impact on pedestrian and/or vehicular traffic and requires minimal coordination between SAPO, the Office of Citywide Event Coordination and Management and the Applicant.

"Small event" means an event that occurs for a short period of time with low or minimum impact on pedestrian or vehicular traffic, requires little coordination between SAPO, the Executive Director of the Office of Citywide Event Coordination and Management and the Applicant. A small event includes, but is not limited to:

- (a) use of the curb lane, sidewalk, pedestrian island or pedestrian plaza for placement of promotional materials; or
- (b) an event with a commercial or promotional elements that denote guest arrival and departure at a specific venue.

“Street fair” means a community sponsored event requiring a street closure of one block or more in which the general public can purchase goods or services provided by vendors and vendors may pay a fee to participate.

§ 2. Section 1-02 of Chapter 1 of Title 50 of the Rules of the City of New York is amended to read as follows:

§1-02 Street Activity Permit Office.

(a) [The Commissioner of the Community Assistance Unit (hereinafter referred to as “CAU”) here by establishes with CAU] The Executive Director of the Mayor’s Office of Citywide Event Coordination and Management (hereafter “CECM”) hereby establishes within CECM 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] shall be to administer the procedures set forth in these rules. The [director] Director of SAPO shall be consistent with these rules, have the authority to approve or deny any application for a street activity permit, to temporarily suspend or 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.

§ 3. Section 1-03 of Chapter 1 of Title 50 of the Rules of the City of New York is amended to read as follows:

§1-03 [Processing of Applications by Community Boards] Application Requirements and Deadlines.

(a) A street activity permit [shall be] is 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] event as defined by section 1-01 of these rules 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 31st 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.]

(b) All Applicants are required to identify a contact person and include their complete contact information for purposes of communications concerning the application and the proposed event.

(c) Applicants are required to submit the following with applications:

- (1) processing fee;
- (2) proof of status as a Community Sponsor, if applicable;
- (3) proof of not-for-profit tax exempt status, if applicable;
- (4) \$1,000,000 liability insurance as required by section 1-08(b) of this chapter; and
- (5) plans outlining components of the proposed street activity.

(d) Applications shall be submitted by the following deadlines:

- (1) Block party applications must be submitted 90 days prior to event date.
- (2) Clean-up applications must be submitted 60 days prior to event date.
- (3) Farmer's market applications must be submitted 90 days prior to the event.

(4) Charitable, commercial or promotional, or civic event applications must be submitted 10 business days prior to the event date.

(5) Street fair applications must be submitted no later than December 31st of the year preceding the calendar year for which the proposed street fair will take place.

(e) Applicants or community sponsors for street fairs shall be limited to one event per application and two events per calendar year.

(f) All events that require a full street closure must allow for a 15-foot emergency vehicle lane.

(g) SAPO applications may be completed and submitted online at <https://nyceventpermits.nyc.gov> or any successor website. If an online submission is not possible or if paper submission is preferred, Applicants may obtain and submit paper copies at SAPO offices.

§ 4. Sections 1-04, 1-05 and 1-06 of Chapter 1 of Title 50 of the Rules of the City of New York are consolidated into a new section 1-04 and amended to read as follows:

§1-04 [Recommendations by Community Boards] Submitting and Processing of Applications.

(a) All event applications shall be submitted directly to SAPO.

(b) SAPO will make available applications for street fairs, block parties, farmer's markets and clean-ups to the community board(s) for the community district(s) that encompass(es) the area(s) in which the proposed street fair, block party, farmer's market, or clean-up is to take place.

(c) There shall be a non-refundable twenty-five dollar processing fee for all applications. Online submissions may be subject to an additional convenience fee.

(d) Applications for rain dates or other make-up dates are not accepted.

(e) For street fair, block party, farmer's market and clean-up applications, SAPO shall notify the community board in which the proposed event will take place that the application is available for agency review and comment on the CEMS database.

(f) 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) (1) In the event that the community board recommends approval with conditions or denial of the permit application, an [applicant] 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.]

(2) If the board recommends denial and the [applicant] Applicant fails to file written 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] Applicant shall be deemed acceptance of such conditions by the [applicant and sponsor] Applicant.

[(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.]

(f) Upon receipt of an event 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 application will be available for review via the Citywide Event Management Systems "CEMS" database by 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 and Mental Hygiene, the Department of Consumer Affairs, the New York City Transit Authority, the [Department of Social Services] Human Resources Administration, 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.]

§ 5. Section 1-07 of Chapter 1 of Title 50 of the Rules of the City of New York is renumbered as section 1-05 and amended to read as follows:

[§1-07] §1-05 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, where applicable, or City agencies 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] Executive Director of CECM or his or her

designee may require the submission by the [applicant or sponsor] Applicant of such additional information [which] that he or she deems necessary to evaluate the application or the qualifications of the [sponsor] Applicant 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] Applicant:

(1) to make payment of the processing fee; or

(2) to make payment to, or reach satisfactory agreement with all agencies, (e.g., the Department of Sanitation regarding a clean-up deposit); or

(3) to present proof that all necessary and proper licenses, permits, insurance 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] Applicant; or

(7) to provide the Director or [Commissioner] Executive Director of CECM with any additional information which he or she has determined to be necessary to evaluate the application or the qualifications of the [sponsor] Applicant.

(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 and Mental Hygiene, the Department of Buildings, the Department of Consumer Affairs, the New York City Transit, the [Department of Social Services] Human Resources Administration, 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] that received 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] Applicant. If the Director determines that the application shall be denied on the ground that the [sponsor] Applicant lacks good character, honesty, integrity or financial responsibility, the Director shall notify the [applicant] Applicant that the application has been denied and shall specify the reason for such denial. The [applicant and/or sponsor] Applicant may thereafter respond to the Director's determination and appeal such denial pursuant to the provisions of [§ 1-06] § 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.]

(d) For a period of one (1) year following the effective date of this amendment to these rules, the Director shall deny applications for street activity permits for street fairs not held in the calendar year preceding the effective date of this amendment to these rules.

(e) All information pertaining to anticipated vendors participating in a street fair must be submitted one week prior to the date of the event. If this information is not provided, the final permit may not be issued. This information must include the anticipated gross income received from vendors, the number of spaces occupied by not-for-profit organizations, including but not limited to the applicant's organization, the number of spaces occupied by commercial vendors and the amount paid by both not-for-profit organizations and the commercial vendors. The applicant must affirm the accuracy of this information. Information reflecting the final attendance of vendors that took part in the street fair must be submitted one week after the event took place. SAPO may request additional documentation to verify the vendor fees received by Applicant.

§ 6. Section 1-08 of Chapter 1 of Title 50 of the Rules of the City of New York is renumbered as section 1-06 and amended to read as follows:

[§1-08 Appeals from Determinations of the Director of the Street Activity Permit Office.] §1-06 Process for Appealing Determination by SAPO Director.

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

(b) Following the receipt of a written request by an [applicant] Applicant to appeal the determination of the Directory of SAPO, the [Commissioner of CAU] Executive Director of CECM, 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] Director of SAPO and the [applicant] Applicant and may also include any other parties the [Commissioner of CAU] Executive Director of CECM deems appropriate. The [applicant] Applicant shall be notified in writing of the determination of the [Commissioner of CAU] Executive Director of CECM within a reasonable time following the receipt by the [Commissioner of CAU] Executive Director of CECM of such request.

§ 7. Section 1-09 of Chapter 1 of Title 50 of the Rules of the City of New York is renumbered as section 1-07 and amended to read as follows:

[§1-09] §1-07 Amendments to Applications for Permits.

(a) Any [applicant] 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] notify, in writing, the proposed changes to 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] note the amendment on the application or issue a revised permit.

§ 8. Section 1-10 of Chapter 1 of Title 50 of the Rules of the City of New York is renumbered as section 1-08 and amended to read as follows:

[§1-10] §1-08 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.]

(a) Street activities that occupy one block for more than one day, a fee of thirty-five (35) dollars shall be charged for each day after the first day.

(b) All events except for block parties are required to have liability insurance in the amount of one million dollars (\$1,000,000) per occurrence naming the City of New York as an additional insured on such policy, unless otherwise determined by the director of SAPO as set forth in this section.

(1) The Director of SAPO shall have the authority to waive the insurance requirement where the Applicant is able to demonstrate that such insurance cannot be obtained without imposing an unreasonable hardship on the applicant. Any request for a waiver of the insurance requirement shall be included by the Applicant in the application submitted to SAPO. The burden of demonstrating unreasonable hardship shall be on the Applicant, and may be demonstrated by a showing that the cost of obtaining insurance for the street activity exceeds twenty-five percent (25%) of the Applicant's anticipated revenue from the proposed event.

(i) If the Applicant has held the street activity in the preceding three (3) years, the anticipated revenue from the proposed street activity shall be presumed to equal or exceed the average of the revenue obtained by the Applicant in the preceding three (3) years.

(ii) If the applicant has held the street activity for fewer than three (3) years, the anticipated revenue from the proposed street activity shall be presumed to equal or exceed the average of the revenue obtained by the applicant or sponsor in any preceding years in which the event was held.

(iii) If the Applicant has not previously held the proposed event, the Director of SAPO shall take into consideration the Applicant's projections of anticipated revenue and the prior revenue of comparable events of similar size and duration in determining whether the cost of obtaining insurance exceeds twenty-five percent (25%) of anticipated revenue.

(iv) In the event that the Director denies a waiver of the insurance requirement, the Applicant may appeal such denial.

(2) The Director of SAPO shall have the authority to increase the insurance requirement based on an assessment of the elements of the event in question and the risk such elements, taken individually or as a whole, could pose to event attendees. Elements that the Director shall consider in determining whether an increased risk poses include the following:

(i) the size of the event;

(ii) the availability of alcohol at the event;

(iii) whether pyrotechnics, amusement rides or similar elements are involved in the event; and,

(iv) any other element of the event that increases the risk of bodily injury or property damage.

(c) In addition to the application processing fees specified in this section, and subject to section 1-08(f), the following street activity fees are hereby imposed upon holders of permits for the following types of street activities:

<u>Event Type</u>	<u>Fee</u>
<u>Block Party</u>	<u>Processing fee only</u>
<u>Clean-up</u>	<u>Processing fee only</u>
<u>Day fee (as per § 1-08(a))</u>	<u>\$35 each day after the first day</u>
<u>Farmers Market</u>	<u>\$15 per day</u>
<u>Street Fair</u>	<u>20% of the total fee paid by vendors to participate</u>
<u>Production Event, Extra Small Event</u>	<u>\$290 (with curb lane or sidewalk)/\$700 (with curb lane and sidewalk)</u>
<u>Small Event</u>	<u>\$3,100</u>

<u>Small Event in Times Square Pedestrian Plaza or Herald Square Pedestrian Plaza</u>	<u>\$9,950</u>
<u>Medium Event</u>	<u>\$11,000</u>
<u>Medium Event in Times Square Pedestrian Plaza or Herald Square Pedestrian Plaza</u>	<u>\$22,500</u>
<u>Large Event</u>	<u>\$25,000</u>
<u>Large Event in Times Square Pedestrian Plaza/Military Island or Herald Square Pedestrian Plaza</u>	<u>\$50,000</u>
<u>Extra Large Event</u>	<u>up to \$66,000 per location</u>
<u>Charitable Event</u>	<u>10% of the fee if the event was produced by a for-profit corporation and qualified for a different category of event based on size, function, etc.</u>
<u>Civic Event</u>	<u>50% of the fee if the event was produced by a for-profit corporation and qualified for a different category of event based on size, function, etc.</u>

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

(1) sites or events covered by a license, lease or third party agreement with the City of New York, unless otherwise provided by a rule issued by the licensor, leasing or contracting agency;

(2) City agency facilities, departmental or administrative offices;

(3) demonstrations or similar events;

(4) parades; or

(5) events of a business improvement district or a non-profit entity operating a pedestrian island or plaza pursuant to a contract or concession from the City if:

(i) such entity is the Applicant for the event;

(ii) the event furthers civic, cultural or charitable purposes or the marketing and promotion of local businesses generally or a neighborhood within the business improvement district but does not promote a single or specified entities or businesses within the business improvement district;

(iii) if the vendors and/or `merchants donate their goods and services for the event and receive no monetary compensation or other reimbursement for their participation; and

(iv) if tickets are sold, their sales benefit of the community and not a single entity.

(e) The Director of SAPO shall have the authority to require:

(1) 25% of the expected total street use fee due for street fairs be made no later than the Tuesday prior to the date of the street activity and that any amounts remaining owed to the City be paid no later than 30 days following the date of such activity.

(2) An independent audit for events with vendors where the applicant/sponsor pays a SAPO fee over \$20,000.

(f) Fees under this section, with the exception of production events and -extra small events, shall be assessed on a daily basis. Production events and -extra small events shall be assessed fees on a daily basis up to a maximum of \$1,000.

(g) The fees authorized by this section shall be in addition to any bonding requirement imposed by the Director or the Department of Sanitation or any other bond or fee imposed by any City agency.

(h) 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.

§ 9. Section 1-11 of Chapter 1 of Title 50 of the Rules of the City of New York is incorporated into section 1-05(d).

Statement of Substantial Need for Earlier Implementation

I hereby find, pursuant to Section 1043(e)(1)(c) of the New York City Charter, that there is a substantial need for the implementation, immediately upon its final publication in The City Record, of a rule to clarify practices and procedures related to permitting events on City streets, including but not limited to extending, for an additional one-year period, the authority of the Director of the Office of Citywide Event Coordination and Management (OCECM), set forth in section 1-07 of chapter 1 of Title 50 of the Rules of the City of New York, to deny applications for street activity permits for events not held in the preceding calendar year and to promulgate a fee schedule for certain street activity permits.

Nearly three hundred SAPO-permitted street events and over five thousand events occur annually within the City. Almost all of these events involve permits for the use of multiple blocks over several days, the erection of structures, the vending of food, apparel and other goods and the use of amplified sound and the performance of music. Such events require additional police presence and increase overtime expenditure by the City. In order to effectively deploy police resources, the New York City Police Department has requested for the calendar year 2012 that SAPO exercise its discretion temporarily to deny permits for additional events that place an excessive burden on police resources and divert uniformed personnel from core crime fighting, public safety and counter terrorism duties.

In the interests of protecting the City and its inhabitants, these rules will authorize SAPO to deny permits to events for an additional year if the event was not held prior to the new effective date.

/s/
Cristin Burtis, Executive Director
Office of Citywide Event
Coordination and Management

Approved: _____
/s/
Michael Bloomberg, Mayor

Date: 12/22/2011